

**As Reported by the Committee of Conference  
(Corrected Version)**

**125th General Assembly  
Regular Session  
2003-2004**

**Am. Sub. H. B. No. 95**

**Representative Calvert**

**Senators Harris, DiDonato, Carnes, Jacobson, Blessing, Goodman,  
Fingerhut, Miller, Mallory, Prentiss, White**

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**A B I L L**

To amend sections 9.01, 9.83, 101.34, 101.72, 101.82,	1
102.02, 109.32, 109.57, 109.572, 117.101, 117.16,	2
117.44, 117.45, 121.04, 121.08, 121.084, 121.41,	3
121.48, 121.62, 122.011, 122.04, 122.08, 122.17,	4
122.171, 122.25, 122.651, 122.658, 122.87, 122.88,	5
123.01, 124.03, 124.15, 124.152, 124.181, 125.05,	6
125.06, 125.07, 125.15, 125.91, 125.92, 125.93,	7
125.95, 125.96, 125.98, 127.16, 131.02, 131.23,	8
131.35, 145.38, 147.01, 147.37, 149.011, 149.30,	9
149.31, 149.33, 149.331, 149.332, 149.333, 149.34,	10
149.35, 153.65, 164.14, 164.27, 165.09, 166.16,	11
173.06, 173.061, 173.062, 173.07, 173.071, 173.14,	12
173.26, 175.03, 175.21, 175.22, 183.02, 306.35,	13
306.99, 307.86, 307.87, 307.93, 307.98, 307.981,	14
307.987, 311.17, 317.32, 321.24, 323.01, 323.13,	15
325.31, 329.03, 329.04, 329.05, 329.051, 329.06,	16
340.021, 340.03, 341.05, 341.25, 504.03, 504.04,	17
505.376, 507.09, 511.12, 515.01, 515.07, 521.05,	18
715.013, 718.01, 718.02, 718.05, 718.11, 718.14,	19
718.15, 718.151, 731.14, 731.141, 735.05, 737.03,	20
753.22, 901.17, 901.21, 901.22, 901.63, 902.11,	21

921.151, 927.53, 927.69, 929.01, 955.51, 1309.109,	22
1317.07, 1321.21, 1333.99, 1337.11, 1346.02,	23
1501.04, 1503.05, 1513.05, 1515.08, 1519.05,	24
1521.06, 1521.063, 1531.26, 1533.08, 1533.10,	25
1533.101, 1533.11, 1533.111, 1533.112, 1533.12,	26
1533.13, 1533.151, 1533.19, 1533.23, 1533.301,	27
1533.32, 1533.35, 1533.40, 1533.54, 1533.631,	28
1533.632, 1533.71, 1533.82, 1541.10, 1548.06,	29
1551.11, 1551.12, 1551.15, 1551.311, 1551.32,	30
1551.33, 1551.35, 1555.02, 1555.03, 1555.04,	31
1555.05, 1555.06, 1555.08, 1555.17, 1563.42,	32
1702.59, 1711.13, 1711.15, 1711.17, 1751.05,	33
1751.11, 1751.12, 1751.13, 1751.16, 1751.60,	34
2101.16, 2117.06, 2117.25, 2133.01, 2151.352,	35
2151.3529, 2151.3530, 2151.83, 2151.84, 2152.19,	36
2301.02, 2301.03, 2301.58, 2305.234, 2329.07,	37
2329.66, 2335.39, 2505.13, 2715.041, 2715.045,	38
2716.13, 2743.02, 2743.191, 2743.51, 2743.60,	39
2743.65, 2915.01, 2915.02, 2915.08, 2915.081,	40
2915.082, 2915.09, 2915.091, 2915.092, 2915.093,	41
2915.095, 2915.10, 2915.101, 2915.13, 2917.41,	42
2921.13, 2923.35, 2925.44, 2929.38, 2933.43,	43
2935.36, 2949.091, 3111.04, 3119.01, 3121.01,	44
3123.952, 3125.12, 3301.0710, 3301.0711,	45
3301.0714, 3301.52, 3301.53, 3301.54, 3301.55,	46
3301.57, 3301.58, 3301.68, 3301.80, 3307.01,	47
3307.35, 3309.341, 3311.05, 3311.24, 3311.26,	48
3313.843, 3313.975, 3313.976, 3313.977, 3313.978,	49
3313.979, 3313.981, 3314.02, 3314.03, 3314.041,	50
3314.07, 3314.08, 3314.17, 3316.031, 3316.08,	51
3317.012, 3317.013, 3317.014, 3317.02, 3317.022,	52
3317.023, 3317.024, 3317.029, 3317.0217, 3317.03,	53
3317.032, 3317.05, 3317.064, 3317.07, 3317.09,	54

3317.10, 3317.16, 3318.01, 3318.03, 3318.042,	55
3318.05, 3318.06, 3318.08, 3318.30, 3318.31,	56
3318.37, 3318.41, 3319.01, 3319.02, 3319.03,	57
3319.07, 3319.19, 3319.22, 3319.33, 3319.36,	58
3319.55, 3323.16, 3327.01, 3327.011, 3329.06,	59
3329.08, 3332.04, 3333.12, 3353.11, 3361.01,	60
3375.41, 3377.01, 3377.06, 3383.01, 3383.07,	61
3501.18, 3501.30, 3503.10, 3505.01, 3505.061,	62
3505.08, 3505.10, 3517.092, 3701.021, 3701.022,	63
3701.024, 3701.141, 3701.145, 3701.741, 3701.83,	64
3701.881, 3701.99, 3702.31, 3702.529, 3702.53,	65
3702.532, 3702.54, 3702.544, 3702.55, 3702.60,	66
3702.61, 3702.68, 3702.74, 3705.01, 3705.23,	67
3705.24, 3709.09, 3710.05, 3710.07, 3711.021,	68
3717.42, 3721.02, 3721.121, 3722.151, 3733.43,	69
3733.45, 3734.02, 3734.05, 3734.12, 3734.123,	70
3734.124, 3734.18, 3734.28, 3734.42, 3734.44,	71
3734.46, 3734.57, 3735.27, 3735.66, 3735.67,	72
3735.671, 3737.81, 3745.04, 3745.11, 3745.14,	73
3745.40, 3746.13, 3748.07, 3748.13, 3769.087,	74
3770.07, 3770.10, 3770.12, 3770.99, 3773.33,	75
3773.43, 3901.491, 3901.501, 3901.72, 4104.01,	76
4104.02, 4104.04, 4104.06, 4104.07, 4104.08,	77
4104.15, 4104.18, 4104.19, 4104.20, 4104.41,	78
4104.44, 4104.45, 4104.46, 4105.17, 4112.15,	79
4115.10, 4117.02, 4117.14, 4123.27, 4123.41,	80
4141.04, 4141.09, 4141.23, 4301.03, 4301.19,	81
4301.30, 4301.361, 4301.364, 4301.43, 4303.02,	82
4303.021, 4303.03, 4303.04, 4303.05, 4303.06,	83
4303.07, 4303.08, 4303.09, 4303.10, 4303.11,	84
4303.12, 4303.121, 4303.13, 4303.14, 4303.141,	85
4303.15, 4303.151, 4303.16, 4303.17, 4303.171,	86
4303.18, 4303.181, 4303.182, 4303.183, 4303.184,	87

4303.19, 4303.20, 4303.201, 4303.202, 4303.203,	88
4303.204, 4303.21, 4303.22, 4303.23, 4303.231,	89
4501.06, 4503.06, 4503.101, 4503.103, 4505.06,	90
4506.14, 4506.15, 4506.16, 4506.20, 4506.24,	91
4508.08, 4509.60, 4511.33, 4511.62, 4511.63,	92
4519.55, 4561.18, 4561.21, 4707.071, 4707.072,	93
4707.10, 4709.12, 4717.07, 4717.09, 4719.01,	94
4723.01, 4723.06, 4723.07, 4723.08, 4723.082,	95
4723.17, 4723.271, 4723.34, 4723.35, 4723.431,	96
4723.63, 4729.01, 4729.41, 4731.27, 4731.65,	97
4731.71, 4734.15, 4736.12, 4743.05, 4747.05,	98
4747.06, 4747.07, 4747.10, 4751.06, 4751.07,	99
4759.08, 4771.22, 4779.08, 4779.17, 4779.18,	100
4903.24, 4905.79, 4905.91, 4919.79, 4931.45,	101
4931.47, 4931.48, 4973.17, 4981.20, 5101.11,	102
5101.14, 5101.141, 5101.142, 5101.144, 5101.145,	103
5101.146, 5101.16, 5101.162, 5101.18, 5101.181,	104
5101.21, 5101.211, 5101.212, 5101.22, 5101.24,	105
5101.26, 5101.27, 5101.28, 5101.35, 5101.36,	106
5101.46, 5101.58, 5101.59, 5101.75, 5101.80,	107
5101.83, 5101.97, 5103.031, 5103.033, 5103.034,	108
5103.036, 5103.037, 5103.038, 5103.0312,	109
5103.0313, 5103.0314, 5103.0315, 5103.0316,	110
5103.154, 5104.01, 5104.011, 5104.02, 5104.04,	111
5104.30, 5104.32, 5107.02, 5107.30, 5107.37,	112
5107.40, 5107.60, 5108.01, 5108.03, 5108.06,	113
5108.07, 5108.09, 5108.10, 5111.016, 5111.0112,	114
5111.02, 5111.021, 5111.022, 5111.03, 5111.06,	115
5111.082, 5111.111, 5111.17, 5111.171, 5111.20,	116
5111.21, 5111.22, 5111.251, 5111.252, 5111.34,	117
5111.85, 5111.87, 5111.871, 5111.872, 5111.873,	118
5111.92, 5111.94, 5112.03, 5112.08, 5112.17,	119
5112.31, 5112.99, 5115.01, 5115.02, 5115.03,	120

5115.04, 5115.05, 5115.07, 5115.10, 5115.11,	121
5115.13, 5115.15, 5115.20, 5119.61, 5119.611,	122
5123.01, 5123.051, 5123.19, 5123.60, 5123.801,	123
5126.01, 5126.042, 5126.11, 5126.12, 5126.121,	124
5126.15, 5126.18, 5126.44, 5139.01, 5139.04,	125
5139.33, 5139.34, 5139.36, 5139.41, 5139.43,	126
5139.87, 5153.122, 5153.16, 5153.163, 5153.60,	127
5153.69, 5153.72, 5153.78, 5310.15, 5502.01,	128
5502.13, 5513.01, 5515.07, 5549.21, 5703.052,	129
5705.39, 5705.41, 5709.20, 5709.21, 5709.22,	130
5709.25, 5709.26, 5709.27, 5709.61, 5709.62,	131
5709.63, 5709.632, 5709.64, 5711.02, 5711.13,	132
5711.22, 5711.27, 5711.33, 5713.07, 5713.08,	133
5713.081, 5713.082, 5713.30, 5715.27, 5715.39,	134
5717.03, 5719.07, 5725.19, 5727.111, 5727.30,	135
5727.32, 5727.33, 5727.56, 5727.84, 5727.85,	136
5727.86, 5728.04, 5728.06, 5728.99, 5729.08,	137
5733.04, 5733.05, 5733.051, 5733.056, 5733.057,	138
5733.059, 5733.06, 5733.0611, 5733.09, 5733.121,	139
5733.18, 5733.22, 5733.45, 5733.49, 5733.98,	140
5735.05, 5735.14, 5735.142, 5735.15, 5735.19,	141
5735.23, 5735.26, 5735.291, 5735.30, 5735.99,	142
5739.01, 5739.011, 5739.02, 5739.021, 5739.022,	143
5739.023, 5739.025, 5739.026, 5739.03, 5739.032,	144
5739.033, 5739.09, 5739.10, 5739.12, 5739.121,	145
5739.122, 5739.17, 5739.21, 5739.33, 5741.01,	146
5741.02, 5741.021, 5741.022, 5741.023, 5741.121,	147
5743.05, 5743.21, 5743.45, 5745.01, 5745.02,	148
5745.04, 5747.01, 5747.02, 5747.12, 5747.31,	149
5747.80, 5901.021, 6101.09, 6109.21, 6111.06,	150
6115.09, 6117.02, 6119.10, 6301.05, and 6301.07;	151
to amend, for the purpose of adopting new section	152
numbers as indicated in parentheses, sections	153

3301.33 (3301.40), 3701.145 (3701.0210), 4104.46	154
(4104.48), 5101.211 (5101.214), 5101.212	155
(5101.215), 5108.06 (5108.04), 5108.07 (5108.05),	156
5111.08 (5111.071), 5111.16 (5111.08), 5111.252	157
(5123.199), 5115.02 (5115.04), 5115.04 (5115.02),	158
5115.07 (5115.06), 5115.13 (5115.07), and 5115.15	159
(5115.23); to enact new sections 125.831, 718.03,	160
3301.31, 3301.33, 3317.11, 3318.052, 4104.42,	161
4104.43, 4104.46, 5101.211, 5101.212, 5101.213,	162
5108.06, 5108.07, 5111.16, 5111.173, 5115.13,	163
5709.211, 5709.23, 5709.24, and 5739.034 and	164
sections 9.24, 9.75, 107.12, 107.31, 107.32,	165
107.33, 121.36, 122.041, 122.90, 123.152, 124.183,	166
125.073, 125.832, 125.833, 131.41, 145.381,	167
153.691, 173.08, 307.676, 317.36, 319.63, 511.181,	168
718.021, 718.051, 718.121, 901.85, 927.701,	169
1346.04, 1346.05, 1346.06, 1346.07, 1346.08,	170
1346.09, 1346.10, 1501.25, 1711.131, 2113.041,	171
2117.061, 3301.34, 3301.35, 3301.36, 3301.37,	172
3301.38, 3307.353, 3309.345, 3311.059, 3314.083,	173
3318.024, 3333.121, 3333.16, 3333.38, 3379.11,	174
3501.011, 3506.20, 3701.029, 3701.61, 3702.63,	175
3770.073, 4104.47, 4115.21, 4303.205, 4511.198,	176
4707.24, 4723.063, 4723.81, 4723.82, 4723.83,	177
4723.84, 4723.85, 4723.86, 4723.87, 4723.88,	178
5101.12, 5101.1410, 5101.20, 5101.201, 5101.216,	179
5101.221, 5101.222, 5101.241, 5101.242, 5101.243,	180
5101.271, 5103.155, 5108.051, 5108.11, 5108.12,	181
5111.0113, 5111.025, 5111.083, 5111.151, 5111.161,	182
5111.172, 5111.174, 5111.175, 5111.211, 5111.88,	183
5111.911, 5111.912, 5111.913, 5111.95, 5111.96,	184
5111.97, 5115.12, 5115.14, 5115.22, 5123.196,	185
5123.198, 5123.1910, 5123.38, 5123.851, 5126.058,	186

5139.44, 5502.03, 5515.08, 5703.56, 5703.57, 187  
5703.80, 5709.201, 5709.212, 5717.011, 5733.0511, 188  
5733.55, 5733.56, 5733.57, 5735.053, 5741.25, 189  
5743.051, and 5747.026; and to repeal sections 190  
122.12, 125.831, 125.931, 125.932, 125.933, 191  
125.934, 125.935, 131.38, 173.45, 173.46, 173.47, 192  
173.48, 173.49, 173.50, 173.51, 173.52, 173.53, 193  
173.54, 173.55, 173.56, 173.57, 173.58, 173.59, 194  
319.311, 504.21, 718.03, 1333.96, 1533.06, 195  
1533.39, 1553.01, 1553.02, 1553.03, 1553.04, 196  
1553.05, 1553.06, 1553.07, 1553.08, 1553.09, 197  
1553.10, 1553.99, 2305.26, 3301.078, 3301.0719, 198  
3301.0724, 3301.31, 3301.581, 3313.82, 3313.83, 199  
3313.94, 3317.11, 3318.033, 3318.052, 3318.35, 200  
3319.06, 3319.34, 3701.142, 3701.144, 3702.543, 201  
3702.581, 4104.42, 4104.43, 4141.044, 4141.045, 202  
5101.213, 5101.251, 5108.05, 5111.017, 5111.173, 203  
5115.011, 5115.012, 5115.06, 5115.061, 5139.42, 204  
5139.45, 5709.211, 5709.23, 5709.231, 5709.24, 205  
5709.30, 5709.31, 5709.32, 5709.33, 5709.34, 206  
5709.35, 5709.36, 5709.37, 5709.45, 5709.46, 207  
5709.47, 5709.48, 5709.49, 5709.50, 5709.51, 208  
5709.52, 5727.39, 5727.44, 5733.111, 5739.012, 209  
5739.034, 5741.011, 5747.131, 6111.31, 6111.311, 210  
6111.32, 6111.34, 6111.35, 6111.36, 6111.37, 211  
6111.38, and 6111.39 of the Revised Code; to amend 212  
Sections 11 and 11.04 of Am. Sub. H.B. 87 of the 213  
125th General Assembly; to amend Section 13.05 of 214  
Am. Sub. H.B. 87 of the 125th General Assembly; to 215  
amend Section 7 of Am. Sub. H.B. 512 of the 124th 216  
General Assembly; to amend Sections 1.09 and 35.03 217  
of H.B. 675 of the 124th General Assembly; to 218  
amend Sections 18.03, 18.04, 19.39, and 19.52 of 219

H.B. 675 of the 124th General Assembly; to amend	220
Section 24.43 of Am. Sub. H.B. 524 of the 124th	221
General Assembly; to amend Section 63.37 of Am.	222
Sub. H.B. 94 of the 124th General Assembly, as	223
subsequently amended; to amend Sections 10 and 14	224
of Am. Sub. S.B. 242 of the 124th General	225
Assembly; to amend Section 3 of Am. Sub. S.B. 143	226
of the 124th General Assembly; to amend Section 3	227
of Am. Sub. H.B. 215 of the 122nd General	228
Assembly, as subsequently amended; to amend	229
Section 3 of Am. Sub. H.B. 621 of the 122nd	230
General Assembly, as subsequently amended; to	231
amend Section 6 of Am. Sub. S.B. 67 of the 122nd	232
General Assembly; to amend Section 153 of Am. Sub.	233
H.B. 117 of the 121st General Assembly, as	234
subsequently amended; to amend Section 27 of Sub.	235
H.B. 670 of the 121st General Assembly, as	236
subsequently amended; to amend Section 5 of Am.	237
Sub. S.B. 50 of the 121st General Assembly, as	238
subsequently amended; to amend Section 2 of Am.	239
Sub. H.B. 71 of the 120th General Assembly; to	240
repeal Section 16 of Am. Sub. H.B. 87 of the 125th	241
General Assembly; to repeal Section 129 of Am.	242
Sub. H.B. 283 of the 123rd General Assembly, as	243
subsequently amended; to repeal Section 3 of Am.	244
Sub. S.B. 272 of the 123rd General Assembly, as	245
subsequently amended; to repeal Section 72 of Am.	246
Sub. H.B. 850 of the 122nd General Assembly; and	247
to repeal Section 11 of Am. Sub. S.B. 50 of the	248
121st General Assembly, as subsequently amended;	249
to repeal Section 3 of Am. Sub. S.B. 238 of the	250
123rd General Assembly; and to repeal Section 3 of	251
Sub. H.B. 403 of the 123rd General Assembly; to	252

levy taxes and provide for implementation of those 253  
levies, to make operating appropriations for the 254  
biennium beginning July 1, 2003, and ending June 255  
30, 2005, and to provide authorization and 256  
conditions for the operation of state programs; to 257  
amend the version of section 921.22 of the Revised 258  
Code that is scheduled to take effect July 1, 259  
2004, to continue the provisions of this act on 260  
and after that effective date; to amend the 261  
version of section 2305.234 of the Revised Code 262  
that is scheduled to take effect January 1, 2004, 263  
to continue the provisions of this act on and 264  
after that effective date; to amend the version of 265  
section 3332.04 of the Revised Code that is 266  
scheduled to take effect July 1, 2003; to amend 267  
the version of section 3734.44 of the Revised Code 268  
that is scheduled to take effect January 1, 2004, 269  
to continue the provisions of this act on and 270  
after that effective date; to amend the versions 271  
of sections 307.93, 2152.19, 2743.191, 2743.51, 272  
2929.38, 4506.14, 4506.15, 4506.16, 4506.20, 273  
4511.33, 4511.62, 4511.63, and 4511.75 of the 274  
Revised Code that are scheduled to take effect 275  
January 1, 2004; to amend the version of section 276  
2301.03 of the Revised Code that is scheduled to 277  
take effect January 1, 2004, to continue the 278  
provisions of this act on and after that effective 279  
date; to amend the version of section 5101.28 of 280  
the Revised Code that is scheduled to take effect 281  
January 1, 2004, to continue the provisions of 282  
this act on and after that effective date; to 283  
amend the version of section 5743.45 of the 284  
Revised Code that is scheduled to take effect 285

January 1, 2004, to continue the provisions of 286  
this act on and after that effective date; to 287  
amend the version of section 5739.033 of the 288  
Revised Code as it results from Am. Sub. S.B. 143 289  
of the 124th General Assembly, as amended by H.B. 290  
675 of the 124th General Assembly; to terminate 291  
certain provisions of this act on December 31, 292  
2013, by repealing section 4723.063 of the Revised 293  
Code on that date; and to terminate certain 294  
provisions of this act on October 1, 2006, by 295  
repealing section 5111.161 of the Revised Code on 296  
that date. 297

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**This act has two parts, labeled Part I and Part II,** 298  
**that are integral phases of this act.** 299

**Part I** 300

**Section 1.** That sections 9.01, 9.83, 101.34, 101.72, 101.82, 301  
102.02, 109.32, 109.57, 109.572, 117.101, 117.16, 117.44, 117.45, 302  
121.04, 121.08, 121.084, 121.41, 121.48, 121.62, 122.011, 122.04, 303  
122.08, 122.17, 122.171, 122.25, 122.651, 122.658, 122.87, 122.88, 304  
123.01, 124.03, 124.15, 124.152, 124.181, 125.05, 125.06, 125.07, 305  
125.15, 125.91, 125.92, 125.93, 125.95, 125.96, 125.98, 127.16, 306  
131.02, 131.23, 131.35, 145.38, 147.01, 147.37, 149.011, 149.30, 307  
149.31, 149.33, 149.331, 149.332, 149.333, 149.34, 149.35, 153.65, 308  
164.14, 164.27, 165.09, 166.16, 173.06, 173.061, 173.062, 173.07, 309  
173.071, 173.14, 173.26, 175.03, 175.21, 175.22, 183.02, 306.35, 310  
306.99, 307.86, 307.87, 307.93, 307.98, 307.981, 307.987, 311.17, 311  
317.32, 321.24, 323.01, 323.13, 325.31, 329.03, 329.04, 329.05, 312  
329.051, 329.06, 340.021, 340.03, 341.05, 341.25, 504.03, 504.04, 313  
505.376, 507.09, 511.12, 515.01, 515.07, 521.05, 715.013, 718.01, 314

718.02, 718.05, 718.11, 718.14, 718.15, 718.151, 731.14, 731.141, 315  
735.05, 737.03, 753.22, 901.17, 901.21, 901.22, 901.63, 902.11, 316  
921.151, 927.53, 927.69, 929.01, 955.51, 1309.109, 1317.07, 317  
1321.21, 1333.99, 1337.11, 1346.02, 1501.04, 1503.05, 1513.05, 318  
1515.08, 1519.05, 1521.06, 1521.063, 1531.26, 1533.08, 1533.10, 319  
1533.101, 1533.11, 1533.111, 1533.112, 1533.12, 1533.13, 1533.151, 320  
1533.19, 1533.23, 1533.301, 1533.32, 1533.35, 1533.40, 1533.54, 321  
1533.631, 1533.632, 1533.71, 1533.82, 1541.10, 1548.06, 1551.11, 322  
1551.12, 1551.15, 1551.311, 1551.32, 1551.33, 1551.35, 1555.02, 323  
1555.03, 1555.04, 1555.05, 1555.06, 1555.08, 1555.17, 1563.42, 324  
1702.59, 1711.13, 1711.15, 1711.17, 1751.05, 1751.11, 1751.12, 325  
1751.13, 1751.16, 1751.60, 2101.16, 2117.06, 2117.25, 2133.01, 326  
2151.352, 2151.3529, 2151.3530, 2151.83, 2151.84, 2152.19, 327  
2301.02, 2301.03, 2301.58, 2305.234, 2329.07, 2329.66, 2335.39, 328  
2505.13, 2715.041, 2715.045, 2716.13, 2743.02, 2743.191, 2743.51, 329  
2743.60, 2743.65, 2915.01, 2915.02, 2915.08, 2915.081, 2915.082, 330  
2915.09, 2915.091, 2915.092, 2915.093, 2915.095, 2915.10, 331  
2915.101, 2915.13, 2917.41, 2921.13, 2923.35, 2925.44, 2929.38, 332  
2933.43, 2935.36, 2949.091, 3111.04, 3119.01, 3121.01, 3123.952, 333  
3125.12, 3301.0710, 3301.0711, 3301.0714, 3301.52, 3301.53, 334  
3301.54, 3301.55, 3301.57, 3301.58, 3301.68, 3301.80, 3307.01, 335  
3307.35, 3309.341, 3311.05, 3311.24, 3311.26, 3313.843, 3313.975, 336  
3313.976, 3313.977, 3313.978, 3313.979, 3313.981, 3314.02, 337  
3314.03, 3314.041, 3314.07, 3314.08, 3314.17, 3316.031, 3316.08, 338  
3317.012, 3317.013, 3317.014, 3317.02, 3317.022, 3317.023, 339  
3317.024, 3317.029, 3317.0217, 3317.03, 3317.032, 3317.05, 340  
3317.064, 3317.07, 3317.09, 3317.10, 3317.16, 3318.01, 3318.03, 341  
3318.042, 3318.05, 3318.06, 3318.08, 3318.30, 3318.31, 3318.37, 342  
3318.41, 3319.01, 3319.02, 3319.03, 3319.07, 3319.19, 3319.22, 343  
3319.33, 3319.36, 3319.55, 3323.16, 3327.01, 3327.011, 3329.06, 344  
3329.08, 3332.04, 3333.12, 3353.11, 3361.01, 3375.41, 3377.01, 345  
3377.06, 3383.01, 3383.07, 3501.18, 3501.30, 3503.10, 3505.01, 346

3505.061, 3505.08, 3505.10, 3517.092, 3701.021, 3701.022, 347  
3701.024, 3701.141, 3701.145, 3701.741, 3701.83, 3701.881, 348  
3701.99, 3702.31, 3702.529, 3702.53, 3702.532, 3702.54, 3702.544, 349  
3702.55, 3702.60, 3702.61, 3702.68, 3702.74, 3705.01, 3705.23, 350  
3705.24, 3709.09, 3710.05, 3710.07, 3711.021, 3717.42, 3721.02, 351  
3721.121, 3722.151, 3733.43, 3733.45, 3734.02, 3734.05, 3734.12, 352  
3734.123, 3734.124, 3734.18, 3734.28, 3734.42, 3734.44, 3734.46, 353  
3734.57, 3735.27, 3735.66, 3735.67, 3735.671, 3737.81, 3745.04, 354  
3745.11, 3745.14, 3745.40, 3746.13, 3748.07, 3748.13, 3769.087, 355  
3770.07, 3770.10, 3770.12, 3770.99, 3773.33, 3773.43, 3901.491, 356  
3901.501, 3901.72, 4104.01, 4104.02, 4104.04, 4104.06, 4104.07, 357  
4104.08, 4104.15, 4104.18, 4104.19, 4104.20, 4104.41, 4104.44, 358  
4104.45, 4104.46, 4105.17, 4112.15, 4115.10, 4117.02, 4117.14, 359  
4123.27, 4123.41, 4141.04, 4141.09, 4141.23, 4301.03, 4301.19, 360  
4301.30, 4301.361, 4301.364, 4301.43, 4303.02, 4303.021, 4303.03, 361  
4303.04, 4303.05, 4303.06, 4303.07, 4303.08, 4303.09, 4303.10, 362  
4303.11, 4303.12, 4303.121, 4303.13, 4303.14, 4303.141, 4303.15, 363  
4303.151, 4303.16, 4303.17, 4303.171, 4303.18, 4303.181, 4303.182, 364  
4303.183, 4303.184, 4303.19, 4303.20, 4303.201, 4303.202, 365  
4303.203, 4303.204, 4303.21, 4303.22, 4303.23, 4303.231, 4501.06, 366  
4503.06, 4503.101, 4503.103, 4505.06, 4506.14, 4506.15, 4506.16, 367  
4506.20, 4506.24, 4508.08, 4509.60, 4511.33, 4511.62, 4511.63, 368  
4519.55, 4561.18, 4561.21, 4707.071, 4707.072, 4707.10, 4709.12, 369  
4717.07, 4717.09, 4719.01, 4723.01, 4723.06, 4723.07, 4723.08, 370  
4723.082, 4723.17, 4723.271, 4723.34, 4723.35, 4723.431, 4723.63, 371  
4729.01, 4729.41, 4731.27, 4731.65, 4731.71, 4734.15, 4736.12, 372  
4743.05, 4747.05, 4747.06, 4747.07, 4747.10, 4751.06, 4751.07, 373  
4759.08, 4771.22, 4779.08, 4779.17, 4779.18, 4903.24, 4905.79, 374  
4905.91, 4919.79, 4931.45, 4931.47, 4931.48, 4973.17, 4981.20, 375  
5101.11, 5101.14, 5101.141, 5101.142, 5101.144, 5101.145, 376  
5101.146, 5101.16, 5101.162, 5101.18, 5101.181, 5101.21, 5101.211, 377  
5101.212, 5101.22, 5101.24, 5101.26, 5101.27, 5101.28, 5101.35, 378

5101.36, 5101.46, 5101.58, 5101.59, 5101.75, 5101.80, 5101.83,	379
5101.97, 5103.031, 5103.033, 5103.034, 5103.036, 5103.037,	380
5103.038, 5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316,	381
5103.154, 5104.01, 5104.011, 5104.02, 5104.04, 5104.30, 5104.32,	382
5107.02, 5107.30, 5107.37, 5107.40, 5107.60, 5108.01, 5108.03,	383
5108.06, 5108.07, 5108.09, 5108.10, 5111.016, 5111.0112, 5111.02,	384
5111.021, 5111.022, 5111.03, 5111.06, 5111.082, 5111.111, 5111.17,	385
5111.171, 5111.20, 5111.21, 5111.22, 5111.251, 5111.252, 5111.34,	386
5111.85, 5111.87, 5111.871, 5111.872, 5111.873, 5111.92, 5111.94,	387
5112.03, 5112.08, 5112.17, 5112.31, 5112.99, 5115.01, 5115.02,	388
5115.03, 5115.04, 5115.05, 5115.07, 5115.10, 5115.11, 5115.13,	389
5115.15, 5115.20, 5119.61, 5119.611, 5123.01, 5123.051, 5123.19,	390
5123.60, 5123.801, 5126.01, 5126.042, 5126.11, 5126.12, 5126.121,	391
5126.15, 5126.18, 5126.44, 5139.01, 5139.04, 5139.33, 5139.34,	392
5139.36, 5139.41, 5139.43, 5139.87, 5153.122, 5153.16, 5153.163,	393
5153.60, 5153.69, 5153.72, 5153.78, 5310.15, 5502.01, 5502.13,	394
5513.01, 5515.07, 5549.21, 5703.052, 5705.39, 5705.41, 5709.20,	395
5709.21, 5709.22, 5709.25, 5709.26, 5709.27, 5709.61, 5709.62,	396
5709.63, 5709.632, 5709.64, 5711.02, 5711.13, 5711.22, 5711.27,	397
5711.33, 5713.07, 5713.08, 5713.081, 5713.082, 5713.30, 5715.27,	398
5715.39, 5717.03, 5719.07, 5725.19, 5727.111, 5727.30, 5727.32,	399
5727.33, 5727.56, 5727.84, 5727.85, 5727.86, 5728.04, 5728.06,	400
5728.99, 5729.08, 5733.04, 5733.05, 5733.051, 5733.056, 5733.057,	401
5733.059, 5733.06, 5733.0611, 5733.09, 5733.121, 5733.18, 5733.22,	402
5733.45, 5733.49, 5733.98, 5735.05, 5735.14, 5735.142, 5735.15,	403
5735.19, 5735.23, 5735.26, 5735.291, 5735.30, 5735.99, 5739.01,	404
5739.011, 5739.02, 5739.021, 5739.022, 5739.023, 5739.025,	405
5739.026, 5739.03, 5739.032, 5739.033, 5739.09, 5739.10, 5739.12,	406
5739.121, 5739.122, 5739.17, 5739.21, 5739.33, 5741.01, 5741.02,	407
5741.021, 5741.022, 5741.023, 5741.121, 5743.05, 5743.21, 5743.45,	408
5745.01, 5745.02, 5745.04, 5747.01, 5747.02, 5747.12, 5747.31,	409
5747.80, 5901.021, 6101.09, 6109.21, 6111.06, 6115.09, 6117.02,	410

6119.10, 6301.05, and 6301.07 be amended; that sections 3301.33 411  
(3301.40), 3701.145 (3701.0210), 4104.46 (4104.48), 5101.211 412  
(5101.214), 5101.212 (5101.215), 5108.06 (5108.04), 5108.07 413  
(5108.05), 5111.08 (5111.071), 5111.16 (5111.08), 5111.252 414  
(5123.199), 5115.02 (5115.04), 5115.04 (5115.02), 5115.07 415  
(5115.06), 5115.13 (5115.07), and 5115.15 (5115.23) be amended for 416  
the purpose of adopting new section numbers as indicated in 417  
parentheses; and that new sections 125.831, 718.03, 3301.31, 418  
3301.33, 3317.11, 3318.052, 4104.42, 4104.43, 4104.46, 5101.211, 419  
5101.212, 5101.213, 5108.06, 5108.07, 5111.16, 5111.173, 5115.13, 420  
5709.211, 5709.23, 5709.24, and 5739.034 and sections 9.24, 9.75, 421  
107.12, 107.31, 107.32, 107.33, 121.36, 122.041, 122.90, 123.152, 422  
124.183, 125.073, 125.832, 125.833, 131.41, 145.381, 153.691, 423  
173.08, 307.676, 317.36, 319.63, 511.181, 718.021, 718.051, 424  
718.121, 901.85, 927.701, 1346.04, 1346.05, 1346.06, 1346.07, 425  
1346.08, 1346.09, 1346.10, 1501.25, 1711.131, 2113.041, 2117.061, 426  
3301.34, 3301.35, 3301.36, 3301.37, 3301.38, 3307.353, 3309.345, 427  
3311.059, 3314.083, 3318.024, 3333.121, 3333.16, 3333.38, 3379.11, 428  
3501.011, 3506.20, 3701.029, 3701.61, 3702.63, 3770.073, 4104.47, 429  
4115.21, 4303.205, 4511.198, 4707.24, 4723.063, 4723.81, 4723.82, 430  
4723.83, 4723.84, 4723.85, 4723.86, 4723.87, 4723.88, 5101.12, 431  
5101.1410, 5101.20, 5101.201, 5101.216, 5101.221, 5101.222, 432  
5101.241, 5101.242, 5101.243, 5101.271, 5103.155, 5108.051, 433  
5108.11, 5108.12, 5111.0113, 5111.025, 5111.083, 5111.151, 434  
5111.161, 5111.172, 5111.174, 5111.175, 5111.211, 5111.88, 435  
5111.911, 5111.912, 5111.913, 5111.95, 5111.96, 5111.97, 5115.12, 436  
5115.14, 5115.22, 5123.196, 5123.198, 5123.1910, 5123.38, 437  
5123.851, 5126.058, 5139.44, 5502.03, 5515.08, 5703.56, 5703.57, 438  
5703.80, 5709.201, 5709.212, 5717.011, 5733.0511, 5733.55, 439  
5733.56, 5733.57, 5735.053, 5741.25, 5743.051, and 5747.026 of the 440  
Revised Code be enacted to read as follows: 441

Sec. 9.01. When any officer, office, court, commission, 442  
board, institution, department, agent, or employee of the state, 443  
~~or~~ of a county, or of any other political subdivision, who is 444  
charged with the duty or authorized or required by law to record, 445  
preserve, keep, maintain, or file any record, document, plat, 446  
court file, paper, or instrument in writing, or to make or furnish 447  
copies of any ~~thereof~~ of them, deems it necessary or advisable, 448  
when recording ~~any such document, plat, court file, paper, or~~ 449  
~~instrument in writing,~~ or when making a copy or reproduction of 450  
any ~~thereof~~ of them or of any such record, for the purpose of 451  
recording or copying, preserving, and protecting ~~the same~~ them, 452  
reducing space required for storage, or any similar purpose, to do 453  
so by means of any photostatic, photographic, miniature 454  
photographic, film, microfilm, or microphotographic process, or 455  
perforated tape, magnetic tape, other magnetic means, electronic 456  
data processing, machine readable means, or graphic or video 457  
display, or any combination ~~thereof~~ of those processes, means, or 458  
displays, which correctly and accurately copies, records, or 459  
reproduces, or provides a medium of copying, recording, or 460  
reproducing, the original record, document, plat, court file, 461  
paper, or instrument in writing, such use of any ~~such photographic~~ 462  
~~or electromagnetic~~ of those processes, means, or displays for any 463  
such purpose, is hereby authorized. Any such records, copies, or 464  
reproductions may be made in duplicate, and ~~such~~ the duplicates 465  
shall be stored in different buildings. The film or paper used for 466  
~~this~~ a process shall comply with the minimum standards of quality 467  
approved for permanent photographic records by the national bureau 468  
of standards. All such records, copies, or reproductions shall 469  
carry a certificate of authenticity and completeness, on a form 470  
specified by the director of administrative services through the 471  
state records ~~administrator~~ program. 472

Any such officer, office, court, commission, board, 473

institution, department, agent, or employee of the state, of a 474  
county, or of any other political subdivision may purchase or rent 475  
required equipment for any such photographic process and may enter 476  
into contracts with private concerns or other governmental 477  
agencies for the development of film and the making of 478  
reproductions ~~thereof~~ of film as a part of any such photographic 479  
process. When so recorded, or copied or reproduced to reduce space 480  
required for storage or filing of such records, ~~said~~ such 481  
photographs, microphotographs, microfilms, perforated tape, 482  
magnetic tape, other magnetic means, electronic data processing, 483  
machine readable means, graphic or video display, or ~~any~~ 484  
combination ~~thereof~~ of these processes, means, or displays, or 485  
films, or prints made therefrom, when properly identified by the 486  
officer by whom or under whose supervision ~~the same~~ they were 487  
made, or who has ~~the~~ their custody ~~thereof~~, have the same effect 488  
at law as the original record or of a record made by any other 489  
legally authorized means, and may be offered in like manner and 490  
shall be received in evidence in any court where ~~such~~ the original 491  
record, or record made by other legally authorized means, could 492  
have been so introduced and received. Certified or authenticated 493  
copies or prints of such photographs, microphotographs, films, 494  
microfilms, perforated tape, magnetic tape, other magnetic means, 495  
electronic data processing, machine readable means, graphic or 496  
video display, or ~~any~~ combination ~~thereof~~ of these processes, 497  
means, or displays, shall be admitted in evidence equally with the 498  
original ~~photographs, microphotographs, films, or microfilms.~~ 499

Such photographs, microphotographs, microfilms, or films 500  
shall be placed and kept in conveniently accessible, fireproof, 501  
and insulated files, cabinets, or containers, and provisions shall 502  
be made for preserving, safekeeping, using, examining, exhibiting, 503  
projecting, and enlarging ~~the same~~ them whenever requested, during 504  
office hours. 505

All persons utilizing the methods described in this section 506  
for keeping records and information shall keep and make readily 507  
available to the public the machines and equipment necessary to 508  
reproduce the records and information in a readable form. 509

Sec. 9.24. (A) No state agency and no political subdivision 510  
shall award a contract for goods, services, or construction, paid 511  
for in whole or in part with state funds, to a person against whom 512  
a finding for recovery has been issued by the auditor of state, if 513  
the finding for recovery is unresolved. 514

(B) For purposes of this section, a finding for recovery is 515  
unresolved unless one of the following criteria applies: 516

(1) The money identified in the finding for recovery is paid 517  
in full to the state agency or political subdivision to whom the 518  
money was owed; 519

(2) The debtor has entered into a repayment plan that is 520  
approved by the attorney general and the state agency or political 521  
subdivision to whom the money identified in the finding for 522  
recovery is owed. A repayment plan may include a provision 523  
permitting a state agency or political subdivision to withhold 524  
payment to a debtor for goods, services, or construction provided 525  
to or for the state agency or political subdivision pursuant to a 526  
contract that is entered into with the debtor after the date the 527  
finding for recovery was issued. 528

(3) The attorney general waives a repayment plan described in 529  
division (B)(2) of this section for good cause; 530

(4) The debtor and state agency or political subdivision to 531  
whom the money identified in the finding for recovery is owed have 532  
agreed to a payment plan established through an enforceable 533  
settlement agreement. 534

(5) The state agency or political subdivision desiring to 535

enter into a contract with a debtor certifies, and the attorney 536  
general concurs, that all of the following are true: 537

(a) Essential services the state agency or political 538  
subdivision is seeking to obtain from the debtor cannot be 539  
provided by any other person besides the debtor; 540

(b) Awarding a contract to the debtor for the essential 541  
services described in division (B)(5)(a) is in the best interest 542  
of the state; 543

(c) Good faith efforts have been made to collect the money 544  
identified in the finding of recovery. 545

(6) The debtor has commenced an action to contest the finding 546  
for recovery and a final determination on the action has not yet 547  
been reached. 548

(C) The attorney general shall submit an initial report to 549  
the auditor of state, not later than December 1, 2003, indicating 550  
the status of collection for all findings for recovery issued by 551  
the auditor of state for calendar years 2001, 2002, and 2003. 552  
Beginning on January 1, 2004, the attorney general shall submit to 553  
the auditor of state, on the first day of every January, April, 554  
July, and October, a list of all findings for recovery that have 555  
been resolved in accordance with division (B) of this section 556  
during the calendar quarter preceding the submission of the list 557  
and a description of the means of resolution. 558

(D) The auditor of state shall maintain a database, 559  
accessible to the public, listing persons against whom an 560  
unresolved finding for recovery has been issued, and the amount of 561  
the money identified in the unresolved finding for recovery. The 562  
auditor of state shall have this database operational on or before 563  
January 1, 2004. The initial database shall contain the 564  
information required under this division for calendar years 2001, 565  
2002, and 2003. 566

Beginning January 15, 2004, the auditor of state shall update 567  
the database by the fifteenth day of every January, April, July, 568  
and October to reflect resolved findings for recovery that are 569  
reported to the auditor of state by the attorney general on the 570  
first day of the same month pursuant to division (C) of this 571  
section. 572

(E) Before awarding a contract for goods, services, or 573  
construction, paid for in whole or in part with state funds, a 574  
state agency or political subdivision shall verify that the person 575  
to whom the state agency or political subdivision plans to award 576  
the contract does not appear in the database described in division 577  
(D) of this section. 578

(F) As used in this section: 579

(1) "State agency" has the same meaning as in section 9.66 of 580  
the Revised Code. 581

(2) "Finding for recovery" means a determination issued by 582  
the auditor of state, contained in a report the auditor of state 583  
gives to the attorney general pursuant to section 117.28 of the 584  
Revised Code, that public money has been illegally expended, 585  
public money has been collected but not been accounted for, public 586  
money is due but has not been collected, or public property has 587  
been converted or misappropriated. 588

(3) "Debtor" means a person against whom a finding for 589  
recovery has been issued. 590

Sec. 9.75. As used in this section, "dangerous drug" has the 591  
same meaning as in section 4729.01 of the Revised Code. 592

If a state agency seeks to enter into or administer an 593  
agreement or cooperative arrangement to create or join a 594  
multiple-state prescription drug purchasing program to negotiate 595  
discounts for dangerous drugs and intends to contract with a 596

person to administer the multiple-state prescription drug 597  
purchasing program, it shall do so through a competitive bidding 598  
process. A state agency seeking to enter into a contract with a 599  
person to administer the multiple-state prescription drug 600  
purchasing program may not enter into the contract with out 601  
controlling board approval. 602

**Sec. 9.83.** (A) The state and any political subdivision may 603  
procure a policy or policies of insurance insuring its officers 604  
and employees against liability for injury, death, or loss to 605  
person or property that arises out of the operation of an 606  
automobile, truck, motor vehicle with auxiliary equipment, 607  
self-propelling equipment or trailer, aircraft, or watercraft by 608  
the officers or employees while engaged in the course of their 609  
employment or official responsibilities for the state or the 610  
political subdivision. The state is authorized to expend funds to 611  
pay judgments that are rendered in any court against its officers 612  
or employees and that result from such operation, and is 613  
authorized to expend funds to compromise claims for liability 614  
against its officers or employees that result from such operation. 615  
No insurer shall deny coverage under such a policy, and the state 616  
shall not refuse to pay judgments or compromise claims, on the 617  
ground that an automobile, truck, motor vehicle with auxiliary 618  
equipment, self-propelling equipment or trailer, aircraft, or 619  
watercraft was not being used in the course of an officer's or 620  
employee's employment or official responsibilities for the state 621  
or a political subdivision unless the officer or employee who was 622  
operating an automobile, truck, motor vehicle with auxiliary 623  
equipment, or self-propelling equipment or trailer is convicted of 624  
a violation of section 124.71 of the Revised Code as a result of 625  
the same events. 626

(B) ~~Such funds~~ Funds shall be reserved as ~~are~~ necessary, in 627  
the exercise of sound and prudent actuarial judgment, to cover 628

potential expense, fees, damage, loss, or other liability. The 629  
superintendent of insurance may recommend or, if the state 630  
requests of the superintendent, shall recommend, a specific amount 631  
for any period of time that, in the superintendent's opinion, 632  
represents such a judgment. 633

(C) Nothing in this section shall be construed to require the 634  
department of administrative services to purchase liability 635  
insurance for all state vehicles in a single policy of insurance 636  
or to cover all state vehicles under a single plan of 637  
self-insurance. 638

(D) Insurance procured by the state pursuant to this section 639  
shall be procured as provided in section 125.03 of the Revised 640  
Code. 641

(E) For purposes of liability insurance procured under this 642  
section to cover the operation of a motor vehicle by a prisoner 643  
for whom the insurance is procured, "employee" includes a prisoner 644  
in the custody of the department of rehabilitation and correction 645  
who is enrolled in a work program that is established by the 646  
department pursuant to section 5145.16 of the Revised Code and in 647  
which the prisoner is required to operate a motor vehicle, as 648  
defined in section 4509.01 of the Revised Code, and who is engaged 649  
in the operation of a motor vehicle in the course of the work 650  
program. 651

(F) There is hereby created in the state treasury the vehicle 652  
liability fund. All contributions collected by the director of 653  
administrative services under division (I) of this section shall 654  
be deposited into the fund. The fund shall be used to provide 655  
insurance and self-insurance for the state under this section. All 656  
investment earnings of the fund shall be credited to it. 657

(G) The director of administrative services, through the 658  
office of risk management, shall operate the vehicle liability 659

fund on an actuarially sound basis. 660

(H) Reserves shall be maintained in the vehicle liability 661  
fund in any amount that is necessary and adequate, in the exercise 662  
of sound and prudent actuarial judgment, to cover potential 663  
liability claims, expenses, fees, or damages. Money in the fund 664  
may be applied to the payment of liability claims that are filed 665  
against the state in the court of claims and determined in the 666  
manner provided in Chapter 2743. of the Revised Code. The director 667  
of administrative services may procure the services of a qualified 668  
actuarial firm for the purpose of recommending the specific amount 669  
of money that is required to maintain adequate reserves for a 670  
specified period of time. 671

(I) The director of administrative services shall collect 672  
from each state agency or any participating state body its 673  
contribution to the vehicle liability fund for the purpose of 674  
purchasing insurance or administering self-insurance programs for 675  
coverage authorized under this section. The amount of the 676  
contribution shall be determined by the director, with the 677  
approval of the director of budget and management. It shall be 678  
based upon actuarial assumptions and the relative risk and loss 679  
experience of each state agency or participating state body. The 680  
amount of the contribution also shall include a reasonable sum to 681  
cover administrative costs of the department of administrative 682  
services. 683

**Sec. 101.34.** (A) There is hereby created a joint legislative 684  
ethics committee to serve the general assembly. The committee 685  
shall be composed of twelve members, six each from the two major 686  
political parties, and each member shall serve on the committee 687  
during the member's term as a member of that general assembly. Six 688  
members of the committee shall be members of the house of 689  
representatives appointed by the speaker of the house of 690

representatives, not more than three from the same political 691  
party, and six members of the committee shall be members of the 692  
senate appointed by the president of the senate, not more than 693  
three from the same political party. A vacancy in the committee 694  
shall be filled for the unexpired term in the same manner as an 695  
original appointment. The members of the committee shall be 696  
appointed within fifteen days after the first day of the first 697  
regular session of each general assembly and the committee shall 698  
meet and proceed to recommend an ethics code not later than thirty 699  
days after the first day of the first regular session of each 700  
general assembly. 701

In the first regular session of each general assembly, the 702  
speaker of the house of representatives shall appoint the 703  
chairperson of the committee from among the house members of the 704  
committee and the president of the senate shall appoint the 705  
vice-chairperson of the committee from among the senate members of 706  
the committee. In the second regular session of each general 707  
assembly, the president of the senate shall appoint the 708  
chairperson of the committee from among the senate members of the 709  
committee and the speaker of the house of representatives shall 710  
appoint the vice-chairperson of the committee from among the house 711  
members of the committee. The chairperson, vice-chairperson, and 712  
members of the committee shall serve until their respective 713  
successors are appointed or until they are no longer members of 714  
the general assembly. 715

The committee shall meet at the call of the chairperson or 716  
upon the written request of seven members of the committee. 717

(B) The joint legislative ethics committee: 718

(1) Shall recommend a code of ethics which is consistent with 719  
law to govern all members and employees of each house of the 720  
general assembly and all candidates for the office of member of 721

each house;	722
(2) May receive and hear any complaint which alleges a breach	723
of any privilege of either house, or misconduct of any member,	724
employee, or candidate, or any violation of the appropriate code	725
of ethics;	726
(3) May obtain information with respect to any complaint	727
filed pursuant to this section and to that end may enforce the	728
attendance and testimony of witnesses, and the production of books	729
and papers;	730
(4) May recommend whatever sanction is appropriate with	731
respect to a particular member, employee, or candidate as will	732
best maintain in the minds of the public a good opinion of the	733
conduct and character of members and employees of the general	734
assembly;	735
(5) May recommend legislation to the general assembly	736
relating to the conduct and ethics of members and employees of and	737
candidates for the general assembly;	738
(6) Shall employ an executive director for the committee and	739
may employ such other staff as the committee determines necessary	740
to assist it in exercising its powers and duties. The executive	741
director and staff of the committee shall be known as the office	742
of legislative inspector general. At least one member of the staff	743
of the committee shall be an attorney at law licensed to practice	744
law in this state. The appointment and removal of the executive	745
director shall require the approval of at least eight members of	746
the committee.	747
(7) May employ a special counsel to assist the committee in	748
exercising its powers and duties. The appointment and removal of a	749
special counsel shall require the approval of at least eight	750
members of the committee.	751
(8) Shall act as an advisory body to the general assembly and	752

to individual members, candidates, and employees on questions 753  
relating to ethics, possible conflicts of interest, and financial 754  
disclosure; 755

(9) Shall provide for the proper forms on which the statement 756  
required pursuant to section 102.02 of the Revised Code shall be 757  
filed and instructions as to the filing of the statement; 758

(10) Exercise the powers and duties prescribed under sections 759  
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 760

(11) Adopt in accordance with section 111.15 of the Revised 761  
Code any rules that are necessary to implement and clarify Chapter 762  
102. and sections 2921.42 and 2921.43 of the Revised Code. 763

(C) There is hereby created in the state treasury the joint 764  
legislative ethics committee fund. ~~All money collected from~~ 765  
~~registration fees and late filing fees prescribed under sections~~ 766  
~~101.72 and 121.62 of the Revised Code shall be deposited into the~~ 767  
~~state treasury to the credit of the fund.~~ Money credited to the 768  
fund and any interest and earnings from the fund shall be used 769  
solely for the operation of the joint legislative ethics committee 770  
and the office of legislative inspector general and for the 771  
purchase of data storage and computerization facilities for the 772  
statements filed with the joint committee under sections 101.73, 773  
101.74, 121.63, and 121.64 of the Revised Code. 774

(D) The chairperson of the joint committee shall issue a 775  
written report, not later than the thirty-first day of January of 776  
each year, to the speaker and minority leader of the house of 777  
representatives and to the president and minority leader of the 778  
senate that lists the number of committee meetings and 779  
investigations the committee conducted during the immediately 780  
preceding calendar year and the number of advisory opinions it 781  
issued during the immediately preceding calendar year. 782

(E) Any investigative report that contains facts and findings 783

regarding a complaint filed with the committee and that is 784  
prepared by the staff of the committee or a special counsel to the 785  
committee shall become a public record upon its acceptance by a 786  
vote of the majority of the members of the committee, except for 787  
any names of specific individuals and entities contained in the 788  
report. If the committee recommends disciplinary action or reports 789  
its findings to the appropriate prosecuting authority for 790  
proceedings in prosecution of the violations alleged in the 791  
complaint, the investigatory report regarding the complaint shall 792  
become a public record in its entirety. 793

(F)(1) Any file obtained by or in the possession of the 794  
former house ethics committee or former senate ethics committee 795  
shall become the property of the joint legislative ethics 796  
committee. Any such file is confidential if either of the 797  
following applies: 798

(a) It is confidential under section 102.06 of the Revised 799  
Code or the legislative code of ethics. 800

(b) If the file was obtained from the former house ethics 801  
committee or from the former senate ethics committee, it was 802  
confidential under any statute or any provision of a code of 803  
ethics that governed the file. 804

(2) As used in this division, "file" includes, but is not 805  
limited to, evidence, documentation, or any other tangible thing. 806

**Sec. 101.72.** (A) Each legislative agent and employer, within 807  
ten days following an engagement of a legislative agent, shall 808  
file with the joint legislative ethics committee an initial 809  
registration statement showing all of the following: 810

(1) The name, business address, and occupation of the 811  
legislative agent; 812

(2) The name and business address of the employer and the 813

real party in interest on whose behalf the legislative agent is 814  
actively advocating, if it is different from the employer. For the 815  
purposes of division (A) of this section, where a trade 816  
association or other charitable or fraternal organization that is 817  
exempt from federal income taxation under subsection 501(c) of the 818  
federal Internal Revenue Code is the employer, the statement need 819  
not list the names and addresses of each member of the association 820  
or organization, so long as the association or organization itself 821  
is listed. 822

(3) A brief description of the type of legislation to which 823  
the engagement relates. 824

(B) In addition to the initial registration statement 825  
required by division (A) of this section, each legislative agent 826  
and employer shall file with the joint committee, not later than 827  
the last day of January, May, and September of each year, an 828  
updated registration statement that confirms the continuing 829  
existence of each engagement described in an initial registration 830  
statement and that lists the specific bills or resolutions on 831  
which the agent actively advocated under that engagement during 832  
the period covered by the updated statement, and with it any 833  
statement of expenditures required to be filed by section 101.73 834  
of the Revised Code and any details of financial transactions 835  
required to be filed by section 101.74 of the Revised Code. 836

(C) If a legislative agent is engaged by more than one 837  
employer, the agent shall file a separate initial and updated 838  
registration statement for each engagement. If an employer engages 839  
more than one legislative agent, the employer need file only one 840  
updated registration statement under division (B) of this section, 841  
which shall contain the information required by division (B) of 842  
this section regarding all of the legislative agents engaged by 843  
the employer. 844

(D)(1) A change in any information required by division 845

(A)(1), (2), or (B) of this section shall be reflected in the next updated registration statement filed under division (B) of this section. 846  
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(2) Within thirty days after the termination of an engagement, the legislative agent who was employed under the engagement shall send written notification of the termination to the joint committee. 849  
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(E) Except as otherwise provided in this division, a registration fee of ~~ten~~ twenty-five dollars shall be charged for filing an initial registration statement. All money collected from registration fees under this division and late filing fees under division (G) of this section shall be deposited ~~to the credit of the joint legislative ethics committee fund created under section 101.34 of the Revised Code~~ into the general revenue fund of the state. 853  
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An officer or employee of a state agency who actively advocates in a fiduciary capacity as a representative of that state agency need not pay the registration fee prescribed by this division or file expenditure statements under section 101.73 of the Revised Code. As used in this division, "state agency" does not include a state institution of higher education as defined in section 3345.011 of the Revised Code. 861  
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(F) Upon registration pursuant to division (A) of this section, the legislative agent shall be issued a card by the joint committee showing that the legislative agent is registered. The registration card and the legislative agent's registration shall be valid from the date of their issuance until the next thirty-first day of December of an even-numbered year. 868  
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(G) The executive director of the joint committee shall be responsible for reviewing each registration statement filed with the joint committee under this section and for determining whether 874  
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the statement contains all of the information required by this 877  
section. If the joint committee determines that the registration 878  
statement does not contain all of the required information or that 879  
a legislative agent or employer has failed to file a registration 880  
statement, the joint committee shall send written notification by 881  
certified mail to the person who filed the registration statement 882  
regarding the deficiency in the statement or to the person who 883  
failed to file the registration statement regarding the failure. 884  
Any person so notified by the joint committee shall, not later 885  
than fifteen days after receiving the notice, file a registration 886  
statement or an amended registration statement that does contain 887  
all of the information required by this section. If any person who 888  
receives a notice under this division fails to file a registration 889  
statement or such an amended registration statement within this 890  
fifteen-day period, the joint committee shall assess a late filing 891  
fee equal to twelve dollars and fifty cents per day, up to a 892  
maximum of one hundred dollars, upon that person. The joint 893  
committee may waive the late filing fee for good cause shown. 894

(H) On or before the fifteenth day of March of each year, the 895  
joint committee shall, in the manner and form that it determines, 896  
publish a report containing statistical information on the 897  
registration statements filed with it under this section during 898  
the preceding year. 899

**Sec. 101.82.** As used in sections 101.82 to 101.87 of the 900  
Revised Code: 901

(A) "Agency" means any board, commission, committee, or 902  
council, or any other similar state public body required to be 903  
established pursuant to state statutes for the exercise of any 904  
function of state government and to which members are appointed or 905  
elected. "Agency" does not include the following: 906

(1) The general assembly, or any commission, committee, or 907

other body composed entirely of members <del>thereof</del> <u>of the general</u>	908
<u>assembly</u> ;	909
(2) Any court;	910
(3) Any public body created by or directly pursuant to the	911
constitution of this state;	912
(4) The board of trustees of any institution of higher	913
education financially supported in whole or in part by the state;	914
(5) Any public body that has the authority to issue bonds or	915
notes or that has issued bonds or notes that have not been fully	916
repaid;	917
(6) The public utilities commission of Ohio;	918
(7) The consumers' council governing board;	919
(8) The Ohio board of regents;	920
(9) Any state board or commission that has the authority to	921
issue any final adjudicatory order that may be appealed to the	922
court of common pleas under Chapter 119. of the Revised Code;	923
(10) Any board of elections;	924
(11) The board of directors of the Ohio insurance guaranty	925
association and the board of governors of the Ohio fair plan	926
underwriting association;	927
(12) The Ohio public employees deferred compensation board;	928
(13) The Ohio retirement study council;	929
(14) The board of trustees of the Ohio police and fire	930
pension fund, public employees retirement board, school employees	931
retirement board, state highway patrol retirement board, and state	932
teachers retirement board;	933
(15) The industrial commission.	934
(B) "Abolish" means to repeal the statutes creating and	935

empowering an agency, remove its personnel, and transfer its 936  
records to the department of administrative services pursuant to 937  
division ~~(H)~~(E) of section 149.331 of the Revised Code. 938

(C) "Terminate" means to amend or repeal the statutes 939  
creating and empowering an agency, remove its personnel, and 940  
reassign its functions and records to another agency or officer 941  
designated by the general assembly. 942

(D) "Transfer" means to amend the statutes creating and 943  
empowering an agency so that its functions, records, and personnel 944  
are conveyed to another agency or officer. 945

(E) "Renew" means to continue an agency, and may include 946  
amendment of the statutes creating and empowering the agency, or 947  
recommendations for changes in agency operation or personnel. 948

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 949  
of this section, every person who is elected to or is a candidate 950  
for a state, county, or city office, or the office of member of 951  
the United States congress, and every person who is appointed to 952  
fill a vacancy for an unexpired term in such an elective office; 953  
all members of the state board of education; the director, 954  
assistant directors, deputy directors, division chiefs, or persons 955  
of equivalent rank of any administrative department of the state; 956  
the president or other chief administrative officer of every state 957  
institution of higher education as defined in section 3345.011 of 958  
the Revised Code; the chief executive officer of each state 959  
retirement system; all members of the board of commissioners on 960  
grievances and discipline of the supreme court and the ethics 961  
commission created under section 102.05 of the Revised Code; every 962  
business manager, treasurer, or superintendent of a city, local, 963  
exempted village, joint vocational, or cooperative education 964  
school district or an educational service center; every person who 965  
is elected to or is a candidate for the office of member of a 966

board of education of a city, local, exempted village, joint 967  
vocational, or cooperative education school district or of a 968  
governing board of an educational service center that has a total 969  
student count of twelve thousand or more as most recently 970  
determined by the department of education pursuant to section 971  
3317.03 of the Revised Code; every person who is appointed to the 972  
board of education of a municipal school district pursuant to 973  
division (B) or (F) of section 3311.71 of the Revised Code; all 974  
members of the board of directors of a sanitary district 975  
established under Chapter 6115. of the Revised Code and organized 976  
wholly for the purpose of providing a water supply for domestic, 977  
municipal, and public use that includes two municipal corporations 978  
in two counties; every public official or employee who is paid a 979  
salary or wage in accordance with schedule C of section 124.15 or 980  
schedule E-2 of section 124.152 of the Revised Code; members of 981  
the board of trustees and the executive director of the tobacco 982  
use prevention and control foundation; members of the board of 983  
trustees and the executive director of the southern Ohio 984  
agricultural and community development foundation; and every other 985  
public official or employee who is designated by the appropriate 986  
ethics commission pursuant to division (B) of this section shall 987  
file with the appropriate ethics commission on a form prescribed 988  
by the commission, a statement disclosing all of the following: 989

(1) The name of the person filing the statement and each 990  
member of the person's immediate family and all names under which 991  
the person or members of the person's immediate family do 992  
business; 993

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 994  
and except as otherwise provided in section 102.022 of the Revised 995  
Code, identification of every source of income, other than income 996  
from a legislative agent identified in division (A)(2)(b) of this 997  
section, received during the preceding calendar year, in the 998

person's own name or by any other person for the person's use or 999  
benefit, by the person filing the statement, and a brief 1000  
description of the nature of the services for which the income was 1001  
received. If the person filing the statement is a member of the 1002  
general assembly, the statement shall identify the amount of every 1003  
source of income received in accordance with the following ranges 1004  
of amounts: zero or more, but less than one thousand dollars; one 1005  
thousand dollars or more, but less than ten thousand dollars; ten 1006  
thousand dollars or more, but less than twenty-five thousand 1007  
dollars; twenty-five thousand dollars or more, but less than fifty 1008  
thousand dollars; fifty thousand dollars or more, but less than 1009  
one hundred thousand dollars; and one hundred thousand dollars or 1010  
more. Division (A)(2)(a) of this section shall not be construed to 1011  
require a person filing the statement who derives income from a 1012  
business or profession to disclose the individual items of income 1013  
that constitute the gross income of that business or profession, 1014  
except for those individual items of income that are attributable 1015  
to the person's or, if the income is shared with the person, the 1016  
partner's, solicitation of services or goods or performance, 1017  
arrangement, or facilitation of services or provision of goods on 1018  
behalf of the business or profession of clients, including 1019  
corporate clients, who are legislative agents as defined in 1020  
section 101.70 of the Revised Code. A person who files the 1021  
statement under this section shall disclose the identity of and 1022  
the amount of income received from a person who the public 1023  
official or employee knows or has reason to know is doing or 1024  
seeking to do business of any kind with the public official's or 1025  
employee's agency. 1026

(b) If the person filing the statement is a member of the 1027  
general assembly, the statement shall identify every source of 1028  
income and the amount of that income that was received from a 1029  
legislative agent, as defined in section 101.70 of the Revised 1030  
Code, during the preceding calendar year, in the person's own name 1031

or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this

section does not require an attorney, physician, or other 1065  
professional subject to a confidentiality requirement as described 1066  
in division (A)(2)(c) of this section to disclose in the brief 1067  
description of the nature of services required by division 1068  
(A)(2)(a) of this section any information pertaining to specific 1069  
professional services rendered for a client, patient, or other 1070  
recipient of professional services that would reveal details of 1071  
the subject matter for which legal, medical, or professional 1072  
advice was sought or would reveal an otherwise privileged 1073  
communication involving the client, patient, or other recipient of 1074  
professional services. 1075

(3) The name of every corporation on file with the secretary 1076  
of state that is incorporated in this state or holds a certificate 1077  
of compliance authorizing it to do business in this state, trust, 1078  
business trust, partnership, or association that transacts 1079  
business in this state in which the person filing the statement or 1080  
any other person for the person's use and benefit had during the 1081  
preceding calendar year an investment of over one thousand dollars 1082  
at fair market value as of the thirty-first day of December of the 1083  
preceding calendar year, or the date of disposition, whichever is 1084  
earlier, or in which the person holds any office or has a 1085  
fiduciary relationship, and a description of the nature of the 1086  
investment, office, or relationship. Division (A)(3) of this 1087  
section does not require disclosure of the name of any bank, 1088  
savings and loan association, credit union, or building and loan 1089  
association with which the person filing the statement has a 1090  
deposit or a withdrawable share account. 1091

(4) All fee simple and leasehold interests to which the 1092  
person filing the statement holds legal title to or a beneficial 1093  
interest in real property located within the state, excluding the 1094  
person's residence and property used primarily for personal 1095  
recreation; 1096

(5) The names of all persons residing or transacting business 1097  
in the state to whom the person filing the statement owes, in the 1098  
person's own name or in the name of any other person, more than 1099  
one thousand dollars. Division (A)(5) of this section shall not be 1100  
construed to require the disclosure of debts owed by the person 1101  
resulting from the ordinary conduct of a business or profession or 1102  
debts on the person's residence or real property used primarily 1103  
for personal recreation, except that the superintendent of 1104  
financial institutions shall disclose the names of all 1105  
state-chartered savings and loan associations and of all service 1106  
corporations subject to regulation under division (E)(2) of 1107  
section 1151.34 of the Revised Code to whom the superintendent in 1108  
the superintendent's own name or in the name of any other person 1109  
owes any money, and that the superintendent and any deputy 1110  
superintendent of banks shall disclose the names of all 1111  
state-chartered banks and all bank subsidiary corporations subject 1112  
to regulation under section 1109.44 of the Revised Code to whom 1113  
the superintendent or deputy superintendent owes any money. 1114

(6) The names of all persons residing or transacting business 1115  
in the state, other than a depository excluded under division 1116  
(A)(3) of this section, who owe more than one thousand dollars to 1117  
the person filing the statement, either in the person's own name 1118  
or to any person for the person's use or benefit. Division (A)(6) 1119  
of this section shall not be construed to require the disclosure 1120  
of clients of attorneys or persons licensed under section 4732.12 1121  
or 4732.15 of the Revised Code, or patients of persons certified 1122  
under section 4731.14 of the Revised Code, nor the disclosure of 1123  
debts owed to the person resulting from the ordinary conduct of a 1124  
business or profession. 1125

(7) Except as otherwise provided in section 102.022 of the 1126  
Revised Code, the source of each gift of over seventy-five 1127  
dollars, or of each gift of over twenty-five dollars received by a 1128

member of the general assembly from a legislative agent, received 1129  
by the person in the person's own name or by any other person for 1130  
the person's use or benefit during the preceding calendar year, 1131  
except gifts received by will or by virtue of section 2105.06 of 1132  
the Revised Code, or received from spouses, parents, grandparents, 1133  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1134  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1135  
fathers-in-law, mothers-in-law, or any person to whom the person 1136  
filing the statement stands in loco parentis, or received by way 1137  
of distribution from any inter vivos or testamentary trust 1138  
established by a spouse or by an ancestor; 1139

(8) Except as otherwise provided in section 102.022 of the 1140  
Revised Code, identification of the source and amount of every 1141  
payment of expenses incurred for travel to destinations inside or 1142  
outside this state that is received by the person in the person's 1143  
own name or by any other person for the person's use or benefit 1144  
and that is incurred in connection with the person's official 1145  
duties, except for expenses for travel to meetings or conventions 1146  
of a national or state organization to which any state agency, 1147  
including, but not limited to, any legislative agency or state 1148  
institution of higher education as defined in section 3345.011 of 1149  
the Revised Code, pays membership dues, or any political 1150  
subdivision or any office or agency of a political subdivision 1151  
pays membership dues; 1152

(9) Except as otherwise provided in section 102.022 of the 1153  
Revised Code, identification of the source of payment of expenses 1154  
for meals and other food and beverages, other than for meals and 1155  
other food and beverages provided at a meeting at which the person 1156  
participated in a panel, seminar, or speaking engagement or at a 1157  
meeting or convention of a national or state organization to which 1158  
any state agency, including, but not limited to, any legislative 1159  
agency or state institution of higher education as defined in 1160

section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the financial disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code. As used in division (A)(10) of this section, "legislative agent," "executive agency lobbyist," and "employer" have the same meanings as in sections 101.70 and 121.60 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the

statement within fifteen days after the person qualifies for 1193  
office. Other persons shall file an annual statement on or before 1194  
the fifteenth day of April or, if appointed or employed after that 1195  
date, within ninety days after appointment or employment. No 1196  
person shall be required to file with the appropriate ethics 1197  
commission more than one statement or pay more than one filing fee 1198  
for any one calendar year. 1199

The appropriate ethics commission, for good cause, may extend 1200  
for a reasonable time the deadline for filing a statement under 1201  
this section. 1202

A statement filed under this section is subject to public 1203  
inspection at locations designated by the appropriate ethics 1204  
commission except as otherwise provided in this section. 1205

(B) The Ohio ethics commission, the joint legislative ethics 1206  
committee, and the board of commissioners on grievances and 1207  
discipline of the supreme court, using the rule-making procedures 1208  
of Chapter 119. of the Revised Code, may require any class of 1209  
public officials or employees under its jurisdiction and not 1210  
specifically excluded by this section whose positions involve a 1211  
substantial and material exercise of administrative discretion in 1212  
the formulation of public policy, expenditure of public funds, 1213  
enforcement of laws and rules of the state or a county or city, or 1214  
the execution of other public trusts, to file an annual statement 1215  
on or before the fifteenth day of April under division (A) of this 1216  
section. The appropriate ethics commission shall send the public 1217  
officials or employees written notice of the requirement by the 1218  
fifteenth day of February of each year the filing is required 1219  
unless the public official or employee is appointed after that 1220  
date, in which case the notice shall be sent within thirty days 1221  
after appointment, and the filing shall be made not later than 1222  
ninety days after appointment. 1223

Except for disclosure statements filed by members of the 1224

board of trustees and the executive director of the tobacco use 1225  
prevention and control foundation and members of the board of 1226  
trustees and the executive director of the southern Ohio 1227  
agricultural and community development foundation, disclosure 1228  
statements filed under this division with the Ohio ethics 1229  
commission by members of boards, commissions, or bureaus of the 1230  
state for which no compensation is received other than reasonable 1231  
and necessary expenses shall be kept confidential. Disclosure 1232  
statements filed with the Ohio ethics commission under division 1233  
(A) of this section by business managers, treasurers, and 1234  
superintendents of city, local, exempted village, joint 1235  
vocational, or cooperative education school districts or 1236  
educational service centers shall be kept confidential, except 1237  
that any person conducting an audit of any such school district or 1238  
educational service center pursuant to section 115.56 or Chapter 1239  
117. of the Revised Code may examine the disclosure statement of 1240  
any business manager, treasurer, or superintendent of that school 1241  
district or educational service center. The Ohio ethics commission 1242  
shall examine each disclosure statement required to be kept 1243  
confidential to determine whether a potential conflict of interest 1244  
exists for the person who filed the disclosure statement. A 1245  
potential conflict of interest exists if the private interests of 1246  
the person, as indicated by the person's disclosure statement, 1247  
might interfere with the public interests the person is required 1248  
to serve in the exercise of the person's authority and duties in 1249  
the person's office or position of employment. If the commission 1250  
determines that a potential conflict of interest exists, it shall 1251  
notify the person who filed the disclosure statement and shall 1252  
make the portions of the disclosure statement that indicate a 1253  
potential conflict of interest subject to public inspection in the 1254  
same manner as is provided for other disclosure statements. Any 1255  
portion of the disclosure statement that the commission determines 1256  
does not indicate a potential conflict of interest shall be kept 1257

confidential by the commission and shall not be made subject to 1258  
public inspection, except as is necessary for the enforcement of 1259  
Chapters 102. and 2921. of the Revised Code and except as 1260  
otherwise provided in this division. 1261

(C) No person shall knowingly fail to file, on or before the 1262  
applicable filing deadline established under this section, a 1263  
statement that is required by this section. 1264

(D) No person shall knowingly file a false statement that is 1265  
required to be filed under this section. 1266

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1267  
section, the statement required by division (A) or (B) of this 1268  
section shall be accompanied by a filing fee of ~~twenty-five~~ forty 1269  
dollars. 1270

(2) The statement required by division (A) of this section 1271  
shall be accompanied by a the following filing fee to be paid by 1272  
the person who is elected or appointed to, or is a candidate for, 1273  
any of the following offices: 1274

For state office, except member of <u>the</u>		1275
state board of education	\$ <del>50</del> <u>65</u>	1276
For office of member of United States		1277
congress or member of general assembly	\$ <del>25</del> <u>40</u>	1278
For county office	\$ <del>25</del> <u>40</u>	1279
For city office	\$ <del>10</del> <u>25</u>	1280
For office of member of <u>the</u> state board		1281
of education	\$ <del>20</del> <u>25</u>	1282
For office of member of <u>a</u> city, local,		1283
exempted village, or cooperative		1284
education board of		1285
education or educational service		1286
center governing board	\$ <del>5</del> <u>20</u>	1287
For position of business manager,		1288

treasurer, or superintendent of a 1289  
city, local, exempted village, joint 1290  
vocational, or cooperative education 1291  
school district or 1292  
educational service center \$ 5 20 1293

(3) No judge of a court of record or candidate for judge of a 1294  
court of record, and no referee or magistrate serving a court of 1295  
record, shall be required to pay the fee required under division 1296  
(E)(1) or (2) or (F) of this section. 1297

(4) For any public official who is appointed to a nonelective 1298  
office of the state and for any employee who holds a nonelective 1299  
position in a public agency of the state, the state agency that is 1300  
the primary employer of the state official or employee shall pay 1301  
the fee required under division (E)(1) or (F) of this section. 1302

(F) If a statement required to be filed under this section is 1303  
not filed by the date on which it is required to be filed, the 1304  
appropriate ethics commission shall assess the person required to 1305  
file the statement a late filing fee ~~equal to one half of the~~ 1306  
~~applicable filing fee~~ ten dollars for each day the statement is 1307  
not filed, except that the total amount of the late filing fee 1308  
shall not exceed ~~one~~ two hundred fifty dollars. 1309

(G)(1) The appropriate ethics commission other than the Ohio 1310  
ethics commission shall deposit all fees it receives under 1311  
divisions (E) and (F) of this section into the general revenue 1312  
fund of the state. 1313

(2) The Ohio ethics commission shall deposit all receipts, 1314  
including, but not limited to, fees it receives under divisions 1315  
(E) and (F) of this section and all moneys it receives from 1316  
settlements under division (G) of section 102.06 of the Revised 1317  
Code, into the Ohio ethics commission fund, which is hereby 1318  
created in the state treasury. All moneys credited to the fund 1319  
shall be used solely for expenses related to the operation and 1320

statutory functions of the commission. 1321

(H) Division (A) of this section does not apply to a person 1322  
elected or appointed to the office of precinct, ward, or district 1323  
committee member under Chapter 3517. of the Revised Code; a 1324  
presidential elector; a delegate to a national convention; village 1325  
or township officials and employees; any physician or psychiatrist 1326  
who is paid a salary or wage in accordance with schedule C of 1327  
section 124.15 or schedule E-2 of section 124.152 of the Revised 1328  
Code and whose primary duties do not require the exercise of 1329  
administrative discretion; or any member of a board, commission, 1330  
or bureau of any county or city who receives less than one 1331  
thousand dollars per year for serving in that position. 1332

Sec. 107.12. (A) As used in this section, "organization" 1333  
means a faith-based or other organization that is exempt from 1334  
federal income taxation under section 501(c)(3) of the Internal 1335  
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 1336  
provides charitable services to needy residents of this state. 1337

(B) There is hereby established within the office of the 1338  
governor the governor's office of faith-based and community 1339  
initiatives. The office shall: 1340

(1) Serve as a clearinghouse of information on federal, 1341  
state, and local funding for charitable services performed by 1342  
organizations; 1343

(2) Encourage organizations to seek public funding for their 1344  
charitable services; 1345

(3) Act as a liaison between state agencies and 1346  
organizations; 1347

(4) Advise the governor, general assembly, and the advisory 1348  
board of the governor's office of faith-based community 1349  
initiatives on the barriers that exist to collaboration between 1350

organizations and governmental entities and on ways to remove the 1351  
barriers. 1352

(C) The governor shall appoint an executive assistant to 1353  
manage the office and perform or oversee the performance of the 1354  
duties of the office. 1355

(D)(1) There is hereby created the advisory board of the 1356  
governor's office of faith-based and community initiatives. The 1357  
board shall consist of members appointed as follows: 1358

(a) The directors of aging, alcohol and drug addiction 1359  
services, rehabilitation and correction, health, job and family 1360  
services, mental health, and youth services shall each appoint to 1361  
the board one employee of that director's department. 1362

(b) The speaker of the house of representatives shall appoint 1363  
to the board two members of the house of representatives, not more 1364  
than one of whom shall be from the same political party and at 1365  
least one of whom shall be from the legislative black caucus. The 1366  
speaker of the house of representatives shall consult with the 1367  
president of the legislative black caucus in making the 1368  
legislative black caucus member appointment. The president of the 1369  
senate shall appoint to the board two members of the senate, not 1370  
more than one of whom shall be from the same political party. 1371

(c) The governor, speaker of the house of representatives, 1372  
and president of the senate shall each appoint to the board three 1373  
representatives of the nonprofit, faith-based and other nonprofit 1374  
community. 1375

(2) The appointments to the board shall be made within thirty 1376  
days after the effective date of this section. Terms of the office 1377  
shall be one year. Any vacancy that occurs on the board shall be 1378  
filled in the same manner as the original appointment. The members 1379  
of the board shall serve without compensation. 1380

(3) At its initial meeting, the board shall elect a 1381

chairperson. The chairperson shall be a member of the board who is 1382  
a member of the house of representatives. 1383

(E) The board shall do both of the following: 1384

(1) Provide direction, guidance, and oversight to the office; 1385

(2) Publish a report of its activities on or before the first 1386  
day of August of each year, and deliver copies of the report to 1387  
the governor, the speaker and minority leader of the house of 1388  
representatives, and the president and minority leader of the 1389  
senate. 1390

**Sec. 107.31. (A) As used in this section:** 1391

(1) "State institutional facility" means any institution or 1392  
other facility, in operation on or after January 1, 2003, for the 1393  
housing of any person that is under the control of the department 1394  
of rehabilitation and correction, the department of youth 1395  
services, the department of mental retardation and developmental 1396  
disabilities, the department of mental health, or any other agency 1397  
or department of state government. 1398

(2) "Target state agency" means the agency of state 1399  
government that operates the institutional facility or facilities 1400  
that the governor believes should be closed. 1401

(B) Prior to the closing of a state institutional facility, 1402  
the target state agency shall conduct a survey and analysis of the 1403  
needs of each client at that facility for the purpose of ensuring 1404  
that each client's identified needs during the transition and in 1405  
the client's new setting are met. A copy of the analysis, devoid 1406  
of any client identifying information, as well as the target state 1407  
agency's proposal for meeting the needs of the clients, shall be 1408  
submitted to the general assembly in accordance with section 1409  
101.68 of the Revised Code at least two months prior to the 1410  
closing. 1411

Sec. 107.32. (A) As used in this section and section 107.33 1412  
of the Revised Code: 1413

(1) "State institutional facility" means any institution or 1414  
other facility for the housing of any person that is under the 1415  
control of the department of rehabilitation and correction, the 1416  
department of youth services, the department of mental retardation 1417  
and developmental disabilities, the department of mental health, 1418  
or any other agency or department of state government. 1419

(2) "Target state agency" means the agency of state 1420  
government that the governor identifies in a notice provided under 1421  
division (C)(1) of this section and that operates an institutional 1422  
facility or facilities the governor believes should be closed. 1423

(B) Notwithstanding any other provision of law, the governor 1424  
shall not order the closure of any state institutional facility, 1425  
for the purpose of expenditure reductions or budget cuts, other 1426  
than in accordance with this section. 1427

(C) If the governor determines that necessary expenditure 1428  
reductions and budget cuts cannot be made without closing one or 1429  
more state institutional facilities, all of the following apply: 1430

(1) The governor shall determine which state agency's 1431  
institutional facility or facilities the governor believes should 1432  
be closed, shall notify the general assembly and that agency of 1433  
that determination, and shall specify in the notice the number of 1434  
facilities of that agency that the governor believes should be 1435  
closed and the anticipated savings to be obtained through that 1436  
closure or those closures. 1437

(2) Upon the governor's provision of the notice described in 1438  
division (C)(1) of this section, a state facilities closure 1439  
commission shall be created as described in division (D) of this 1440  
section regarding the target state agency. Not later than seven 1441

days after the governor provides that notice, the officials with 1442  
the duties to appoint members of the commission for the target 1443  
state agency, as described in division (D) of this section, shall 1444  
appoint the specified members of the commission, and, as soon as 1445  
possible after the appointments, the commission shall meet for the 1446  
purposes described in that division. Not later than thirty days 1447  
after the governor provides the notice described in division 1448  
(C)(1) of this section, the state facilities closure commission 1449  
shall provide to the general assembly, the governor, and the 1450  
target state agency a report that contains the commission's 1451  
recommendation as to the state institutional facility or 1452  
facilities of the target state agency that the governor may close. 1453  
The anticipated savings to be obtained by the commission's 1454  
recommendation shall be approximately the same as the anticipated 1455  
savings the governor specified in the governor's notice provided 1456  
under division (C)(1) of this section, and, if the recommendation 1457  
identifies more than one facility, it shall list them in order of 1458  
the commission's preference for closure. A state facilities 1459  
closure commission created for a particular target state agency 1460  
shall make a report only regarding that target state agency and 1461  
shall include no recommendations regarding any other state agency 1462  
or department in its report. 1463

(3) Upon receipt of the report of the state facilities 1464  
closure commission under division (C)(2) of this section for a 1465  
target state agency, if the governor still believes that necessary 1466  
expenditure reductions and budget cuts cannot be made without 1467  
closing one or more state institutional facilities, the governor 1468  
may close state institutional facilities of the target state 1469  
agency that are identified in the commission's recommendation 1470  
contained in the report. Except as otherwise provided in this 1471  
division, the governor shall not close any state institutional 1472  
facility of the target state agency that is not listed in the 1473  
commission's recommendation, and shall not close multiple 1474

institutions in any order other than the order of the commission's 1475  
preference as specified in the recommendation. The governor is not 1476  
required to follow the recommendation of the commission in closing 1477  
an institutional facility if the governor determines that a 1478  
significant change in circumstances makes the recommendation 1479  
unworkable. 1480

(D) A state facilities closure commission shall be created at 1481  
the time and in the manner specified in division (C)(2) of this 1482  
section. If more than one state agency or department is a target 1483  
state agency, a separate state facilities closure commission shall 1484  
be created for each such target state agency. Each commission 1485  
consists of eleven members. Three members shall be members of the 1486  
house of representatives appointed by the speaker of the house of 1487  
representatives, none of the members so appointed may have a state 1488  
institutional facility of the target state agency in the member's 1489  
district, two of the members so appointed shall be members of the 1490  
majority political party in the house of representatives, and one 1491  
of the members so appointed shall not be a member of the majority 1492  
political party in the house of representatives. Three members 1493  
shall be members of the senate appointed by the president of the 1494  
senate, none of the members so appointed may have a state 1495  
institutional facility of the target state agency in the member's 1496  
district, two of the members so appointed shall be members of the 1497  
majority political party in the senate, and one of the members so 1498  
appointed shall not be a member of the majority political party in 1499  
the senate. One member shall be the director of budget and 1500  
management. One member shall be the director, or other agency 1501  
head, of the target state agency. Two members shall be private 1502  
executives with expertise in facility utilization, with one of 1503  
these members appointed by the speaker of the house of 1504  
representatives and the other appointed by the president of the 1505  
senate, and neither of the members so appointed may have a state 1506  
institutional facility of the target state agency in the county in 1507

which the member resides. One member shall be a representative of 1508  
the Ohio civil service employees' association or other 1509  
representative association of the employees of the target state 1510  
agency, appointed by the speaker of the house of representatives. 1511  
The officials with the duties to appoint members of the commission 1512  
shall make the appointments, and the commission shall meet, within 1513  
the time periods specified in division (C)(2) of this section. The 1514  
members of the commission shall serve without compensation. At the 1515  
commission's first meeting, the members shall organize, and 1516  
appoint a chairperson and vice-chairperson. 1517

The commission shall determine which state institutional 1518  
facility or facilities under the control of the target state 1519  
agency for which the commission was created should be closed. In 1520  
making this determination, the commission shall, at a minimum, 1521  
consider the following factors: 1522

(1) Whether there is a need to reduce the number of 1523  
facilities; 1524

(2) The availability of alternate facilities; 1525

(3) The cost effectiveness of the facilities; 1526

(4) The geographic factors associated with each facility and 1527  
its proximity to other similar facilities; 1528

(5) The impact of collective bargaining on facility 1529  
operations; 1530

(6) The utilization and maximization of resources; 1531

(7) Continuity of the staff and ability to serve the facility 1532  
population; 1533

(8) Continuing costs following closure of a facility; 1534

(9) The impact of the closure on the local economy; 1535

(10) Alternatives and opportunities for consolidation with 1536  
other facilities. 1537

The commission shall meet as often as necessary to make its 1538  
determination, may take testimony and consider all relevant 1539  
information, and shall prepare and provide in accordance with 1540  
division (C)(2) of this section a report containing its 1541  
recommendations. Upon providing the report regarding the target 1542  
state agency, the commission shall cease to exist, provided that 1543  
another commission shall be created for the same state agency if 1544  
the agency is made a target state agency in another report 1545  
provided under division (C)(1) of this section and provided that 1546  
another commission shall be created for a different state agency 1547  
if that other agency is made a target state agency in a report 1548  
provided under that division. 1549

**Sec. 107.33.** Notwithstanding any other provision of law, if 1550  
the closure of the particular facility is authorized under section 1551  
107.32 of the Revised Code, the governor may terminate any 1552  
contract entered into under section 9.06 of the Revised Code for 1553  
the private operation and management of any correctional facility 1554  
under the control of the department of rehabilitation and 1555  
correction, including, but not limited to the initial intensive 1556  
program prison established pursuant to section 5120.033 of the 1557  
Revised Code as it existed prior to the effective date of this 1558  
section, and terminate the operation of, and close that facility. 1559  
If the governor terminates a contract for the private operation 1560  
and management of a facility, and terminates the operation of, and 1561  
closes, the facility as described in this section, inmates in the 1562  
facility shall be transferred to another correctional facility 1563  
under the control of the department. If the initial intensive 1564  
program prison is closed, divisions (G)(2)(a) and (b) of section 1565  
2929.13 of the Revised Code have no effect while the facility is 1566  
closed. 1567

**Sec. 109.32.** All annual filing fees obtained by the attorney 1568

general pursuant to section 109.31 of the Revised Code, all 1569  
receipts obtained from the sale of the charitable foundations 1570  
directory, all registration fees received by the attorney general, 1571  
bond forfeitures, awards of costs and attorney's fees, and civil 1572  
penalties assessed under Chapter 1716. of the Revised Code, and 1573  
all license fees received by the attorney general under section 1574  
2915.08, 2915.081, or 2915.082 of the Revised Code shall be paid 1575  
into the state treasury to the credit of the charitable law fund. 1576  
The charitable law fund shall be used insofar as its moneys are 1577  
available for the expenses of the charitable law section of the 1578  
office of the attorney general, except that all annual license 1579  
fees that are received by the attorney general under section 1580  
2915.08, 2915.081, or 2915.082 of the Revised Code and that are 1581  
credited to the fund shall be used by the attorney general, or any 1582  
law enforcement agency in cooperation with the attorney general, 1583  
for the purposes specified in division ~~(G)~~(H) of section 2915.10 1584  
of the Revised Code and to administer and enforce Chapter 2915. of 1585  
the Revised Code. The expenses of the charitable law section in 1586  
excess of moneys available in the charitable law fund shall be 1587  
paid out of regular appropriations to the office of the attorney 1588  
general. 1589

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 1590  
criminal identification and investigation shall procure from 1591  
wherever procurable and file for record photographs, pictures, 1592  
descriptions, fingerprints, measurements, and other information 1593  
that may be pertinent of all persons who have been convicted of 1594  
committing within this state a felony, any crime constituting a 1595  
misdemeanor on the first offense and a felony on subsequent 1596  
offenses, or any misdemeanor described in division (A)(1)(a) of 1597  
section 109.572 of the Revised Code, of all children under 1598  
eighteen years of age who have been adjudicated delinquent 1599  
children for committing within this state an act that would be a 1600

felony or an offense of violence if committed by an adult or who 1601  
have been convicted of or pleaded guilty to committing within this 1602  
state a felony or an offense of violence, and of all well-known 1603  
and habitual criminals. The person in charge of any county, 1604  
multicounty, municipal, municipal-county, or multicounty-municipal 1605  
jail or workhouse, community-based correctional facility, halfway 1606  
house, alternative residential facility, or state correctional 1607  
institution and the person in charge of any state institution 1608  
having custody of a person suspected of having committed a felony, 1609  
any crime constituting a misdemeanor on the first offense and a 1610  
felony on subsequent offenses, or any misdemeanor described in 1611  
division (A)(1)(a) of section 109.572 of the Revised Code or 1612  
having custody of a child under eighteen years of age with respect 1613  
to whom there is probable cause to believe that the child may have 1614  
committed an act that would be a felony or an offense of violence 1615  
if committed by an adult shall furnish such material to the 1616  
superintendent of the bureau. Fingerprints, photographs, or other 1617  
descriptive information of a child who is under eighteen years of 1618  
age, has not been arrested or otherwise taken into custody for 1619  
committing an act that would be a felony or an offense of violence 1620  
if committed by an adult, has not been adjudicated a delinquent 1621  
child for committing an act that would be a felony or an offense 1622  
of violence if committed by an adult, has not been convicted of or 1623  
pleaded guilty to committing a felony or an offense of violence, 1624  
and is not a child with respect to whom there is probable cause to 1625  
believe that the child may have committed an act that would be a 1626  
felony or an offense of violence if committed by an adult shall 1627  
not be procured by the superintendent or furnished by any person 1628  
in charge of any county, multicounty, municipal, municipal-county, 1629  
or multicounty-municipal jail or workhouse, community-based 1630  
correctional facility, halfway house, alternative residential 1631  
facility, or state correctional institution, except as authorized 1632  
in section 2151.313 of the Revised Code. 1633

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;

(b) The style and number of the case;

(c) The date of arrest;

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the

date of any other determination that constitutes final resolution 1666  
of the case; 1667

(e) A statement of the original charge with the section of 1668  
the Revised Code that was alleged to be violated; 1669

(f) If the person or child was convicted, pleaded guilty, or 1670  
was adjudicated a delinquent child, the sentence or terms of 1671  
probation imposed or any other disposition of the offender or the 1672  
delinquent child. 1673

If the offense involved the disarming of a law enforcement 1674  
officer or an attempt to disarm a law enforcement officer, the 1675  
clerk shall clearly state that fact in the summary, and the 1676  
superintendent shall ensure that a clear statement of that fact is 1677  
placed in the bureau's records. 1678

(3) The superintendent shall cooperate with and assist 1679  
sheriffs, chiefs of police, and other law enforcement officers in 1680  
the establishment of a complete system of criminal identification 1681  
and in obtaining fingerprints and other means of identification of 1682  
all persons arrested on a charge of a felony, any crime 1683  
constituting a misdemeanor on the first offense and a felony on 1684  
subsequent offenses, or a misdemeanor described in division 1685  
(A)(1)(a) of section 109.572 of the Revised Code and of all 1686  
children under eighteen years of age arrested or otherwise taken 1687  
into custody for committing an act that would be a felony or an 1688  
offense of violence if committed by an adult. The superintendent 1689  
also shall file for record the fingerprint impressions of all 1690  
persons confined in a county, multicounty, municipal, 1691  
municipal-county, or multicounty-municipal jail or workhouse, 1692  
community-based correctional facility, halfway house, alternative 1693  
residential facility, or state correctional institution for the 1694  
violation of state laws and of all children under eighteen years 1695  
of age who are confined in a county, multicounty, municipal, 1696  
municipal-county, or multicounty-municipal jail or workhouse, 1697

community-based correctional facility, halfway house, alternative 1698  
residential facility, or state correctional institution or in any 1699  
facility for delinquent children for committing an act that would 1700  
be a felony or an offense of violence if committed by an adult, 1701  
and any other information that the superintendent may receive from 1702  
law enforcement officials of the state and its political 1703  
subdivisions. 1704

(4) The superintendent shall carry out Chapter 2950. of the 1705  
Revised Code with respect to the registration of persons who are 1706  
convicted of or plead guilty to a sexually oriented offense and 1707  
with respect to all other duties imposed on the bureau under that 1708  
chapter. 1709

(B) The superintendent shall prepare and furnish to every 1710  
county, multicounty, municipal, municipal-county, or 1711  
multicounty-municipal jail or workhouse, community-based 1712  
correctional facility, halfway house, alternative residential 1713  
facility, or state correctional institution and to every clerk of 1714  
a court in this state specified in division (A)(2) of this section 1715  
standard forms for reporting the information required under 1716  
division (A) of this section. The standard forms that the 1717  
superintendent prepares pursuant to this division may be in a 1718  
tangible format, in an electronic format, or in both tangible 1719  
formats and electronic formats. 1720

(C) The superintendent may operate a center for electronic, 1721  
automated, or other data processing for the storage and retrieval 1722  
of information, data, and statistics pertaining to criminals and 1723  
to children under eighteen years of age who are adjudicated 1724  
delinquent children for committing an act that would be a felony 1725  
or an offense of violence if committed by an adult, criminal 1726  
activity, crime prevention, law enforcement, and criminal justice, 1727  
and may establish and operate a statewide communications network 1728  
to gather and disseminate information, data, and statistics for 1729

the use of law enforcement agencies. The superintendent may 1730  
gather, store, retrieve, and disseminate information, data, and 1731  
statistics that pertain to children who are under eighteen years 1732  
of age and that are gathered pursuant to sections 109.57 to 109.61 1733  
of the Revised Code together with information, data, and 1734  
statistics that pertain to adults and that are gathered pursuant 1735  
to those sections. 1736

(D) The information and materials furnished to the 1737  
superintendent pursuant to division (A) of this section and 1738  
information and materials furnished to any board or person under 1739  
division (F) or (G) of this section are not public records under 1740  
section 149.43 of the Revised Code. 1741

(E) The attorney general shall adopt rules, in accordance 1742  
with Chapter 119. of the Revised Code, setting forth the procedure 1743  
by which a person may receive or release information gathered by 1744  
the superintendent pursuant to division (A) of this section. A 1745  
reasonable fee may be charged for this service. If a temporary 1746  
employment service submits a request for a determination of 1747  
whether a person the service plans to refer to an employment 1748  
position has been convicted of or pleaded guilty to an offense 1749  
listed in division (A)(1), (3), (4), ~~or (5)~~, or (6) of section 1750  
109.572 of the Revised Code, the request shall be treated as a 1751  
single request and only one fee shall be charged. 1752

(F)(1) As used in division (F)(2) of this section, "head 1753  
start agency" means an entity in this state that has been approved 1754  
to be an agency for purposes of subchapter II of the "Community 1755  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1756  
as amended. 1757

(2)(a) In addition to or in conjunction with any request that 1758  
is required to be made under section 109.572, 2151.86, 3301.32, 1759  
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 1760  
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 1761

education of any school district; the director of mental 1762  
retardation and developmental disabilities; any county board of 1763  
mental retardation and developmental disabilities; any entity 1764  
under contract with a county board of mental retardation and 1765  
developmental disabilities; the chief administrator of any 1766  
chartered nonpublic school; the chief administrator of any home 1767  
health agency; the chief administrator of or person operating any 1768  
child day-care center, type A family day-care home, or type B 1769  
family day-care home licensed or certified under Chapter 5104. of 1770  
the Revised Code; the administrator of any type C family day-care 1771  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1772  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1773  
general assembly; the chief administrator of any head start 1774  
agency; or the executive director of a public children services 1775  
agency may request that the superintendent of the bureau 1776  
investigate and determine, with respect to any individual who has 1777  
applied for employment in any position after October 2, 1989, or 1778  
any individual wishing to apply for employment with a board of 1779  
education may request, with regard to the individual, whether the 1780  
bureau has any information gathered under division (A) of this 1781  
section that pertains to that individual. On receipt of the 1782  
request, the superintendent shall determine whether that 1783  
information exists and, upon request of the person, board, or 1784  
entity requesting information, also shall request from the federal 1785  
bureau of investigation any criminal records it has pertaining to 1786  
that individual. Within thirty days of the date that the 1787  
superintendent receives a request, the superintendent shall send 1788  
to the board, entity, or person a report of any information that 1789  
the superintendent determines exists, including information 1790  
contained in records that have been sealed under section 2953.32 1791  
of the Revised Code, and, within thirty days of its receipt, shall 1792  
send the board, entity, or person a report of any information 1793  
received from the federal bureau of investigation, other than 1794

information the dissemination of which is prohibited by federal 1795  
law. 1796

(b) When a board of education is required to receive 1797  
information under this section as a prerequisite to employment of 1798  
an individual pursuant to section 3319.39 of the Revised Code, it 1799  
may accept a certified copy of records that were issued by the 1800  
bureau of criminal identification and investigation and that are 1801  
presented by an individual applying for employment with the 1802  
district in lieu of requesting that information itself. In such a 1803  
case, the board shall accept the certified copy issued by the 1804  
bureau in order to make a photocopy of it for that individual's 1805  
employment application documents and shall return the certified 1806  
copy to the individual. In a case of that nature, a district only 1807  
shall accept a certified copy of records of that nature within one 1808  
year after the date of their issuance by the bureau. 1809

(3) The state board of education may request, with respect to 1810  
any individual who has applied for employment after October 2, 1811  
1989, in any position with the state board or the department of 1812  
education, any information that a school district board of 1813  
education is authorized to request under division (F)(2) of this 1814  
section, and the superintendent of the bureau shall proceed as if 1815  
the request has been received from a school district board of 1816  
education under division (F)(2) of this section. 1817

(4) When the superintendent of the bureau receives a request 1818  
for information that is authorized under section 3319.291 of the 1819  
Revised Code, the superintendent shall proceed as if the request 1820  
has been received from a school district board of education under 1821  
division (F)(2) of this section. 1822

(5) When a recipient of an OhioReads classroom or community 1823  
reading grant paid under section 3301.86 or 3301.87 of the Revised 1824  
Code or an entity approved by the OhioReads council requests, with 1825  
respect to any individual who applies to participate in providing 1826

any program or service through an entity approved by the OhioReads 1827  
council or funded in whole or in part by the grant, the 1828  
information that a school district board of education is 1829  
authorized to request under division (F)(2)(a) of this section, 1830  
the superintendent of the bureau shall proceed as if the request 1831  
has been received from a school district board of education under 1832  
division (F)(2)(a) of this section. 1833

(G) In addition to or in conjunction with any request that is 1834  
required to be made under section 173.41, 3701.881, 3712.09, 1835  
3721.121, or 3722.151 of the Revised Code with respect to an 1836  
individual who has applied for employment in a position that 1837  
involves providing direct care to an older adult, the chief 1838  
administrator of a PASSPORT agency that provides services through 1839  
the PASSPORT program created under section 173.40 of the Revised 1840  
Code, home health agency, hospice care program, home licensed 1841  
under Chapter 3721. of the Revised Code, adult day-care program 1842  
operated pursuant to rules adopted under section 3721.04 of the 1843  
Revised Code, or adult care facility may request that the 1844  
superintendent of the bureau investigate and determine, with 1845  
respect to any individual who has applied after January 27, 1997, 1846  
for employment in a position that does not involve providing 1847  
direct care to an older adult, whether the bureau has any 1848  
information gathered under division (A) of this section that 1849  
pertains to that individual. On receipt of the request, the 1850  
superintendent shall determine whether that information exists 1851  
and, on request of the administrator requesting information, shall 1852  
also request from the federal bureau of investigation any criminal 1853  
records it has pertaining to that individual. Within thirty days 1854  
of the date a request is received, the superintendent shall send 1855  
to the administrator a report of any information determined to 1856  
exist, including information contained in records that have been 1857  
sealed under section 2953.32 of the Revised Code, and, within 1858  
thirty days of its receipt, shall send the administrator a report 1859

of any information received from the federal bureau of 1860  
investigation, other than information the dissemination of which 1861  
is prohibited by federal law. 1862

(H) Information obtained by a board, administrator, or other 1863  
person under this section is confidential and shall not be 1864  
released or disseminated. 1865

(I) The superintendent may charge a reasonable fee for 1866  
providing information or criminal records under division (F)(2) or 1867  
(G) of this section. 1868

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1869  
section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 1870  
or 5153.111 of the Revised Code, a completed form prescribed 1871  
pursuant to division (C)(1) of this section, and a set of 1872  
fingerprint impressions obtained in the manner described in 1873  
division (C)(2) of this section, the superintendent of the bureau 1874  
of criminal identification and investigation shall conduct a 1875  
criminal records check in the manner described in division (B) of 1876  
this section to determine whether any information exists that 1877  
indicates that the person who is the subject of the request 1878  
previously has been convicted of or pleaded guilty to any of the 1879  
following: 1880

(a) A violation of section 2903.01, 2903.02, 2903.03, 1881  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1882  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1883  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1884  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1885  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1886  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1887  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1888  
penetration in violation of former section 2907.12 of the Revised 1889  
Code, a violation of section 2905.04 of the Revised Code as it 1890

existed prior to July 1, 1996, a violation of section 2919.23 of 1891  
the Revised Code that would have been a violation of section 1892  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1893  
had the violation been committed prior to that date, or a 1894  
violation of section 2925.11 of the Revised Code that is not a 1895  
minor drug possession offense; 1896

(b) A violation of an existing or former law of this state, 1897  
any other state, or the United States that is substantially 1898  
equivalent to any of the offenses listed in division (A)(1)(a) of 1899  
this section. 1900

(2) On receipt of a request pursuant to section 5123.081 of 1901  
the Revised Code with respect to an applicant for employment in 1902  
any position with the department of mental retardation and 1903  
developmental disabilities, pursuant to section 5126.28 of the 1904  
Revised Code with respect to an applicant for employment in any 1905  
position with a county board of mental retardation and 1906  
developmental disabilities, or pursuant to section 5126.281 of the 1907  
Revised Code with respect to an applicant for employment in a 1908  
direct services position with an entity contracting with a county 1909  
board for employment, a completed form prescribed pursuant to 1910  
division (C)(1) of this section, and a set of fingerprint 1911  
impressions obtained in the manner described in division (C)(2) of 1912  
this section, the superintendent of the bureau of criminal 1913  
identification and investigation shall conduct a criminal records 1914  
check. The superintendent shall conduct the criminal records check 1915  
in the manner described in division (B) of this section to 1916  
determine whether any information exists that indicates that the 1917  
person who is the subject of the request has been convicted of or 1918  
pleaded guilty to any of the following: 1919

(a) A violation of section 2903.01, 2903.02, 2903.03, 1920  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1921  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1922

2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1923  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1924  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1925  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 1926  
3716.11 of the Revised Code; 1927

(b) An existing or former municipal ordinance or law of this 1928  
state, any other state, or the United States that is substantially 1929  
equivalent to any of the offenses listed in division (A)(2)(a) of 1930  
this section. 1931

(3) On receipt of a request pursuant to section 173.41, 1932  
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 1933  
form prescribed pursuant to division (C)(1) of this section, and a 1934  
set of fingerprint impressions obtained in the manner described in 1935  
division (C)(2) of this section, the superintendent of the bureau 1936  
of criminal identification and investigation shall conduct a 1937  
criminal records check with respect to any person who has applied 1938  
for employment in a position that involves providing direct care 1939  
to an older adult. The superintendent shall conduct the criminal 1940  
records check in the manner described in division (B) of this 1941  
section to determine whether any information exists that indicates 1942  
that the person who is the subject of the request previously has 1943  
been convicted of or pleaded guilty to any of the following: 1944

(a) A violation of section 2903.01, 2903.02, 2903.03, 1945  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1946  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1947  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1948  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1949  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1950  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1951  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1952  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1953

(b) An existing or former law of this state, any other state, 1954

or the United States that is substantially equivalent to any of 1955  
the offenses listed in division (A)(3)(a) of this section. 1956

(4) On receipt of a request pursuant to section 3701.881 of 1957  
the Revised Code with respect to an applicant for employment with 1958  
a home health agency as a person responsible for the care, 1959  
custody, or control of a child, a completed form prescribed 1960  
pursuant to division (C)(1) of this section, and a set of 1961  
fingerprint impressions obtained in the manner described in 1962  
division (C)(2) of this section, the superintendent of the bureau 1963  
of criminal identification and investigation shall conduct a 1964  
criminal records check. The superintendent shall conduct the 1965  
criminal records check in the manner described in division (B) of 1966  
this section to determine whether any information exists that 1967  
indicates that the person who is the subject of the request 1968  
previously has been convicted of or pleaded guilty to any of the 1969  
following: 1970

(a) A violation of section 2903.01, 2903.02, 2903.03, 1971  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1972  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1973  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1974  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1975  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1976  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1977  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1978  
violation of section 2925.11 of the Revised Code that is not a 1979  
minor drug possession offense; 1980

(b) An existing or former law of this state, any other state, 1981  
or the United States that is substantially equivalent to any of 1982  
the offenses listed in division (A)(4)(a) of this section. 1983

(5) On receipt of a request pursuant to section 5111.95 or 1984  
5111.96 of the Revised Code with respect to an applicant for 1985  
employment with a waiver agency participating in a department of 1986

job and family services administered home and community-based waiver program or an independent provider participating in a department administered home and community-based waiver program in a position that involves providing home and community-based waiver services to consumers with disabilities, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(5)(a) of this section. 2019  
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(6) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency in a position that involves providing direct care to an older adult, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 2022  
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 2035  
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(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)~~(5)~~(6)(a) of this section. 2044  
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~~(6)~~(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall 2047  
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determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any offense specified in section 3319.31 of the Revised Code.

~~(7)~~(8) When conducting a criminal records check on a request pursuant to section 2151.86 of the Revised Code for a person who is a prospective foster caregiver or who is eighteen years old or older and resides in the home of a prospective foster caregiver, the superintendent, in addition to the determination made under division (A)(1) of this section, shall determine whether any information exists that indicates that the person has been convicted of or pleaded guilty to a violation of:

(a) Section 2909.02 or 2909.03 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to section 2909.02 or 2909.03 of the Revised Code.

~~(8)~~(9) Not later than thirty days after the date the superintendent receives the request, completed form, and fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The superintendent shall send the person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, as appropriate. If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and

involved in providing direct care to an older adult, the 2083  
superintendent shall provide a list of the offenses specified in 2084  
divisions (A)(4) and ~~(5)(6)~~ of this section. 2085

(B) The superintendent shall conduct any criminal records 2086  
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 2087  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 2088  
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 2089  
5153.111 of the Revised Code as follows: 2090

(1) The superintendent shall review or cause to be reviewed 2091  
any relevant information gathered and compiled by the bureau under 2092  
division (A) of section 109.57 of the Revised Code that relates to 2093  
the person who is the subject of the request, including any 2094  
relevant information contained in records that have been sealed 2095  
under section 2953.32 of the Revised Code; 2096

(2) If the request received by the superintendent asks for 2097  
information from the federal bureau of investigation, the 2098  
superintendent shall request from the federal bureau of 2099  
investigation any information it has with respect to the person 2100  
who is the subject of the request and shall review or cause to be 2101  
reviewed any information the superintendent receives from that 2102  
bureau. 2103

(C)(1) The superintendent shall prescribe a form to obtain 2104  
the information necessary to conduct a criminal records check from 2105  
any person for whom a criminal records check is required by 2106  
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2107  
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 2108  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 2109  
form that the superintendent prescribes pursuant to this division 2110  
may be in a tangible format, in an electronic format, or in both 2111  
tangible and electronic formats. 2112

(2) The superintendent shall prescribe standard impression 2113

sheets to obtain the fingerprint impressions of any person for 2114  
whom a criminal records check is required by section 173.41, 2115  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2116  
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2117  
5126.281, or 5153.111 of the Revised Code. Any person for whom a 2118  
records check is required by any of those sections shall obtain 2119  
the fingerprint impressions at a county sheriff's office, 2120  
municipal police department, or any other entity with the ability 2121  
to make fingerprint impressions on the standard impression sheets 2122  
prescribed by the superintendent. The office, department, or 2123  
entity may charge the person a reasonable fee for making the 2124  
impressions. The standard impression sheets the superintendent 2125  
prescribes pursuant to this division may be in a tangible format, 2126  
in an electronic format, or in both tangible and electronic 2127  
formats. 2128

(3) Subject to division (D) of this section, the 2129  
superintendent shall prescribe and charge a reasonable fee for 2130  
providing a criminal records check requested under section 173.41, 2131  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2132  
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2133  
5126.281, or 5153.111 of the Revised Code. The person making a 2134  
criminal records request under section 173.41, 2151.86, 3301.32, 2135  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 2136  
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 2137  
or 5153.111 of the Revised Code shall pay the fee prescribed 2138  
pursuant to this division. A person making a request under section 2139  
3701.881 of the Revised Code for a criminal records check for an 2140  
applicant who may be both responsible for the care, custody, or 2141  
control of a child and involved in providing direct care to an 2142  
older adult shall pay one fee for the request. 2143

(4) The superintendent of the bureau of criminal 2144  
identification and investigation may prescribe methods of 2145

forwarding fingerprint impressions and information necessary to 2146  
conduct a criminal records check, which methods shall include, but 2147  
not be limited to, an electronic method. 2148

(D) A determination whether any information exists that 2149  
indicates that a person previously has been convicted of or 2150  
pleaded guilty to any offense listed or described in division 2151  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 2152  
(b), (A)(5)(a) or (b), (A)(6), ~~or~~ (A)(7)(a) or (b), or (A)(8)(a) 2153  
or (b) of this section that is made by the superintendent with 2154  
respect to information considered in a criminal records check in 2155  
accordance with this section is valid for the person who is the 2156  
subject of the criminal records check for a period of one year 2157  
from the date upon which the superintendent makes the 2158  
determination. During the period in which the determination in 2159  
regard to a person is valid, if another request under this section 2160  
is made for a criminal records check for that person, the 2161  
superintendent shall provide the information that is the basis for 2162  
the superintendent's initial determination at a lower fee than the 2163  
fee prescribed for the initial criminal records check. 2164

(E) As used in this section: 2165

(1) "Criminal records check" means any criminal records check 2166  
conducted by the superintendent of the bureau of criminal 2167  
identification and investigation in accordance with division (B) 2168  
of this section. 2169

(2) "Home and community-based waiver services" and "waiver 2170  
agency" have the same meanings as in section 5111.95 of the 2171  
Revised Code. 2172

(3) "Independent provider" has the same meaning as in section 2173  
5111.96 of the Revised Code. 2174

(4) "Minor drug possession offense" has the same meaning as 2175  
in section 2925.01 of the Revised Code. 2176

~~(3)~~(5) "Older adult" means a person age sixty or older. 2177

**Sec. 117.101.** The auditor of state ~~may establish~~ shall 2178  
provide, operate, and maintain a uniform and compatible 2179  
computerized financial management and accounting system known as 2180  
the uniform accounting network. ~~Any such~~ The network shall be 2181  
designed to provide public offices, other than state agencies and 2182  
the Ohio education computer network and public school districts, 2183  
with efficient and economical access to data processing and 2184  
management information facilities and expertise. In accordance 2185  
with this objective, activities of the network shall include, but 2186  
not be limited to, provision, maintenance, and operation of the 2187  
following facilities and services: 2188

(A) A cooperative program of technical assistance for public 2189  
offices, other than state agencies and the Ohio education computer 2190  
network and public school districts, including, but not limited 2191  
to, an adequate computer software system and a data base; 2192

(B) An information processing service center providing 2193  
approved computerized financial accounting and reporting services 2194  
to participating public offices. 2195

The auditor of state and any public office, other than a 2196  
state agency and the Ohio education computer network and public 2197  
school districts, may enter into any necessary agreements, without 2198  
advertisement or bidding, for the provision of necessary goods, 2199  
materials, supplies, and services to such public offices by the 2200  
auditor of state through the network. 2201

The auditor of state may, by rule, provide for a system of 2202  
user fees to be charged participating public offices for goods, 2203  
materials, supplies, and services received from the network. All 2204  
such fees shall be paid into the state treasury to the credit of 2205  
the uniform accounting network fund, which is hereby created. The 2206  
fund shall be used by the auditor of state to pay the costs of 2207

establishing and maintaining the network. The fund shall be 2208  
assessed a proportionate share of the auditor of state's 2209  
administrative costs in accordance with procedures prescribed by 2210  
the auditor of state and approved by the director of budget and 2211  
management. 2212

**Sec. 117.16.** (A) The auditor of state shall do all of the 2213  
following: 2214

(1) Develop a force account project assessment form that each 2215  
public office that undertakes force account projects shall use to 2216  
estimate or report the cost of a force account project. The form 2217  
shall include costs for employee salaries and benefits, any other 2218  
labor costs, materials, freight, fuel, hauling, overhead expense, 2219  
workers' compensation premiums, and all other items of cost and 2220  
expense, including a reasonable allowance for the use of all tools 2221  
and equipment used on or in connection with such work and for the 2222  
depreciation on the tools and equipment. 2223

(2) Make the form available to public offices by any 2224  
cost-effective, convenient method accessible to the auditor of 2225  
state and the public offices; 2226

(3) When conducting an audit under this chapter of ~~such a~~ 2227  
public office ~~under this chapter that undertakes force account~~ 2228  
projects, examine ~~a sample of~~ the forms and records of ~~any a~~ 2229  
sampling of the force account ~~project that projects~~ the public 2230  
office completed since an audit was last conducted, to determine 2231  
compliance with ~~the~~ its force account limits ~~and other force~~ 2232  
~~account provisions established by law. If the auditor of state~~ 2233  
~~finds a violation of the force account limits, the auditor of~~ 2234  
~~state shall conduct an audit of each force account project~~ 2235  
~~completed since an audit was last conducted.~~ 2236

(B) If the auditor of state receives a complaint from any 2237  
person that a public office has violated the force account limits 2238

established for that office, the auditor of state may conduct an 2239  
audit in addition to the audit provided in section 117.11 of the 2240  
Revised Code if the auditor of state has reasonable cause to 2241  
believe that an additional audit is in the public interest. 2242

(C)(1) If the auditor of state finds that a county, township, 2243  
or municipal corporation violated the force account limits 2244  
established for that political subdivision, the auditor of state, 2245  
in addition to any other action authorized by this chapter, shall 2246  
notify the political subdivision that, for a period of one year 2247  
from the date of the notification, the force account limits for 2248  
the subdivision are reduced as follows: 2249

(a) For a county, the limits shall be ten thousand dollars 2250  
per mile for construction or reconstruction of a road and forty 2251  
thousand dollars for construction, reconstruction, maintenance, or 2252  
repair of a bridge or culvert; 2253

(b) For a township, the limit shall be fifteen thousand 2254  
dollars for maintenance and repair of a road or five thousand per 2255  
mile for construction or reconstruction of a township road; 2256

(c) For a municipal corporation, the limit shall be ten 2257  
thousand dollars for the construction, reconstruction, widening, 2258  
resurfacing, or repair of a street or other public way. 2259

(2) If the auditor of state finds that a county, township, or 2260  
municipal corporation violated the force account limits 2261  
established for that political subdivision a second or subsequent 2262  
time, the auditor of state, in addition to any other action 2263  
authorized by this chapter, shall notify the political subdivision 2264  
that, for a period of two years from the date of the notification, 2265  
the force account limits for the subdivision are reduced in 2266  
accordance with division (C)(1)(a), (b), or (c) of this section. 2267

(3) If the auditor of state finds that a county, township, or 2268  
municipal corporation violated the force account limits 2269

established for that political subdivision a third or subsequent 2270  
time, the ~~subdivision shall pay the~~ auditor of state shall certify 2271  
to the tax commissioner an amount the auditor of state determines 2272  
to be twenty per cent of the total cost of the force account 2273  
project that is the basis of the violation. ~~The~~ Upon receipt of 2274  
this certification, the tax commissioner shall withhold the 2275  
certified amount from any funds under the tax commissioner's 2276  
control that are due or payable to that political subdivision. The 2277  
tax commissioner shall promptly deposit this withheld amount to 2278  
the credit of the local transportation improvement program fund 2279  
created by section 164.14 of the Revised Code. 2280

If the tax commissioner determines that no funds are due and 2281  
payable to the violating political subdivision or that 2282  
insufficient amounts of such funds are available to cover the 2283  
entire certified amount, the tax commissioner shall withhold and 2284  
deposit to the credit of the local transportation improvement 2285  
program fund any amount available and certify the remaining amount 2286  
to be withheld to the county auditor of the county in which the 2287  
political subdivision is located. The county auditor shall 2288  
withhold from that political subdivision any amount, up to that 2289  
certified by the tax commissioner, that is available from any 2290  
funds under the county auditor's control, that is due or payable 2291  
to that political subdivision, and that can be lawfully withheld. 2292  
The county auditor shall promptly pay that withheld amount to the 2293  
tax commissioner for deposit into the local transportation 2294  
improvement program fund. 2295

The payments required under division (C)(3) of this section 2296  
are in addition to the force account limit reductions ~~under~~ 2297  
described in division (C)(2) of this section and also are in 2298  
addition to any other action authorized by this chapter. ~~The~~ 2299  
~~auditor of state shall certify any money due under division (C)(3)~~ 2300  
~~of this section for collection in accordance with division (D) of~~ 2301

~~section 117.13 of the Revised Code.~~ 2302

(D) If the auditor of state finds that a county, township, or 2303  
municipal corporation violated its force account ~~limit~~ limits when 2304  
participating in a joint force account project, the auditor of 2305  
state shall impose the reduction in force account limits under 2306  
division (C) of this section on all entities participating in the 2307  
joint project. 2308

(E) As used in this section, "force account limits" means any 2309  
of the following, as applicable: 2310

(1) For a county, the amounts established in section 5543.19 2311  
of the Revised Code; 2312

(2) For a township, the amounts established in section 2313  
5575.01 of the Revised Code; 2314

(3) For a municipal corporation, the amount established in 2315  
section 723.52 of the Revised Code; 2316

(4) For the department of transportation, the amount 2317  
established in section 5517.02 of the Revised Code. 2318

**Sec. 117.44.** To enhance local officials' background and 2319  
working knowledge of government accounting, budgeting and 2320  
financing, financial report preparation, and the rules adopted by 2321  
the auditor of state, the auditor of state shall hold training 2322  
programs for persons elected for the first time as township 2323  
clerks, city auditors, and village clerks, between the first day 2324  
of December and the ~~fifteenth~~ first day of ~~February~~ April 2325  
immediately following a general election for any of these offices. 2326  
Similar training may also be provided to any township clerk, city 2327  
auditor, or village clerk who is appointed to fill a vacancy or 2328  
who is elected in a special election. 2329

The auditor of state also shall develop and provide an annual 2330  
training program of continuing education for village clerks. 2331

The auditor of state shall determine the manner, content, and length of the training programs after consultation with appropriate statewide organizations of local governmental officials. The auditor of state shall charge the political subdivisions that the trainees represent a registration fee that will meet actual and necessary expenses of the training, including instructor fees, site acquisition costs, and the cost of course materials. The necessary personal expenses incurred by the officials as a result of attending the training program shall be borne by the political subdivisions they represent.

The auditor of state shall allow any other interested person to attend any of the training programs that the auditor of state holds pursuant to this section; provided, that before attending any such training program, the interested person shall pay to the auditor of state the full registration fee that the auditor of state has set for the training program.

The auditor of state may provide any other appropriate training or educational programs that may be developed and offered by the auditor of state or in collaboration with one or more other state agencies, political subdivisions, or other public or private entities.

There is hereby established in the state treasury the auditor of state training program fund, to be used by the auditor of state for the actual and necessary expenses of any training programs held pursuant to this section, section 117.441, or section 321.46 of the Revised Code. All registration fees collected under this section shall be paid into the fund.

**Sec. 117.45.** (A) The auditor of state shall draw warrants against the treasurer of state pursuant to all requests for payment that the director of budget and management has approved under section 126.07 of the Revised Code.

(B) Unless the director of job and family services has 2363  
provided for the making of payments by electronic benefit 2364  
transfer, if a financial institution and account have been 2365  
designated by the participant or recipient, payment by the auditor 2366  
of state to a participant in the Ohio works first program pursuant 2367  
to Chapter 5107. of the Revised Code or a recipient of disability 2368  
financial assistance pursuant to Chapter 5115. of the Revised Code 2369  
shall be made by direct deposit to the account of the participant 2370  
or recipient in the financial institution. Payment by the auditor 2371  
of state to a recipient of benefits distributed through the medium 2372  
of electronic benefit transfer pursuant to section 5101.33 of the 2373  
Revised Code shall be by electronic benefit transfer. Payment by 2374  
the auditor of state as compensation to an employee of the state 2375  
who has, pursuant to section 124.151 of the Revised Code, 2376  
designated a financial institution and account for the direct 2377  
deposit of such payments shall be made by direct deposit to the 2378  
account of the employee. Payment to any other payee who has 2379  
designated a financial institution and account for the direct 2380  
deposit of such payment may be made by direct deposit to the 2381  
account of the payee in the financial institution as provided in 2382  
section 9.37 of the Revised Code. The auditor of state shall 2383  
contract with an authorized financial institution for the services 2384  
necessary to make direct deposits or electronic benefit transfers 2385  
under this division and draw lump sum warrants payable to that 2386  
institution in the amount to be transferred. Accounts maintained 2387  
by the auditor of state or the auditor of state's agent in a 2388  
financial institution for the purpose of effectuating payment by 2389  
direct deposit or electronic benefit transfer shall be maintained 2390  
in accordance with section 135.18 of the Revised Code. 2391

(C) All other payments from the state treasury shall be made 2392  
by paper warrants or by direct deposit payable to the respective 2393  
payees. The auditor of state may mail the paper warrants to the 2394  
respective payees or distribute them through other state agencies, 2395

whichever the auditor of state determines to be the better 2396  
procedure. 2397

(D) If the average per transaction cost the auditor of state 2398  
incurs in making direct deposits for a state agency exceeds the 2399  
average per transaction cost the auditor of state incurs in 2400  
drawing paper warrants for all public offices during the same 2401  
period of time, the auditor of state may certify the difference in 2402  
cost and the number of direct deposits for the agency to the 2403  
director of administrative services. The director shall reimburse 2404  
the auditor of state for such additional costs and add the amount 2405  
to the processing charge assessed upon the state agency. 2406

**Sec. 121.04.** Offices are created within the several 2407  
departments as follows: 2408

In the department of commerce: 2409

Commissioner of securities; 2410

Superintendent of real estate and professional  
licensing; 2411

Superintendent of financial institutions; 2412

Fire marshal; 2413

Superintendent of labor and worker safety; 2414

Beginning on July 1, 1997, 2415

Superintendent of liquor control; 2416

Superintendent of industrial compliance. 2417

In the department of administrative services: 2418

State architect and engineer; 2419

Equal employment opportunity coordinator. 2420

In the department of agriculture: 2421

Chiefs of divisions as follows: 2422

Administration; 2423

Animal industry; 2424

Dairy;	2425
Food safety;	2426
Plant industry;	2427
Markets;	2428
Meat inspection;	2429
Consumer analytical laboratory;	2430
Amusement ride safety;	2431
Enforcement;	2432
Weights and measures.	2433
In the department of natural resources:	2434
Chiefs of divisions as follows:	2435
Water;	2436
Mineral resources management;	2437
Forestry;	2438
Natural areas and preserves;	2439
Wildlife;	2440
Geological survey;	2441
Parks and recreation;	2442
Watercraft;	2443
Recycling and litter prevention;	2444
<del>Civilian conservation;</del>	2445
Soil and water conservation;	2446
Real estate and land management;	2447
Engineering.	2448
In the department of insurance:	2449
Deputy superintendent of insurance;	2450
Assistant superintendent of insurance, technical;	2451
Assistant superintendent of insurance, administrative;	2452
Assistant superintendent of insurance, research.	2453
<b>Sec. 121.08.</b> (A) There is hereby created in the department of	2454
commerce the position of deputy director of administration. This	2455

officer shall be appointed by the director of commerce, serve 2456  
under the director's direction, supervision, and control, perform 2457  
such duties as the director prescribes, and hold office during the 2458  
director's pleasure. The director of commerce may designate an 2459  
assistant director of commerce to serve as the deputy director of 2460  
administration. The deputy director of administration shall 2461  
perform such duties as are prescribed by the director of commerce 2462  
in supervising the activities of the division of administration of 2463  
the department of commerce. 2464

(B) Except as provided in section 121.07 of the Revised Code, 2465  
the department of commerce shall have all powers and perform all 2466  
duties vested in the deputy director of administration, the state 2467  
fire marshal, the superintendent of financial institutions, the 2468  
superintendent of real estate and professional licensing, the 2469  
superintendent of liquor control, the superintendent of the 2470  
division of industrial compliance, the superintendent of labor and 2471  
worker safety, and the commissioner of securities, and shall have 2472  
all powers and perform all duties vested by law in all officers, 2473  
deputies, and employees of such offices. Except as provided in 2474  
section 121.07 of the Revised Code, wherever powers are conferred 2475  
or duties imposed upon any of such officers, such powers and 2476  
duties shall be construed as vested in the department of commerce. 2477

(C)(1) There is hereby created in the department of commerce 2478  
a division of financial institutions, which shall have all powers 2479  
and perform all duties vested by law in the superintendent of 2480  
financial institutions. Wherever powers are conferred or duties 2481  
imposed upon the superintendent of financial institutions, such 2482  
powers and duties shall be construed as vested in the division of 2483  
financial institutions. The division of financial institutions 2484  
shall be administered by a superintendent of financial 2485  
institutions. 2486

(2) All provisions of law governing the superintendent of 2487

financial institutions shall apply to and govern the 2488  
superintendent of financial institutions provided for in this 2489  
section; all authority vested by law in the superintendent of 2490  
financial institutions with respect to the management of the 2491  
division of financial institutions shall be construed as vested in 2492  
the superintendent of financial institutions created by this 2493  
section with respect to the division of financial institutions 2494  
provided for in this section; and all rights, privileges, and 2495  
emoluments conferred by law upon the superintendent of financial 2496  
institutions shall be construed as conferred upon the 2497  
superintendent of financial institutions as head of the division 2498  
of financial institutions. The director of commerce shall not 2499  
transfer from the division of financial institutions any of the 2500  
functions specified in division (C)(2) of this section. 2501

(D) Beginning on July 1, 1997, there is hereby created in the 2502  
department of commerce a division of liquor control, which shall 2503  
have all powers and perform all duties vested by law in the 2504  
superintendent of liquor control. Wherever powers are conferred or 2505  
duties are imposed upon the superintendent of liquor control, 2506  
those powers and duties shall be construed as vested in the 2507  
division of liquor control. The division of liquor control shall 2508  
be administered by a superintendent of liquor control. 2509

(E) The director of commerce shall not be interested, 2510  
directly or indirectly, in any firm or corporation which is a 2511  
dealer in securities as defined in sections 1707.01 and 1707.14 of 2512  
the Revised Code, or in any firm or corporation licensed under 2513  
sections 1321.01 to 1321.19 of the Revised Code. 2514

(F) The director of commerce shall not have any official 2515  
connection with a savings and loan association, a savings bank, a 2516  
bank, a bank holding company, a savings and loan association 2517  
holding company, a consumer finance company, or a credit union 2518  
that is under the supervision of the division of financial 2519

institutions, or a subsidiary of any of the preceding entities, or 2520  
be interested in the business thereof. 2521

(G) There is hereby created in the state treasury the 2522  
division of administration fund. The fund shall receive 2523  
assessments on the operating funds of the department of commerce 2524  
in accordance with procedures prescribed by the director of 2525  
commerce and approved by the director of budget and management. 2526  
All operating expenses of the division of administration shall be 2527  
paid from the division of administration fund. 2528

(H) There is hereby created in the department of commerce a 2529  
division of real estate and professional licensing, which shall be 2530  
under the control and supervision of the director of commerce. The 2531  
division of real estate and professional licensing shall be 2532  
administered by a superintendent of real estate and professional 2533  
licensing. The superintendent of real estate and professional 2534  
licensing shall exercise the powers and perform the functions and 2535  
duties delegated to the superintendent under Chapters ~~4707.~~ 2536  
~~4735., 4749., 4763., and 4767.~~ of the Revised Code. 2537

(I) There is hereby created in the department of commerce a 2538  
division of labor and worker safety, which shall have all powers 2539  
and perform all duties vested by law in the superintendent of 2540  
labor and worker safety. Wherever powers are conferred or duties 2541  
imposed upon the superintendent of labor and worker safety, such 2542  
powers and duties shall be construed as vested in the division of 2543  
labor and worker safety. The division of labor and worker safety 2544  
is under the control and supervision of the director of commerce, 2545  
and administered by a superintendent of labor and worker safety. 2546  
The superintendent of labor and worker safety shall exercise the 2547  
powers and perform the duties delegated to the superintendent by 2548  
the director under Chapters ~~4709.~~ 4109., ~~4711.~~ 4111., ~~4715.~~ 4115., 2549  
and ~~4767.~~ 4167. of the Revised Code. 2550

**Sec. 121.084.** (A) All moneys collected under sections 2551  
~~1333.96,~~ 3783.05, 3791.07, 4104.07, 4104.18, ~~4104.42,~~ 4104.44, 2552  
~~4104.45,~~ 4105.17, 4105.20, 4169.03, 4171.04, and 5104.051 of the 2553  
Revised Code, and any other moneys collected by the division of 2554  
industrial compliance shall be paid into the state treasury to the 2555  
credit of the industrial compliance operating fund, which is 2556  
hereby created. The department of commerce shall use the moneys in 2557  
the fund for paying the operating expenses of the division and the 2558  
administrative assessment described in division (B) of this 2559  
section. 2560

(B) The director of commerce, with the approval of the 2561  
director of budget and management, shall prescribe procedures for 2562  
assessing the industrial compliance operating fund a proportionate 2563  
share of the administrative costs of the department of commerce. 2564  
The assessment shall be made in accordance with those procedures 2565  
and be paid from the industrial compliance operating fund to the 2566  
division of administration fund created in section 121.08 of the 2567  
Revised Code. 2568

**Sec. 121.36.** (A) As used in this section, "home care 2569  
dependent adult" means an individual who resides in a private home 2570  
or other noninstitutional and unlicensed living arrangement, 2571  
without the presence of a parent or guardian, but has health and 2572  
safety needs that require the provision of regularly scheduled 2573  
home care services to remain in the home or other living 2574  
arrangement because one of the following is the case: 2575

(1) The individual is at least twenty-one years of age but 2576  
less than sixty years of age and has a physical disability or 2577  
mental impairment. 2578

(2) The individual is sixty years of age or older, regardless 2579  
of whether the individual has a physical disability or mental 2580

impairment. 2581

(B) Except as provided in division (D) of this section, the 2582  
departments of mental retardation and developmental disabilities, 2583  
aging, job and family services, and health shall each implement 2584  
this section with respect to all contracts entered into by the 2585  
department for the provision of home care services to home care 2586  
dependent adults that are paid for in whole or in part with 2587  
federal, state, or local funds. Except as provided in division (D) 2588  
of this section, each department shall also require all public and 2589  
private entities that receive money from or through the department 2590  
to comply with this section when entering into contracts for the 2591  
provision of home care services to home care dependent adults that 2592  
are paid for in whole or in part with federal, state, or local 2593  
funds. Such entities may include county boards of mental 2594  
retardation and developmental disabilities, area agencies on 2595  
aging, county departments of job and family services, and boards 2596  
of health of city and general health districts. 2597

(C) Beginning one year after the effective date of this 2598  
section, each contract subject to this section shall include terms 2599  
requiring that the provider of home care services to home care 2600  
dependent adults have a system in place that effectively monitors 2601  
the delivery of the services by its employees. To be considered an 2602  
effective monitoring system for purposes of the contract, the 2603  
system established by a provider must include at least the 2604  
following components: 2605

(1) When providing home care services to home care dependent 2606  
adults who have a mental impairment or life-threatening health 2607  
condition, a mechanism to verify whether the provider's employees 2608  
are present at the location where the services are to be provided 2609  
and at the time the services are to be provided; 2610

(2) When providing home care services to all other home care 2611  
dependent adults, a system to verify at the end of each working 2612

day whether the provider's employees have provided the services at 2613  
the proper location and time; 2614

(3) A protocol to be followed in scheduling a substitute 2615  
employee when the monitoring system identifies that an employee 2616  
has failed to provide home care services at the proper location 2617  
and time, including standards for determining the length of time 2618  
that may elapse without jeopardizing the health and safety of the 2619  
home care dependent adult; 2620

(4) Procedures for maintaining records of the information 2621  
obtained through the monitoring system; 2622

(5) Procedures for compiling annual reports of the 2623  
information obtained through the monitoring system, including 2624  
statistics on the rate at which home care services were provided 2625  
at the proper location and time; 2626

(6) Procedures for conducting random checks of the accuracy 2627  
of the monitoring system. For purposes of conducting these checks, 2628  
a random check is considered to be a check of not more than five 2629  
per cent of the home care visits the provider's employees make to 2630  
different home care dependent adults within a particular work 2631  
shift. 2632

(D) In implementing this section, the departments shall 2633  
exempt providers of home care services who are self-employed 2634  
providers with no other employees or are otherwise considered by 2635  
the departments not to be agency providers. The departments shall 2636  
conduct a study on how the exempted providers may be made subject 2637  
to the requirement of effectively monitoring whether home care 2638  
services are being provided and have been provided at the proper 2639  
location and time. Not later than two years after the effective 2640  
date of this section, the departments shall prepare a report of 2641  
their findings and recommendations. The report shall be submitted 2642  
to the president of the senate and the speaker of the house of 2643

representatives. 2644

(E) The departments of mental retardation and developmental 2645  
disabilities, aging, job and family services, and health shall 2646  
each adopt rules as necessary to implement this section. The rules 2647  
shall be adopted in accordance with Chapter 119. of the Revised 2648  
Code. 2649

**Sec. 121.41.** As used in sections 121.41 to 121.50 of the 2650  
Revised Code: 2651

(A) "Appropriate ethics commission" has the same meaning as 2652  
in section 102.01 of the Revised Code. 2653

(B) "Appropriate licensing agency" means a public or private 2654  
entity that is responsible for licensing, certifying, or 2655  
registering persons who are engaged in a particular vocation. 2656

(C) "Person" has the same meaning as in section 1.59 of the 2657  
Revised Code and also includes any officer or employee of the 2658  
state or any political subdivision of the state. 2659

(D)(1) "State agency" has the same meaning as in section 1.60 2660  
of the Revised Code ~~but~~ and also includes any of the following: 2661

(a) The Ohio retirement study council; 2662

(b) The public employees retirement system, state teachers 2663  
retirement system, school employees retirement system, Ohio police 2664  
and fire pension fund, and state highway patrol retirement system; 2665

(c) The Ohio historical society. 2666

(2) "State agency" does not include any of the following: 2667

~~(1)~~(a) The general assembly; 2668

~~(2)~~(b) Any court; 2669

~~(3)~~(c) The secretary of state, auditor of state, treasurer of 2670  
state, or attorney general and their respective offices; 2671

(d) Any member of the Ohio retirement study council, of the 2672  
board of trustees of the Ohio police and fire pension fund, or of 2673  
the retirement board of the public employees retirement system, 2674  
the state teachers retirement system, the school employees 2675  
retirement system, or the state highway patrol retirement system 2676  
who is under the jurisdiction of the joint legislative ethics 2677  
committee or the board of commissioners on grievances and 2678  
discipline of the supreme court. 2679

(E) "State employee" means any person who is an employee of a 2680  
state agency or any person who does business with the state. 2681

(F) "State officer" means any person who is elected or 2682  
appointed to a public office in a state agency. 2683

(G) "Wrongful act or omission" means an act or omission, 2684  
committed in the course of office holding or employment, that is 2685  
not in accordance with the requirements of law or ~~such the~~ 2686  
standards of proper governmental conduct ~~as that~~ are commonly 2687  
accepted in the community and thereby subverts, or tends to 2688  
subvert, the process of government. 2689

**Sec. 121.48.** There is hereby created the office of the 2690  
inspector general, to be headed by the inspector general. 2691

The governor shall appoint the inspector general, subject to 2692  
section 121.49 of the Revised Code and the advice and consent of 2693  
the senate. The inspector general shall hold office for a term 2694  
coinciding with the term of the appointing governor. The governor 2695  
may remove the inspector general from office only after delivering 2696  
written notice to the inspector general of the reasons for which 2697  
~~he~~ the governor intends to remove ~~him~~ the inspector general from 2698  
office and providing ~~him~~ the inspector general with an opportunity 2699  
to appear and show cause why ~~he~~ the inspector general should not 2700  
be removed. 2701

In addition to the duties imposed by section 121.42 of the Revised Code, the inspector general shall manage the office of the inspector general. The inspector general shall establish and maintain offices in Columbus.

The inspector general may appoint one or more deputy inspectors general. Each deputy inspector general shall serve for a term coinciding with the term of the appointing inspector general, and shall perform ~~such~~ the duties, including the performance of investigations, ~~as~~ that are assigned by the inspector general. All deputy inspectors general are in the unclassified service and serve at the pleasure of the inspector general.

In addition to deputy inspectors general, the inspector general may appoint ~~such~~ professional, technical, and clerical employees ~~as~~ that are necessary for the effective and efficient operation of the office of the inspector general. All professional, technical, and clerical employees of the office of the inspector general are in the unclassified service and serve at the pleasure of the appointing inspector general.

The inspector general may enter into any contracts that are necessary to the operation of the office of the inspector general. The contracts may include, but are not limited to, contracts for the services of persons who are experts in a particular field and whose expertise is necessary to the successful completion of an investigation.

The inspector general may accept from private parties, state agencies, or other entities reimbursement of the costs of investigations by the inspector general that result in judicial or administrative proceedings against the parties, agencies, or entities.

Not later than the first day of March in each year, the

inspector general shall publish an annual report summarizing the 2733  
activities of ~~his~~ the inspector general's office during the 2734  
previous calendar year. The annual report shall not disclose the 2735  
results of any investigation insofar as the results are designated 2736  
as confidential under section 121.44 of the Revised Code. 2737

The inspector general shall provide copies of ~~his~~ the 2738  
inspector general's annual report to the governor and the general 2739  
assembly. The inspector general also shall provide a copy of ~~his~~ 2740  
the annual report to any other person who requests the copy and 2741  
pays a fee prescribed by the inspector general. The fee shall not 2742  
exceed the cost of reproducing and delivering the annual report. 2743

**Sec. 121.62.** (A) Each executive agency lobbyist and each 2744  
employer shall file with the joint legislative ethics committee, 2745  
within ten days following the engagement of an executive agency 2746  
lobbyist, an initial registration statement showing all of the 2747  
following: 2748

(1) The name, business address, and occupation of the 2749  
executive agency lobbyist; 2750

(2) The name and business address of the employer or of the 2751  
real party in interest on whose behalf the executive agency 2752  
lobbyist is acting, if it is different from the employer. For the 2753  
purposes of division (A) of this section, where a trade 2754  
association or other charitable or fraternal organization that is 2755  
exempt from federal income taxation under subsection 501(c) of the 2756  
federal Internal Revenue Code is the employer, the statement need 2757  
not list the names and addresses of every member of the 2758  
association or organization, so long as the association or 2759  
organization itself is listed. 2760

(3) A brief description of the executive agency decision to 2761  
which the engagement relates; 2762

(4) The name of the executive agency or agencies to which the engagement relates. 2763  
2764

(B) In addition to the initial registration statement 2765  
required by division (A) of this section, each executive agency 2766  
lobbyist and employer shall file with the joint committee, not 2767  
later than the last day of January, May, and September of each 2768  
year, an updated registration statement that confirms the 2769  
continuing existence of each engagement described in an initial 2770  
registration statement and that lists the specific executive 2771  
agency decisions that the lobbyist sought to influence under the 2772  
engagement during the period covered by the updated statement, and 2773  
with it any statement of expenditures required to be filed by 2774  
section 121.63 of the Revised Code and any details of financial 2775  
transactions required to be filed by section 121.64 of the Revised 2776  
Code. 2777

(C) If an executive agency lobbyist is engaged by more than 2778  
one employer, the lobbyist shall file a separate initial and 2779  
updated registration statement for each engagement. If an employer 2780  
engages more than one executive agency lobbyist, the employer need 2781  
file only one updated registration statement under division (B) of 2782  
this section, which shall contain the information required by 2783  
division (B) of this section regarding all of the executive agency 2784  
lobbyists engaged by the employer. 2785

(D)(1) A change in any information required by division 2786  
(A)(1), (2), or (B) of this section shall be reflected in the next 2787  
updated registration statement filed under division (B) of this 2788  
section. 2789

(2) Within thirty days following the termination of an 2790  
engagement, the executive agency lobbyist who was employed under 2791  
the engagement shall send written notification of the termination 2792  
to the joint committee. 2793

(E) A registration fee of ~~ten~~ twenty-five dollars shall be 2794  
charged for filing an initial registration statement. All money 2795  
collected from this fee shall be deposited into the ~~state treasury~~ 2796  
~~to the credit of the joint legislative ethics committee fund~~ 2797  
~~created under section 101.34 of the Revised Code~~ general revenue 2798  
fund of the state. 2799

(F) Upon registration pursuant to this section, an executive 2800  
agency lobbyist shall be issued a card by the joint committee 2801  
showing that the lobbyist is registered. The registration card and 2802  
the executive agency lobbyist's registration shall be valid from 2803  
the date of their issuance until the thirty-first day of January 2804  
of the year following the year in which the initial registration 2805  
was filed. 2806

(G) The executive director of the joint committee shall be 2807  
responsible for reviewing each registration statement filed with 2808  
the joint committee under this section and for determining whether 2809  
the statement contains all of the required information. If the 2810  
joint committee determines that the registration statement does 2811  
not contain all of the required information or that an executive 2812  
agency lobbyist or employer has failed to file a registration 2813  
statement, the joint committee shall send written notification by 2814  
certified mail to the person who filed the registration statement 2815  
regarding the deficiency in the statement or to the person who 2816  
failed to file the registration statement regarding the failure. 2817  
Any person so notified by the joint committee shall, not later 2818  
than fifteen days after receiving the notice, file a registration 2819  
statement or an amended registration statement that contains all 2820  
of the required information. If any person who receives a notice 2821  
under this division fails to file a registration statement or such 2822  
an amended registration statement within this fifteen-day period, 2823  
the joint committee shall ~~notify the attorney general, who may~~ 2824  
~~take appropriate action as authorized by section 121.69 of the~~ 2825

~~Revised Code assess a late filing fee equal to twelve dollars and  
fifty cents per day, up to a maximum fee of one hundred dollars,  
upon that person. The joint committee may waive the late filing  
fee for good cause shown.~~

~~If the joint committee notifies the attorney general pursuant  
to this division, the joint committee shall also notify each  
elected executive official and the director of each department  
created under section 121.02 of the Revised Code of the pending  
investigation.~~

(H) On or before the fifteenth day of March of each year, the  
joint committee shall, in the manner and form that it determines,  
publish a report containing statistical information on the  
registration statements filed with it under this section during  
the preceding year.

(I) If an employer who engages an executive agency lobbyist  
is the recipient of a contract, grant, lease, or other financial  
arrangement pursuant to which funds of the state or of an  
executive agency are distributed or allocated, the executive  
agency or any aggrieved party may consider the failure of the  
employer or the executive agency lobbyist to comply with this  
section as a breach of a material condition of the contract,  
grant, lease, or other financial arrangement.

(J) Executive agency officials may require certification from  
any person seeking the award of a contract, grant, lease, or  
financial arrangement that the person and ~~his~~ the person's  
employer are in compliance with this section.

**Sec. 122.011.** (A) The department of development shall develop  
and promote plans and programs designed to assure that state  
resources are efficiently used, economic growth is properly  
balanced, community growth is developed in an orderly manner, and  
local governments are coordinated with each other and the state,

- and for such purposes may do all of the following: 2857
- (1) Serve as a clearinghouse for information, data, and other 2858  
materials that may be helpful or necessary to persons or local 2859  
governments, as provided in section 122.07 of the Revised Code; 2860
- (2) Prepare and activate plans for the retention, 2861  
development, expansion, and use of the resources and commerce of 2862  
the state, as provided in section 122.04 of the Revised Code; 2863
- (3) Assist and cooperate with federal, state, and local 2864  
governments and agencies of federal, state, and local governments 2865  
in the coordination of programs to carry out the functions and 2866  
duties of the department; 2867
- (4) Encourage and foster research and development activities, 2868  
conduct studies related to the solution of community problems, and 2869  
develop recommendations for administrative or legislative actions, 2870  
as provided in section 122.03 of the Revised Code; 2871
- (5) Serve as the economic and community development planning 2872  
agency, which shall prepare and recommend plans and programs for 2873  
the orderly growth and development of this state and which shall 2874  
provide planning assistance, as provided in section 122.06 of the 2875  
Revised Code; 2876
- (6) Cooperate with and provide technical assistance to state 2877  
departments, political subdivisions, regional and local planning 2878  
commissions, tourist associations, councils of government, 2879  
community development groups, community action agencies, and other 2880  
appropriate organizations for carrying out the functions and 2881  
duties of the department or for the solution of community 2882  
problems; 2883
- (7) Coordinate the activities of state agencies that have an 2884  
impact on carrying out the functions and duties of the department; 2885
- (8) Encourage and assist the efforts of and cooperate with 2886

local governments to develop mutual and cooperative solutions to	2887
their common problems that relate to carrying out the purposes of	2888
this section;	2889
(9) Study existing structure, operations, and financing of	2890
regional or local government and those state activities that	2891
involve significant relations with regional or local governmental	2892
units, recommend to the governor and to the general assembly such	2893
changes in these provisions and activities as will improve the	2894
operations of regional or local government, and conduct other	2895
studies of legal provisions that affect problems related to	2896
carrying out the purposes of this section;	2897
(10) Appoint, with the approval of the governor, technical	2898
and other advisory councils as it considers appropriate, as	2899
provided in section 122.09 of the Revised Code;	2900
(11) Create and operate a division of community development	2901
to develop and administer programs and activities that are	2902
authorized by federal statute or the Revised Code;	2903
(12) Until <del>July 1, 2003</del> <u>October 15, 2005</u> , establish fees and	2904
charges, in consultation with the director of agriculture, for	2905
purchasing loans from financial institutions and providing loan	2906
guarantees under the family farm loan program created under	2907
sections 901.80 to 901.83 of the Revised Code;	2908
(13) Provide loan servicing for the loans purchased and loan	2909
guarantees provided under section 901.80 of the Revised Code as	2910
that section existed prior to <del>July 1, 2003</del> <u>October 15, 2005</u> ;	2911
(14) Until <del>July 1, 2003</del> <u>October 15, 2005</u> , and upon approval	2912
by the controlling board under division (A)(3) of section 901.82	2913
of the Revised Code of the release of money to be used for	2914
purchasing a loan or providing a loan guarantee, request the	2915
release of that money in accordance with division (B) of section	2916
166.03 of the Revised Code for use for the purposes of the fund	2917

created by section 166.031 of the Revised Code. 2918

(B) The director of development may request the attorney 2919  
general to, and the attorney general, in accordance with section 2920  
109.02 of the Revised Code, shall bring a civil action in any 2921  
court of competent jurisdiction. The director may be sued in the 2922  
director's official capacity, in connection with this chapter, in 2923  
accordance with Chapter 2743. of the Revised Code. 2924

**Sec. 122.04.** The department of development shall do the 2925  
following: 2926

(A) Maintain a continuing evaluation of the sources available 2927  
for the retention, development, or expansion of industrial and 2928  
commercial facilities in this state through both public and 2929  
private agencies; 2930

(B) Assist public and private agencies in obtaining 2931  
information necessary to evaluate the desirability of the 2932  
retention, construction, or expansion of industrial and commercial 2933  
facilities in the state; 2934

(C) Facilitate contracts between community improvement 2935  
corporations organized under Chapter 1724. of the Revised Code or 2936  
Ohio development corporations organized under Chapter 1726. of the 2937  
Revised Code and industrial and commercial concerns seeking to 2938  
locate or expand in ~~Ohio~~ the state; 2939

(D) Upon request, consult with public agencies or authorities 2940  
in the preparation of studies of human and economic needs or 2941  
advantages relating to economic and community development; 2942

(E) Encourage, promote, and assist trade and commerce between 2943  
this state and foreign nations; 2944

(F) Promote and encourage persons to visit and travel within 2945  
this state; 2946

(G) Maintain membership in the national association of state 2947

development agencies;	2948
(H) Assist in the development of facilities and technologies that will lead to increased, environmentally sound use of Ohio coal;	2949 2950 2951
<u>(I) Promote economic growth in the state.</u>	2952
<u>Sec. 122.041. The director of development shall do all of the following with regard to the encouraging diversity, growth, and equity program created under section 123.152 of the Revised Code:</u>	2953 2954 2955 2956
<u>(A) Conduct outreach, marketing, and recruitment of EDGE business enterprises, as defined in that section;</u>	2957 2958
<u>(B) Provide assistance to the department of administrative services, as needed, to certify new EDGE business enterprises and to train appropriate state agency staff;</u>	2959 2960 2961
<u>(C) Provide business development services to EDGE business enterprises in the developmental and transitional stages of the program, including financial and bonding assistance and management and technical assistance;</u>	2962 2963 2964 2965
<u>(D) Develop a mentor program to bring businesses into a working relationship with EDGE business enterprises in a way that commercially benefits both entities and serves the purpose of the EDGE program;</u>	2966 2967 2968 2969
<u>(E) Not later than December 31, 2003, prepare and submit to the governor a detailed report outlining and evaluating the progress made in implementing the encouraging diversity, growth, and equity program;</u>	2970 2971 2972 2973
<u>(F) Establish processes by which an EDGE business enterprise may apply for contract assistance, financial and bonding assistance, management and technical assistance, and mentoring opportunities.</u>	2974 2975 2976 2977

Sec. 122.08. (A) There is hereby created within the 2978  
department of development an office to be known as the office of 2979  
small business. The office shall be under the supervision of a 2980  
manager appointed by the director of development. 2981

(B) The office shall do all of the following: 2982

(1) Act as liaison between the small business community and 2983  
state governmental agencies; 2984

(2) Furnish information and technical assistance to persons 2985  
and small businesses concerning the establishment and maintenance 2986  
of a small business, and concerning state laws and rules relevant 2987  
to the operation of a small business. In conjunction with these 2988  
duties, the office shall keep a record of all state agency rules 2989  
affecting individuals, small businesses, or small organizations, 2990  
as defined in section 121.24 of the Revised Code, and may testify 2991  
before the joint committee on agency rule review concerning any 2992  
proposed rule affecting individuals, small businesses, or small 2993  
organizations. 2994

(3) Prepare and publish the small business register under 2995  
section 122.081 of the Revised Code; 2996

(4) Receive complaints from small businesses concerning 2997  
governmental activity, compile and analyze those complaints, and 2998  
periodically make recommendations to the governor and the general 2999  
assembly on changes in state laws or agency rules needed to 3000  
eliminate burdensome and unproductive governmental regulation to 3001  
improve the economic climate within which small businesses 3002  
operate; 3003

(5) Receive complaints or questions from small businesses and 3004  
direct ~~such~~ those businesses to the appropriate governmental 3005  
agency. If, within a reasonable period of time, a complaint is not 3006  
satisfactorily resolved or a question is not satisfactorily 3007

answered, the office shall, on behalf of the small business, make 3008  
every effort to secure a satisfactory result. For this purpose, 3009  
the office may consult with any state governmental agency and may 3010  
make any suggestion or request that seems appropriate. 3011

(6) Utilize, to the maximum extent possible, the printed and 3012  
electronic media to disseminate information of current concern and 3013  
interest to the small business community and to make known to 3014  
small businesses the services available through the office. The 3015  
office shall publish such books, pamphlets, and other printed 3016  
materials, and shall participate in such trade association 3017  
meetings, conventions, fairs, and other meetings involving the 3018  
small business community, as the manager considers appropriate. 3019

(7) Prepare for inclusion in the department of development's 3020  
annual report to the governor and general assembly, a description 3021  
of the activities of the office and a report of the number of 3022  
rules affecting individuals, small businesses, and small 3023  
organizations that were filed with the office under division 3024  
(B)(2) of section 121.24 of the Revised Code, during the preceding 3025  
calendar year; 3026

(8) Operate the Ohio ~~one stop business permit center~~ 3027  
first-stop business connection to assist individuals in 3028  
identifying and preparing applications for business licenses, 3029  
permits, and certificates and to serve as the central public 3030  
distributor for all forms, applications, and other information 3031  
related to business licensing. Each state agency, board, and 3032  
commission shall cooperate in providing assistance, information, 3033  
and materials to enable the ~~center~~ connection to perform its 3034  
duties under this division ~~(B)(8) of this section.~~ 3035

(C) The office ~~of small business~~ may, upon the request of a 3036  
state agency, assist the agency with the preparation of any rule 3037  
that will affect individuals, small businesses, or small 3038  
organizations. 3039

(D) The director of development shall assign ~~such~~ employees 3040  
and furnish ~~such~~ equipment and supplies to the office as the 3041  
director considers necessary for the proper performance of the 3042  
duties assigned to the office. 3043

**Sec. 122.17.** (A) As used in this section: 3044

(1) "Full-time employee" means an individual who is employed 3045  
for consideration for at least thirty-five hours a week, or who 3046  
renders any other standard of service generally accepted by custom 3047  
or specified by contract as full-time employment. 3048

(2) "New employee" means one of the following: 3049

(a) A full-time employee first employed by a taxpayer in the 3050  
project that is the subject of the agreement after the taxpayer 3051  
enters into a tax credit agreement with the tax credit authority 3052  
under this section; 3053

(b) A full-time employee first employed by a taxpayer in the 3054  
project that is the subject of the tax credit after the tax credit 3055  
authority approves a project for a tax credit under this section 3056  
in a public meeting, as long as the taxpayer enters into the tax 3057  
credit agreement prepared by the department of development after 3058  
such meeting within sixty days after receiving the agreement from 3059  
the department. If the taxpayer fails to enter into the agreement 3060  
within sixty days, "new employee" has the same meaning as under 3061  
division (A)(2)(a) of this section. 3062

Under division (A)(2)(a) or (b) of this section, if the tax 3063  
credit authority determines it appropriate, "new employee" also 3064  
may include an employee re-hired or called back from lay-off to 3065  
work in a new facility or on a new product or service established 3066  
or produced by the taxpayer after entering into the agreement 3067  
under this section or after the tax credit authority approves the 3068  
tax credit in a public meeting. "New employee" does not include 3069

any employee of the taxpayer who was previously employed in this 3070  
state by a related member of the taxpayer and whose employment was 3071  
shifted to the taxpayer after the taxpayer entered into the tax 3072  
credit agreement or after the tax credit authority approved the 3073  
credit in a public meeting, or any employee of the taxpayer for 3074  
which the taxpayer has been granted a certificate under division 3075  
(B) of section 5709.66 of the Revised Code. "New employee" also 3076  
does not include an employee of the taxpayer who is employed in an 3077  
employment position that was relocated to a project from other 3078  
operations of the taxpayer in this state or from operations of a 3079  
related member of the taxpayer in this state. In addition, "new 3080  
employee" does not include a child, grandchild, parent, or spouse, 3081  
other than a spouse who is legally separated from the individual, 3082  
of any individual who is an employee of the taxpayer and who has a 3083  
direct or indirect ownership interest of at least five per cent in 3084  
the profits, capital, or value of the taxpayer. Such ownership 3085  
interest shall be determined in accordance with section 1563 of 3086  
the Internal Revenue Code and regulations prescribed thereunder. 3087

(3) "New income tax revenue" means the total amount withheld 3088  
under section 5747.06 of the Revised Code by the taxpayer during 3089  
the taxable year from the compensation of new employees for the 3090  
tax levied under Chapter 5747. of the Revised Code. 3091

(4) "Related member" has the same meaning as under division 3092  
(A)(6) of section 5733.042 of the Revised Code without regard to 3093  
division (B) of that section. 3094

(B) The tax credit authority may make grants under this 3095  
section to foster job creation in this state. Such a grant shall 3096  
take the form of a refundable credit allowed against the tax 3097  
imposed by section 5733.06 or 5747.02 of the Revised Code. The 3098  
credit shall be claimed for the taxable years specified in the 3099  
taxpayer's agreement with the tax credit authority under division 3100  
(D) of this section. The credit shall be claimed after the 3101

allowance of all other credits provided by Chapter 5733. or 5747. 3102  
of the Revised Code. The amount of the credit equals the new 3103  
income tax revenue for the taxable year multiplied by the 3104  
percentage specified in the agreement with the tax credit 3105  
authority. 3106

(C) A taxpayer or potential taxpayer who proposes a project 3107  
to create new jobs in this state may apply to the tax credit 3108  
authority to enter into an agreement for a tax credit under this 3109  
section. The director of development shall prescribe the form of 3110  
the application. After receipt of an application, the authority 3111  
may enter into an agreement with the taxpayer for a credit under 3112  
this section if it determines all of the following: 3113

(1) The taxpayer's project will create new jobs in this 3114  
state; 3115

(2) The taxpayer's project is economically sound and will 3116  
benefit the people of this state by increasing opportunities for 3117  
employment and strengthening the economy of this state; 3118

(3) Receiving the tax credit is a major factor in the 3119  
taxpayer's decision to go forward with the project. 3120

(D) An agreement under this section shall include all of the 3121  
following: 3122

(1) A detailed description of the project that is the subject 3123  
of the agreement; 3124

(2) The term of the tax credit, which shall not exceed ~~ten~~ 3125  
fifteen years, and the first taxable year for which the credit may 3126  
be claimed; 3127

(3) A requirement that the taxpayer shall maintain operations 3128  
at the project location for at least twice the number of years as 3129  
the term of the tax credit; 3130

(4) The percentage, as determined by the tax credit 3131

authority, of new income tax revenue that will be allowed as the 3132  
amount of the credit for each taxable year; 3133

(5) A specific method for determining how many new employees 3134  
are employed during a taxable year; 3135

(6) A requirement that the taxpayer annually shall report to 3136  
the director of development the number of new employees, the new 3137  
income tax revenue withheld in connection with the new employees, 3138  
and any other information the director needs to perform ~~his~~ the 3139  
director's duties under this section; 3140

(7) A requirement that the director of development annually 3141  
shall verify the amounts reported under division (D)(6) of this 3142  
section, and after doing so shall issue a certificate to the 3143  
taxpayer stating that the amounts have been verified; 3144

(8)(a) A provision requiring that the taxpayer, except as 3145  
otherwise provided in division (D)(8)(b) of this section, shall 3146  
not relocate employment positions from elsewhere in this state to 3147  
the project site that is the subject of the agreement for the 3148  
lesser of five years from the date the agreement is entered into 3149  
or the number of years the taxpayer is entitled to claim the tax 3150  
credit. 3151

(b) The taxpayer may relocate employment positions from 3152  
elsewhere in this state to the project site that is the subject of 3153  
the agreement if the director of development determines both of 3154  
the following: 3155

(i) That the site from which the employment positions would 3156  
be relocated is inadequate to meet market and industry conditions, 3157  
expansion plans, consolidation plans, or other business 3158  
considerations affecting the taxpayer; 3159

(ii) That the legislative authority of the county, township, 3160  
or municipal corporation from which the employment positions would 3161  
be relocated has been notified of the relocation. 3162

For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position, but the transfer of an individual employee from one political subdivision to another political subdivision shall not be considered a relocation of an employment position as long as the individual's employment position in the first political subdivision is refilled.

(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term shall take effect in the taxable year immediately following the taxable year in which the authority amends the agreement. If the taxpayer relocates employment positions in violation of the provision required under division (D)(8)(a) of this section, the taxpayer shall not claim the tax credit under section 5733.0610 of the Revised Code for any tax years following the calendar year in which the relocation occurs, or shall not claim the tax credit under section 5747.058 of the Revised Code for the taxable year in which the relocation occurs and any subsequent taxable years.

(F) Projects that consist solely of point-of-final-purchase retail facilities are not eligible for a tax credit under this section. If a project consists of both point-of-final-purchase retail facilities and nonretail facilities, only the portion of the project consisting of the nonretail facilities is eligible for a tax credit and only the new income tax revenue from new employees of the nonretail facilities shall be considered when computing the amount of the tax credit. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility is not eligible for a tax credit. Catalog distribution centers are not considered

point-of-final-purchase retail facilities for the purposes of this 3195  
division, and are eligible for tax credits under this section. 3196

(G) Financial statements and other information submitted to 3197  
the department of development or the tax credit authority by an 3198  
applicant or recipient of a tax credit under this section, and any 3199  
information taken for any purpose from such statements or 3200  
information, are not public records subject to section 149.43 of 3201  
the Revised Code. However, the chairperson of the authority may 3202  
make use of the statements and other information for purposes of 3203  
issuing public reports or in connection with court proceedings 3204  
concerning tax credit agreements under this section. Upon the 3205  
request of the tax commissioner, the chairperson of the authority 3206  
shall provide to the commissioner any statement or information 3207  
submitted by an applicant or recipient of a tax credit in 3208  
connection with the credit. The commissioner shall preserve the 3209  
confidentiality of the statement or information. 3210

(H) A taxpayer claiming a credit under this section shall 3211  
submit to the tax commissioner a copy of the director of 3212  
development's certificate of verification under division (D)(7) of 3213  
this section for the taxable year. However, failure to submit a 3214  
copy of the certificate does not invalidate a claim for a credit. 3215

(I) The director of development, after consultation with the 3216  
tax commissioner and in accordance with Chapter 119. of the 3217  
Revised Code, shall adopt rules necessary to implement this 3218  
section. The rules may provide for recipients of tax credits under 3219  
this section to be charged fees to cover administrative costs of 3220  
the tax credit program. At the time the director gives public 3221  
notice under division (A) of section 119.03 of the Revised Code of 3222  
the adoption of the rules, the director shall submit copies of the 3223  
proposed rules to the chairpersons of the standing committees on 3224  
economic development in the senate and the house of 3225  
representatives. 3226

(J) For the purposes of this section, a taxpayer may include 3227  
a partnership, a corporation that has made an election under 3228  
subchapter S of chapter one of subtitle A of the Internal Revenue 3229  
Code, or any other business entity through which income flows as a 3230  
distributive share to its owners. A credit received under this 3231  
section by a partnership, S-corporation, or other such business 3232  
entity shall be apportioned among the persons to whom the income 3233  
or profit of the partnership, S-corporation, or other entity is 3234  
distributed, in the same proportions as those in which the income 3235  
or profit is distributed. 3236

(K) If the director of development determines that a taxpayer 3237  
who has received a credit under this section is not complying with 3238  
the requirement under division (D)(3) of this section, the 3239  
director shall notify the tax credit authority of the 3240  
noncompliance. After receiving such a notice, and after giving the 3241  
taxpayer an opportunity to explain the noncompliance, the tax 3242  
credit authority may require the taxpayer to refund to this state 3243  
a portion of the credit in accordance with the following: 3244

(1) If the taxpayer maintained operations at the project 3245  
location for at least one and one-half times the number of years 3246  
of the term of the tax credit, an amount not exceeding twenty-five 3247  
per cent of the sum of any previously allowed credits under this 3248  
section; 3249

(2) If the taxpayer maintained operations at the project 3250  
location for at least the number of years of the term of the tax 3251  
credit, an amount not exceeding fifty per cent of the sum of any 3252  
previously allowed credits under this section; 3253

(3) If the taxpayer maintained operations at the project 3254  
location for less than the number of years of the term of the tax 3255  
credit, an amount not exceeding one hundred per cent of the sum of 3256  
any previously allowed credits under this section. 3257

In determining the portion of the tax credit to be refunded 3258  
to this state, the tax credit authority shall consider the effect 3259  
of market conditions on the taxpayer's project and whether the 3260  
taxpayer continues to maintain other operations in this state. 3261  
After making the determination, the authority shall certify the 3262  
amount to be refunded to the tax commissioner. The commissioner 3263  
shall make an assessment for that amount against the taxpayer 3264  
under Chapter 5733. or 5747. of the Revised Code. The time 3265  
limitations on assessments under Chapter 5733. or 5747. of the 3266  
Revised Code do not apply to an assessment under this division, 3267  
but the commissioner shall make the assessment within one year 3268  
after the date the authority certifies to the commissioner the 3269  
amount to be refunded. 3270

(L) On or before the thirty-first day of March each year, the 3271  
director of development shall submit a report to the governor, the 3272  
president of the senate, and the speaker of the house of 3273  
representatives on the tax credit program under this section. The 3274  
report shall include information on the number of agreements that 3275  
were entered into under this section during the preceding calendar 3276  
year, a description of the project that is the subject of each 3277  
such agreement, and an update on the status of projects under 3278  
agreements entered into before the preceding calendar year. 3279

During the fifth year of the tax credit program, the director 3280  
of development in conjunction with the director of budget and 3281  
management shall conduct an evaluation of it. The evaluation shall 3282  
include assessments of the effectiveness of the program in 3283  
creating new jobs in this state and of the revenue impact of the 3284  
program, and may include a review of the practices and experiences 3285  
of other states with similar programs. The director of development 3286  
shall submit a report on the evaluation to the governor, the 3287  
president of the senate, and the speaker of the house of 3288  
representatives on or before January 1, 1998. 3289

(M) There is hereby created the tax credit authority, which 3290  
consists of the director of development and four other members 3291  
appointed as follows: the governor, the president of the senate, 3292  
and the speaker of the house of representatives each shall appoint 3293  
one member who shall be a specialist in economic development; the 3294  
governor also shall appoint a member who is a specialist in 3295  
taxation. Of the initial appointees, the members appointed by the 3296  
governor shall serve a term of two years; the members appointed by 3297  
the president of the senate and the speaker of the house of 3298  
representatives shall serve a term of four years. Thereafter, 3299  
terms of office shall be for four years. Initial appointments to 3300  
the authority shall be made within thirty days after January 13, 3301  
1993. Each member shall serve on the authority until the end of 3302  
the term for which the member was appointed. Vacancies shall be 3303  
filled in the same manner provided for original appointments. Any 3304  
member appointed to fill a vacancy occurring prior to the 3305  
expiration of the term for which the member's predecessor was 3306  
appointed shall hold office for the remainder of that term. 3307  
Members may be reappointed to the authority. Members of the 3308  
authority shall receive their necessary and actual expenses while 3309  
engaged in the business of the authority. The director of 3310  
development shall serve as chairperson of the authority, and the 3311  
members annually shall elect a vice-chairperson from among 3312  
themselves. Three members of the authority constitute a quorum to 3313  
transact and vote on the business of the authority. The majority 3314  
vote of the membership of the authority is necessary to approve 3315  
any such business, including the election of the vice-chairperson. 3316

The director of development may appoint a professional 3317  
employee of the department of development to serve as the 3318  
director's substitute at a meeting of the authority. The director 3319  
shall make the appointment in writing. In the absence of the 3320  
director from a meeting of the authority, the appointed substitute 3321  
shall serve as chairperson. In the absence of both the director 3322

and the director's substitute from a meeting, the vice-chairperson 3323  
shall serve as chairperson. 3324

**Sec. 122.171.** (A) As used in this section: 3325

(1) "Capital investment project" means a plan of investment 3326  
at a project site for the acquisition, construction, renovation, 3327  
or repair of buildings, machinery, or equipment, or for 3328  
capitalized costs of basic research and new product development 3329  
determined in accordance with generally accepted accounting 3330  
principles, but does not include any of the following: 3331

(a) Payments made for the acquisition of personal property 3332  
through operating leases; 3333

(b) Project costs paid before January 1, 2002, or after 3334  
December 31, 2006; 3335

(c) Payments made to a related member as defined in section 3336  
5733.042 of the Revised Code. 3337

(2) "Eligible business" means a business with Ohio operations 3338  
satisfying all of the following: 3339

(a) Employed an average of at least one thousand employees in 3340  
full-time employment positions at a project site during each of 3341  
the twelve months preceding the application for a tax credit under 3342  
this section; and 3343

(b) On or after January 1, 2002, has made payments for the 3344  
capital investment project of either of the following: 3345

(i) At least two hundred million dollars in the aggregate at 3346  
the project site during a period of three consecutive calendar 3347  
years including the calendar year that includes a day of the 3348  
taxpayer's taxable year with respect to which the credit is 3349  
granted; 3350

(ii) If the average wage of all full-time employment 3351

positions at the project site is greater than four hundred per 3352  
cent of the federal minimum wage, at least one hundred million 3353  
dollars in the aggregate at the project site during a period of 3354  
three consecutive calendar years including the calendar year that 3355  
includes a day of the taxpayer's taxable year with respect to 3356  
which the credit is granted. 3357

(c) Is engaged at the project site primarily as a 3358  
manufacturer or is providing significant corporate administrative 3359  
functions; 3360

(d) Has had a capital investment project reviewed and 3361  
approved by the tax credit authority as provided in divisions (C), 3362  
(D), and (E) of this section. 3363

(3) "Full-time employment position" means a position of 3364  
employment for consideration for at least thirty-five hours a week 3365  
that has been filled for at least one hundred eighty days 3366  
immediately preceding the filing of an application under this 3367  
section and for at least one hundred eighty days during each 3368  
taxable year with respect to which the credit is granted. 3369

(4) "Manufacturer" has the same meaning as in section 3370  
5739.011 of the Revised Code. 3371

(5) "Project site" means an integrated complex of facilities 3372  
in this state, as specified by the tax credit authority under this 3373  
section, within a fifteen-mile radius where a taxpayer is 3374  
primarily operating as an eligible business. 3375

(6) "Applicable corporation" means a corporation satisfying 3376  
all of the following: 3377

(a)(i) For the entire taxable year immediately preceding the 3378  
tax year, the corporation develops software applications primarily 3379  
to provide telecommunication billing and information services 3380  
through outsourcing or licensing to domestic or international 3381  
customers. 3382

(ii) Sales and licensing of software generated at least six 3383  
hundred million dollars in revenue during the taxable year 3384  
immediately preceding the tax year the corporation is first 3385  
entitled to claim the credit provided under division (B) of this 3386  
section. 3387

(b) For the entire taxable year immediately preceding the tax 3388  
year, the corporation or one or more of its related members 3389  
provides customer or employee care and technical support for 3390  
clients through one or more contact centers within this state, and 3391  
the corporation and its related members together have a daily 3392  
average, based on a three hundred sixty-five day year, of at least 3393  
five hundred thousand successful customer contacts through one or 3394  
more of their contact centers, wherever located. 3395

(c) The corporation is eligible for the credit under division 3396  
(B) of this section for the tax year. 3397

(7) "Related member" has the same meaning as in section 3398  
5733.042 of the Revised Code as that section existed on the 3399  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 3400  
general assembly. 3401

(8) "Successful customer contact" means a contact with an end 3402  
user via telephone, including interactive voice recognition or 3403  
similar means, where the contact culminates in a conversation or 3404  
connection other than a busy signal or equipment busy. 3405

(9) "Telecommunications" means all forms of 3406  
telecommunications service as defined in section 5739.01 of the 3407  
Revised Code, and includes services in wireless, wireline, cable, 3408  
broadband, internet protocol, and satellite. 3409

(10)(a) "Applicable difference" means the difference between 3410  
the tax for the tax year under Chapter 5733. of the Revised Code 3411  
applying the law in effect for that tax year, and the tax for that 3412  
tax year if section 5733.042 of the Revised Code applied as that 3413

section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, subject to division (A)(10)(b) of this section.

(b) If the tax rate set forth in division (B) of section 5733.06 of the Revised Code for the tax year is less than eight and one-half per cent, the tax calculated under division (A)(10)(a) of this section shall be computed by substituting a tax rate of eight and one-half per cent for the rate set forth in division (B) of section 5733.06 of the Revised Code for the tax year.

(c) If the resulting difference is negative, the applicable tax difference for the tax year shall be zero.

(B) The tax credit authority created under section 122.17 of the Revised Code may grant tax credits under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the recommendation of the director of budget and management, tax commissioner, and director of development under division (C) of this section, the tax credit authority may grant to an eligible business a nonrefundable credit against the tax imposed by section 5733.06 or 5747.02 of the Revised Code for a period up to ~~ten~~ fifteen taxable years. The credit shall be in an amount not exceeding seventy-five per cent of the Ohio income tax withheld from the employees of the eligible business occupying full-time employment positions at the project site during the calendar year that includes the last day of such business' taxable year with respect to which the credit is granted. The amount of the credit shall not be based on the Ohio income tax withheld from full-time employees for a calendar year prior to the calendar year in which the minimum investment requirement referred to in division (A)(2)(b) of this section is completed. The credit shall be claimed only for the taxable years specified in the eligible

business' agreement with the tax credit authority under division 3446  
(E) of this section, but in no event shall the credit be claimed 3447  
for a taxable year terminating before the date specified in the 3448  
agreement. 3449

The credit computed under this division is in addition to any 3450  
credit allowed under division (M) of this section. 3451

Any unused portion of a tax credit may be carried forward for 3452  
not more than three additional years after the year for which the 3453  
credit is granted. 3454

(C) A taxpayer that proposes a capital investment project to 3455  
retain jobs in this state may apply to the tax credit authority to 3456  
enter into an agreement for a tax credit under this section. The 3457  
director of development shall prescribe the form of the 3458  
application. After receipt of an application, the authority shall 3459  
forward copies of the application to the director of budget and 3460  
management, the tax commissioner, and the director of development, 3461  
each of whom shall review the application to determine the 3462  
economic impact the proposed project would have on the state and 3463  
the affected political subdivisions and shall submit a summary of 3464  
their determinations and recommendations to the authority. The 3465  
authority shall make no agreements under this section after June 3466  
30, 2007. 3467

(D) Upon review of the determinations and recommendations 3468  
described in division (C) of this section, the tax credit 3469  
authority may enter into an agreement with the taxpayer for a 3470  
credit under this section if the authority determines all of the 3471  
following: 3472

(1) The taxpayer's capital investment project will result in 3473  
the retention of full-time employment positions in this state. 3474

(2) The taxpayer is economically sound and has the ability to 3475  
complete the proposed capital investment project. 3476

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least twice the term of the credit.	3477 3478 3479
(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.	3480 3481
(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project.	3482 3483 3484
(E) An agreement under this section shall include all of the following:	3485 3486
(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, and the number of full-time employment positions at the project site.	3487 3488 3489 3490
(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.	3491 3492 3493
(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.	3494 3495
(4) A requirement that the taxpayer maintain operations at the project site for at least twice the number of years as the term of the credit.	3496 3497 3498
(5) A requirement that the taxpayer retain a specified number of full-time employment positions at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division (E)(7) of this section.	3499 3500 3501 3502 3503 3504 3505
(6) A requirement that the taxpayer annually report to the	3506

director of development the number of full-time employment 3507  
positions subject to the credit, the amount of tax withheld from 3508  
employees in those positions, the amount of the payments made for 3509  
the capital investment project, and any other information the 3510  
director needs to perform the director's duties under this 3511  
section. 3512

(7) A requirement that the director of development annually 3513  
review the annual reports of the taxpayer to verify the 3514  
information reported under division (E)(6) of this section and 3515  
compliance with the agreement. Upon verification, the director 3516  
shall issue a certificate to the taxpayer stating that the 3517  
information has been verified and identifying the amount of the 3518  
credit for the taxable year. The Unless otherwise specified by the 3519  
tax credit authority in a resolution and included as part of the 3520  
agreement, the director shall not issue a certificate for any year 3521  
in which the total number of filled full-time employment positions 3522  
for each day of the calendar year divided by three hundred 3523  
sixty-five is less than ninety per cent of the full-time 3524  
employment positions specified in division (E)(5) of this section. 3525  
In determining the number of full-time employment positions, no 3526  
position shall be counted that is filled by an employee who is 3527  
included in the calculation of a tax credit under section 122.17 3528  
of the Revised Code. 3529

(8)(a) A provision requiring that the taxpayer, except as 3530  
otherwise provided in division (E)(8)(b) of this section, shall 3531  
not relocate employment positions from elsewhere in this state to 3532  
the project site that is the subject of the agreement for the 3533  
lesser of five years from the date the agreement is entered into 3534  
or the number of years the taxpayer is entitled to claim the 3535  
credit. 3536

(b) The taxpayer may relocate employment positions from 3537  
elsewhere in this state to the project site that is the subject of 3538

the agreement if the director of development determines both of 3539  
the following: 3540

(i) That the site from which the employment positions would 3541  
be relocated is inadequate to meet market and industry conditions, 3542  
expansion plans, consolidation plans, or other business 3543  
considerations affecting the taxpayer; 3544

(ii) That the legislative authority of the county, township, 3545  
or municipal corporation from which the employment positions would 3546  
be relocated has been notified of the relocation. 3547

For purposes of this section, the movement of an employment 3548  
position from one political subdivision to another political 3549  
subdivision shall be considered a relocation of an employment 3550  
position unless the movement is confined to the project site. The 3551  
transfer of an individual employee from one political subdivision 3552  
to another political subdivision shall not be considered a 3553  
relocation of an employment position as long as the individual's 3554  
employment position in the first political subdivision is 3555  
refilled. 3556

(9) A waiver by the taxpayer of any limitations periods 3557  
relating to assessments or adjustments resulting from the 3558  
taxpayer's failure to comply with the agreement. 3559

(F) If a taxpayer fails to meet or comply with any condition 3560  
or requirement set forth in a tax credit agreement, the tax credit 3561  
authority may amend the agreement to reduce the percentage or term 3562  
of the credit. The reduction of the percentage or term shall take 3563  
effect in the taxable year immediately following the taxable year 3564  
in which the authority amends the agreement. If the taxpayer 3565  
relocates employment positions in violation of the provision 3566  
required under division (D)(8)(a) of this section, the taxpayer 3567  
shall not claim the tax credit under section 5733.0610 of the 3568  
Revised Code for any tax years following the calendar year in 3569

which the relocation occurs, or shall not claim the tax credit 3570  
under section 5747.058 of the Revised Code for the taxable year in 3571  
which the relocation occurs and any subsequent taxable years. 3572

(G) Financial statements and other information submitted to 3573  
the department of development or the tax credit authority by an 3574  
applicant for or recipient of a tax credit under this section, and 3575  
any information taken for any purpose from such statements or 3576  
information, are not public records subject to section 149.43 of 3577  
the Revised Code. However, the chairperson of the authority may 3578  
make use of the statements and other information for purposes of 3579  
issuing public reports or in connection with court proceedings 3580  
concerning tax credit agreements under this section. Upon the 3581  
request of the tax commissioner, the chairperson of the authority 3582  
shall provide to the commissioner any statement or other 3583  
information submitted by an applicant for or recipient of a tax 3584  
credit in connection with the credit. The commissioner shall 3585  
preserve the confidentiality of the statement or other 3586  
information. 3587

(H) A taxpayer claiming a tax credit under this section shall 3588  
submit to the tax commissioner a copy of the director of 3589  
development's certificate of verification under division (E)(7) of 3590  
this section for the taxable year. However, failure to submit a 3591  
copy of the certificate does not invalidate a claim for a credit. 3592

(I) For the purposes of this section, a taxpayer may include 3593  
a partnership, a corporation that has made an election under 3594  
subchapter S of chapter one of subtitle A of the Internal Revenue 3595  
Code, or any other business entity through which income flows as a 3596  
distributive share to its owners. A tax credit received under this 3597  
section by a partnership, S-corporation, or other such business 3598  
entity shall be apportioned among the persons to whom the income 3599  
or profit of the partnership, S-corporation, or other entity is 3600  
distributed, in the same proportions as those in which the income 3601

or profit is distributed. 3602

(J) If the director of development determines that a taxpayer 3603  
that received a tax credit under this section is not complying 3604  
with the requirement under division (E)(4) of this section, the 3605  
director shall notify the tax credit authority of the 3606  
noncompliance. After receiving such a notice, and after giving the 3607  
taxpayer an opportunity to explain the noncompliance, the 3608  
authority may terminate the agreement and require the taxpayer to 3609  
refund to the state all or a portion of the credit claimed in 3610  
previous years, as follows: 3611

(1) If the taxpayer maintained operations at the project site 3612  
for less than the term of the credit, the amount required to be 3613  
refunded shall not exceed the amount of any tax credits previously 3614  
allowed and received under this section. 3615

(2) If the taxpayer maintained operations at the project site 3616  
longer than the term of the credit but less than one and one-half 3617  
times the term of the credit, the amount required to be refunded 3618  
shall not exceed fifty per cent of the sum of any tax credits 3619  
previously allowed and received under this section. 3620

(3) If the taxpayer maintained operations at the project site 3621  
for at least one and one-half times the term of the credit but 3622  
less than twice the term of the credit, the amount required to be 3623  
refunded shall not exceed twenty-five per cent of the sum of any 3624  
tax credits previously allowed and received under this section. 3625

In determining the portion of the credit to be refunded to 3626  
this state, the authority shall consider the effect of market 3627  
conditions on the taxpayer's project and whether the taxpayer 3628  
continues to maintain other operations in this state. After making 3629  
the determination, the authority shall certify the amount to be 3630  
refunded to the tax commissioner. The commissioner shall make an 3631  
assessment for that amount against the taxpayer under Chapter 3632

5733. or 5747. of the Revised Code. The time limitations on 3633  
assessments under Chapter 5733. or 5747. of the Revised Code do 3634  
not apply to an assessment under this division, but the 3635  
commissioner shall make the assessment within one year after the 3636  
date the authority certifies to the commissioner the amount to be 3637  
refunded. 3638

If the director of development determines that a taxpayer 3639  
that received a tax credit under this section has reduced the 3640  
number of employees agreed to under division (E)(5) of this 3641  
section by more than ten per cent, the director shall notify the 3642  
tax credit authority of the noncompliance. After receiving such 3643  
notice, and after providing the taxpayer an opportunity to explain 3644  
the noncompliance, the authority may amend the agreement to reduce 3645  
the percentage or term of the tax credit. The reduction in the 3646  
percentage or term shall take effect in the taxable year in which 3647  
the authority amends the agreement. 3648

(K) The director of development, after consultation with the 3649  
tax commissioner and in accordance with Chapter 119. of the 3650  
Revised Code, shall adopt rules necessary to implement this 3651  
section. The rules may provide for recipients of tax credits under 3652  
this section to be charged fees to cover administrative costs of 3653  
the tax credit program. At the time the director gives public 3654  
notice under division (A) of section 119.03 of the Revised Code of 3655  
the adoption of the rules, the director shall submit copies of the 3656  
proposed rules to the chairpersons of the standing committees on 3657  
economic development in the senate and the house of 3658  
representatives. 3659

(L) On or before the thirty-first day of March of each year, 3660  
the director of development shall submit a report to the governor, 3661  
the president of the senate, and the speaker of the house of 3662  
representatives on the tax credit program under this section. The 3663  
report shall include information on the number of agreements that 3664

were entered into under this section during the preceding calendar year, a description of the project that is the subject of each such agreement, and an update on the status of projects under agreements entered into before the preceding calendar year.

(M)(1) A nonrefundable credit shall be allowed to an applicable corporation and its related members in an amount equal to the applicable difference. The credit is in addition to the credit granted to the corporation or related members under division (B) of this section. The credit is subject to divisions (B) to (E) and division (J) of this section.

(2) A person qualifying as an applicable corporation under this section for a tax year does not necessarily qualify as an applicable corporation for any other tax year. No person is entitled to the credit allowed under division (M) of this section for the tax year immediately following the taxable year during which the person fails to meet the requirements in divisions (A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled to the credit allowed under division (M) of this section for any tax year for which the person is not eligible for the credit provided under division (B) of this section.

**Sec. 122.25.** (A) In administering the program established under section 122.24 of the Revised Code, the director of development shall do all of the following:

(1) Annually designate, by the first day of January of each year, the entities that constitute the eligible areas in this state as defined in section 122.23 of the Revised Code;

(2) Inform local governments and others in the state of the availability of the program and financial assistance established under sections 122.23 to 122.27 of the Revised Code;

(3) Report to the governor, president of the senate, speaker

of the house of representatives, and minority leaders of the 3695  
senate and the house of representatives by the thirtieth day of 3696  
June of each year on the activities carried out under the program 3697  
during the preceding calendar year. The report shall include the 3698  
number of loans made that year and the amount and recipient of 3699  
each loan. 3700

(4) Work in conjunction with conventional lending 3701  
institutions, local revolving loan funds, private investors, and 3702  
other private and public financing sources to provide loans or 3703  
loan guarantees to eligible applicants; 3704

(5) Establish fees, charges, interest rates, payment 3705  
schedules, local match requirements, and other terms and 3706  
conditions for loans and loan guarantees provided under the loan 3707  
program created by section 122.24 of the Revised Code; 3708

(6) Require each applicant to demonstrate the suitability of 3709  
any site for the assistance sought; that the site has been 3710  
surveyed, has adequate or available utilities, and that there are 3711  
no zoning restrictions, environmental regulations, or other 3712  
matters impairing the use of the site for the purpose intended; 3713

(7) Require each applicant to provide a marketing plan and 3714  
management strategy for the project; 3715

(8) Adopt rules in accordance with Chapter 119. of the 3716  
Revised Code establishing all of the following: 3717

(a) Forms and procedures by which eligible applicants may 3718  
apply for assistance; 3719

(b) Criteria for reviewing, evaluating, and ranking 3720  
applications, and for approving applications that best serve the 3721  
goals of the program; 3722

(c) Reporting requirements and monitoring procedures; 3723

(d) Guidelines regarding situations in which industrial parks 3724

would be considered to compete against one another for the 3725  
purposes of division (B)(2) of section 122.27 of the Revised Code; 3726

(e) Any other rules necessary to implement and administer the 3727  
program created by section 122.24 of the Revised Code. 3728

(B) The director may adopt rules in accordance with Chapter 3729  
119. of the Revised Code establishing requirements governing the 3730  
use of any industrial park site receiving assistance under section 3731  
122.24 of the Revised Code, such that a certain portion of the 3732  
site must be used for manufacturing, distribution, high 3733  
technology, research and development, or other businesses wherein 3734  
a majority of the product or service produced is exported out of 3735  
the state. 3736

(C) As a condition to receiving assistance under section 3737  
122.24 of the Revised Code, and except as provided in division (D) 3738  
of this section, an applicant must agree, for a period of five 3739  
years, not to permit the use of a site that is developed or 3740  
improved with such assistance to cause the relocation of jobs to 3741  
that site from elsewhere in Ohio. 3742

(D) A site developed or improved with assistance under 3743  
section 122.24 of the Revised Code may be the site of jobs 3744  
relocated from elsewhere in Ohio if the director of development 3745  
does all of the following: 3746

(1) Makes a written determination that the site from which 3747  
the jobs would be relocated is inadequate to meet market or 3748  
industry conditions, expansion plans, consolidation plans, or 3749  
other business considerations affecting the relocating employer; 3750

(2) Provides a copy of the determination required by division 3751  
(D)(1) of this section to the members of the general assembly 3752  
whose legislative districts include the site from which the jobs 3753  
would be relocated, ~~and to the joint legislative committee on tax~~ 3754  
~~incentives;~~ 3755

(3) Determines that the governing body of the area from which 3756  
the jobs would be relocated has been notified in writing by the 3757  
relocating company of the possible relocation. 3758

(E) The director of development must obtain the approval of 3759  
the controlling board for any loan or loan guarantee provided 3760  
under sections 122.23 to 122.27 of the Revised Code. 3761

**Sec. 122.651.** (A) There is hereby created the clean Ohio 3762  
council consisting of the director of development or the 3763  
director's designee, the director of environmental protection or 3764  
the director's designee, the lieutenant governor or the lieutenant 3765  
governor's designee, the director of the Ohio public works 3766  
commission as a nonvoting, ex officio member, one member of the 3767  
majority party of the senate and one member of the minority party 3768  
of the senate to be appointed by the president of the senate, one 3769  
member of the majority party of the house of representatives and 3770  
one member of the minority party of the house of representatives 3771  
to be appointed by the speaker of the house of representatives, 3772  
and seven members to be appointed by the governor with the advice 3773  
and consent of the senate. Of the members appointed by the 3774  
governor, one shall represent the interests of counties, one shall 3775  
represent the interests of townships, one shall represent the 3776  
interests of municipal corporations, two shall represent the 3777  
interests of business and development, and two shall represent 3778  
statewide environmental advocacy organizations. The members 3779  
appointed by the governor shall reflect the demographic and 3780  
economic diversity of the population of the state. Additionally, 3781  
the governor's appointments shall represent all areas of the 3782  
state. All appointments to the council shall be made not later 3783  
than one hundred twenty days after July 26, 2001. 3784

(B) The members appointed by the president of the senate and 3785  
speaker of the house of representatives shall serve at the 3786

pleasure of their appointing authorities. Of the initial members 3787  
appointed by the governor to the clean Ohio council, four shall be 3788  
appointed for two years and three shall be appointed for one year. 3789  
Thereafter, terms of office for members appointed by the governor 3790  
shall be for two years, with each term ending on the same day of 3791  
the same month as did the term that it succeeds. Each of those 3792  
members shall hold office from the date of appointment until the 3793  
end of the term for which the member is appointed. 3794

Members may be reappointed. Vacancies shall be filled in the 3795  
same manner as provided for original appointments. Any member 3796  
appointed to fill a vacancy occurring prior to the expiration date 3797  
of the term for which the member was appointed shall hold office 3798  
for the remainder of that term. A member shall continue in office 3799  
after the expiration date of the member's term until the member's 3800  
successor takes office or until a period of sixty days has 3801  
elapsed, whichever occurs first. The governor may remove a member 3802  
appointed by the governor for misfeasance, nonfeasance, or 3803  
malfeasance in office. 3804

(C) The director of development governor shall appoint a 3805  
member of the clean Ohio council to serve as the chairperson of 3806  
the clean Ohio council. The director of development shall serve as 3807  
the vice-chairperson of the council unless appointed chairperson. 3808  
If the director is appointed chairperson, the council annually 3809  
shall select from among its members a vice-chairperson to serve 3810  
while the director is chairperson. The council annually shall 3811  
select from among its members ~~a vice chairperson and~~ a secretary 3812  
to keep a record of its proceedings. A majority vote of a quorum 3813  
of the members of the council is necessary to take action on any 3814  
matter. The council may adopt bylaws governing its operation, 3815  
including bylaws that establish the frequency of meetings, 3816  
procedures for reviewing eligible projects under sections 122.65 3817  
to 122.658 of the Revised Code and policies and requirements 3818

established under section 122.657 of the Revised Code, and other 3819  
necessary procedures. 3820

(D) Members of the clean Ohio council shall be deemed to be 3821  
public officials or officers only for the purposes of section 9.86 3822  
and Chapters 102. and 2921. of the Revised Code. Serving as a 3823  
member of the clean Ohio council does not constitute holding a 3824  
public office or position of employment so as to constitute 3825  
grounds for removal of public officers or employees serving as 3826  
members of the council from their offices or positions of 3827  
employment. Members of the council shall file with the Ohio ethics 3828  
commission the disclosure statement described in division (A) of 3829  
section 102.02 of the Revised Code on the form prescribed by the 3830  
commission and be subject to divisions (C) and (D) of that 3831  
section. Members of the council shall serve without compensation 3832  
for attending council meetings, but shall receive their actual and 3833  
necessary traveling and other expenses incurred in the performance 3834  
of their official duties in accordance with the rules of the 3835  
office of budget and management. 3836

(E) Members appointed by the governor to represent the 3837  
interests of counties, townships, and municipal corporations do 3838  
not have a conflict of interest by virtue of their service in the 3839  
position. For the purposes of this division, "conflict of 3840  
interest" means the taking of any action as a member of the 3841  
council that affects a public agency the person serves as an 3842  
officer or employee. 3843

(F) The department of development shall provide office space 3844  
for the council. The council shall be assisted in its duties by 3845  
the staff of the department of development and the environmental 3846  
protection agency. 3847

(G) Sections 101.82 to 101.87 of the Revised Code do not 3848  
apply to the clean Ohio council. 3849

**Sec. 122.658.** (A) The clean Ohio revitalization fund is 3850  
hereby created in the state treasury. The fund shall consist of 3851  
moneys credited to it pursuant to section 151.40 of the Revised 3852  
Code. Moneys in the fund shall be used to make grants or loans for 3853  
projects that have been approved by the clean Ohio council in 3854  
accordance with section 122.653 of the Revised Code, except that 3855  
the council annually shall devote twenty per cent of the net 3856  
proceeds of obligations deposited in the clean Ohio revitalization 3857  
fund for the purposes of section 122.656 of the Revised Code. 3858

Moneys in the clean Ohio revitalization fund may be used to 3859  
pay reasonable costs incurred by the department of development and 3860  
the environmental protection agency in administering sections 3861  
122.65 to 122.658 of the Revised Code. All investment earnings of 3862  
the fund shall be credited to the fund. ~~For two years after July~~ 3863  
~~26, 2001, investment~~ Investment earnings credited to the clean 3864  
Ohio revitalization fund may be used to pay costs incurred by the 3865  
department of development and the environmental protection agency 3866  
pursuant to sections 122.65 to 122.658 of the Revised Code. 3867

The department of development shall administer the clean Ohio 3868  
revitalization fund in accordance with this section, policies and 3869  
requirements established under section 122.657 of the Revised 3870  
Code, and the terms of agreements entered into by the council 3871  
under section 122.653 of the Revised Code. 3872

(B) Grants awarded and loans made under section 122.653 of 3873  
the Revised Code shall provide not more than seventy-five per cent 3874  
of the estimated total cost of a project. A grant or loan to any 3875  
one project shall not exceed three million dollars. An applicant 3876  
shall provide at least twenty-five per cent of the estimated total 3877  
cost of a project. The applicant's share may consist of one or a 3878  
combination of any of the following: 3879

(1) Payment of the cost of acquiring the property for the 3880

purposes of sections 122.65 to 122.658 of the Revised Code; 3881

(2) Payment of the reasonable cost of an assessment at the 3882  
property; 3883

(3) The reasonable value, as determined by the council, of 3884  
labor and materials that will be contributed by the applicant in 3885  
performing the cleanup or remediation; 3886

(4) Moneys received by the applicant in any form for use in 3887  
performing the cleanup or remediation; 3888

(5) Loans secured by the applicant for the purpose of the 3889  
cleanup or remediation of the brownfield. 3890

Costs that were incurred more than two years prior to the 3891  
submission of an application to the clean Ohio council for the 3892  
acquisition of property, assessments, and labor and materials 3893  
shall not be used as part of the applicant's matching share. 3894

(C) The department of development shall not make any payment 3895  
to an applicant from the clean Ohio revitalization fund to pay 3896  
costs of the applicant that were not included in an application 3897  
for a grant or loan under section 122.653 of the Revised Code or 3898  
that exceed the amount of the estimated total cost of the project 3899  
included in the application. If, upon completion of a project, the 3900  
costs of the project are less than the amounts included in the 3901  
application, the amounts included in the application less the 3902  
amounts of the actual costs of the project shall be credited to 3903  
the clean Ohio revitalization fund. However, the amounts credited 3904  
shall be equivalent in percentage to the percentage of the costs 3905  
of the project that were to be funded by the grant or loan from 3906  
the fund. 3907

(D) Grants awarded or loans made under section 122.653 of the 3908  
Revised Code from the clean Ohio revitalization fund shall be used 3909  
by an applicant only to pay the costs of the actual cleanup or 3910  
remediation of a brownfield and shall not be used by an applicant 3911

to pay any administrative costs incurred by the applicant. Costs 3912  
related to the use of a certified professional for purposes of 3913  
section 122.654 of the Revised Code are not administrative costs 3914  
and may be paid with moneys from grants awarded or loans made 3915  
under section 122.653 of the Revised Code. 3916

(E) The portion of net proceeds of obligations devoted under 3917  
division (A) of this section for the purposes of section 122.656 3918  
of the Revised Code shall be used to make grants for assessments, 3919  
cleanup or remediation of brownfields, and public health projects 3920  
that have been approved by the director of development under that 3921  
section. The department of development shall administer section 3922  
122.656 of the Revised Code in accordance with this section, 3923  
policies and requirements established under section 122.657 of the 3924  
Revised Code, and the terms of agreements entered into by the 3925  
director under section 122.656 of the Revised Code. The director 3926  
shall not grant more than twenty-five million dollars for public 3927  
health projects under section 122.656 of the Revised Code. 3928

(F) Grants awarded under section 122.656 of the Revised Code 3929  
shall be used by an applicant only to pay the costs of actually 3930  
conducting an assessment, a cleanup or remediation of a 3931  
brownfield, or a public health project and shall not be used by an 3932  
applicant to pay any administrative costs incurred by the 3933  
applicant. Costs related to the use of a certified professional 3934  
for purposes of section 122.654 of the Revised Code are not 3935  
administrative costs and may be paid with moneys from grants 3936  
awarded under section 122.656 of the Revised Code. 3937

(G)(1) The clean Ohio revitalization revolving loan fund is 3938  
hereby created in the state treasury. Payments of principal and 3939  
interest on loans made from the clean Ohio revitalization fund 3940  
shall be credited to this revolving loan fund, as shall payments 3941  
of principal and interest on loans made from the revolving loan 3942  
fund itself. The revolving loan fund's investment earnings shall 3943

be credited to it. 3944

(2) The clean Ohio revitalization revolving loan fund shall 3945  
be used to make loans for the same purposes and subject to the 3946  
same policies, requirements, criteria, and application procedures 3947  
as loans made from the clean Ohio revitalization fund. 3948

**Sec. 122.87.** As used in sections 122.87 to ~~122.89~~ 122.90 of 3949  
the Revised Code: 3950

(A) "Surety company" means a company that is authorized by 3951  
the department of insurance to issue bonds as surety. 3952

(B) "Minority business" means any of the following 3953  
occupations: 3954

(1) Minority construction contractor; 3955

(2) Minority seller; 3956

(3) Minority service vendor. 3957

(C) "Minority construction contractor" means a person who is 3958  
both a construction contractor and an owner of a minority business 3959  
enterprise certified under division (B) of section 123.151 of the 3960  
Revised Code. 3961

(D) "Minority seller" means a person who is both a seller of 3962  
goods and an owner of a minority business enterprise listed on the 3963  
special minority business enterprise bid notification list under 3964  
division (B) of section 125.08 of the Revised Code. 3965

(E) "Minority service vendor" means a person who is both a 3966  
vendor of services and an owner of a minority business enterprise 3967  
listed on the special minority business enterprise bid 3968  
notification list under division (B) of section 125.08 of the 3969  
Revised Code. 3970

(F) "Minority business enterprise" has the meaning given in 3971  
section 122.71 of the Revised Code. 3972

(G) "EDGE business enterprise" means a sole proprietorship, 3973  
association, partnership, corporation, limited liability 3974  
corporation, or joint venture certified as a participant in the 3975  
encouraging diversity, growth, and equity program by the director 3976  
of administrative services under section 123.152 of the Revised 3977  
Code. 3978

**Sec. 122.88.** (A) There is hereby created in the state 3979  
treasury the minority business bonding fund, consisting of moneys 3980  
deposited or credited to it pursuant to section 169.05 of the 3981  
Revised Code; all grants, gifts, and contributions received 3982  
pursuant to division (B)(9) of section 122.74 of the Revised Code; 3983  
all moneys recovered following defaults; and any other moneys 3984  
obtained by the director of development for the purposes of 3985  
sections 122.87 to ~~122.89~~ 122.90 of the Revised Code. The fund 3986  
shall be administered by the director. Moneys in the fund shall be 3987  
held in trust for the purposes of sections 122.87 to ~~122.89~~ 122.90 3988  
of the Revised Code. 3989

(B) Any claims against the state arising from defaults shall 3990  
be payable from the minority business bonding program 3991  
administrative and loss reserve fund as provided in division (C) 3992  
of this section or from the minority business bonding fund. 3993  
Nothing in sections 122.87 to ~~122.89~~ 122.90 of the Revised Code 3994  
grants or pledges to any obligee or other person any state moneys 3995  
other than the moneys in the minority business bonding program 3996  
administrative and loss reserve fund or the minority business 3997  
bonding fund, or moneys available to the minority business bonding 3998  
fund upon request of the director in accordance with division (B) 3999  
of section 169.05 of the Revised Code. 4000

(C) There is hereby created in the state treasury the 4001  
minority business bonding program administrative and loss reserve 4002  
fund, consisting of all premiums charged and collected in 4003

accordance with section 122.89 of the Revised Code and any 4004  
interest income earned from the moneys in the minority business 4005  
bonding fund. All expenses of the director and the minority 4006  
development financing advisory board in carrying out the purposes 4007  
of sections 122.87 to ~~122.89~~ 122.90 of the Revised Code shall be 4008  
paid from the minority business bonding program administrative and 4009  
loss reserve fund. 4010

Any moneys to the credit of the minority business bonding 4011  
program administrative and loss reserve fund in excess of the 4012  
amount necessary to fund the appropriation authority for the 4013  
minority business bonding program administrative and loss reserve 4014  
fund shall be held as a loss reserve to pay claims arising from 4015  
defaults on surety bonds underwritten in accordance with section 4016  
122.89 of the Revised Code or guaranteed in accordance with 4017  
section 122.90 of the Revised Code. If the balance of funds in the 4018  
minority business bonding program administrative and loss reserve 4019  
fund is insufficient to pay a claim against the state arising from 4020  
default, then such claim shall be payable from the minority 4021  
business bonding fund. 4022

Sec. 122.90. (A) The director of development may guarantee 4023  
bonds executed by sureties for minority businesses and EDGE 4024  
business enterprises certified under section 123.152 of the 4025  
Revised Code as principals on contracts with the state, any 4026  
political subdivision or instrumentality, or any person as the 4027  
obligee. The director, as guarantor, may exercise all the rights 4028  
and powers of a company authorized by the department of insurance 4029  
to guarantee bonds under Chapter 3929. of the Revised Code but 4030  
otherwise is not subject to any laws related to a guaranty company 4031  
under Title XXXIX of the Revised Code nor to any rules of the 4032  
department of insurance. 4033

(B) The director shall adopt rules under Chapter 119. of the 4034

Revised Code to establish procedures for the application for bond 4035  
guarantees and the review and approval of applications for bond 4036  
guarantees submitted by sureties that execute bonds eligible for 4037  
guarantees under division (A) of this section. 4038

(C) In accordance with rules adopted pursuant to this 4039  
section, the director may guarantee up to ninety per cent of the 4040  
loss incurred and paid by sureties on bonds guaranteed under 4041  
division (A) of this section. 4042

(D) The penal sum amounts of all outstanding guarantees made 4043  
by the director under this section shall not exceed three times 4044  
the difference between the amount of moneys in the minority 4045  
business bonding fund and available to the fund under division (B) 4046  
of section 169.05 of the Revised Code and the amount of all 4047  
outstanding bonds issued by the director in accordance with 4048  
division (A) of section 122.89 of the Revised Code. 4049

**Sec. 123.01.** (A) The department of administrative services, 4050  
in addition to those powers enumerated in Chapters 124. and 125. 4051  
of the Revised Code, and as provided elsewhere by law, shall 4052  
exercise the following powers: 4053

(1) To prepare, or contract to be prepared, by licensed 4054  
engineers or architects, surveys, general and detailed plans, 4055  
specifications, bills of materials, and estimates of cost for any 4056  
projects, improvements, or public buildings to be constructed by 4057  
state agencies that may be authorized by legislative 4058  
appropriations or any other funds made available therefor, 4059  
provided that the construction of the projects, improvements, or 4060  
public buildings is a statutory duty of the department. This 4061  
section does not require the independent employment of an 4062  
architect or engineer as provided by section 153.01 of the Revised 4063  
Code in the cases to which that section applies nor affect or 4064  
alter the existing powers of the director of transportation. 4065

(2) To have general supervision over the construction of any projects, improvements, or public buildings constructed for a state agency and over the inspection of materials previous to their incorporation into those projects, improvements, or buildings;

(3) To make contracts for and supervise the construction of any projects and improvements or the construction and repair of buildings under the control of a state agency, except contracts for the repair of buildings under the management and control of the departments of public safety, job and family services, mental health, mental retardation and developmental disabilities, rehabilitation and correction, and youth services, the bureau of workers' compensation, the rehabilitation services commission, and boards of trustees of educational and benevolent institutions. These contracts shall be made and entered into by the directors of public safety, job and family services, mental health, mental retardation and developmental disabilities, rehabilitation and correction, and youth services, the administrator of workers' compensation, the rehabilitation services commission, and the boards of trustees of such institutions, respectively. All such contracts may be in whole or in part on unit price basis of maximum estimated cost, with payment computed and made upon actual quantities or units.

(4) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency;

(5) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the Revised Code;

(6) To make and provide all plans, specifications, and models

for the construction and perfection of all systems of sewerage, 4098  
drainage, and plumbing for the state in connection with buildings 4099  
and grounds under the control of a state agency; 4100

(7) To erect, supervise, and maintain all public monuments 4101  
and memorials erected by the state, except where the supervision 4102  
and maintenance is otherwise provided by law; 4103

(8) To procure, by lease, storage accommodations for a state 4104  
agency; 4105

(9) To lease or grant easements or licenses for unproductive 4106  
and unused lands or other property under the control of a state 4107  
agency. Such leases, easements, or licenses shall be granted for a 4108  
period not to exceed fifteen years and shall be executed for the 4109  
state by the director of administrative services and the governor 4110  
and shall be approved as to form by the attorney general, provided 4111  
that leases, easements, or licenses may be granted to any county, 4112  
township, municipal corporation, port authority, water or sewer 4113  
district, school district, library district, health district, park 4114  
district, soil and water conservation district, conservancy 4115  
district, or other political subdivision or taxing district, or 4116  
any agency of the United States government, for the exclusive use 4117  
of that agency, political subdivision, or taxing district, without 4118  
any right of sublease or assignment, for a period not to exceed 4119  
fifteen years, and provided that the director shall grant leases, 4120  
easements, or licenses of university land for periods not to 4121  
exceed twenty-five years for purposes approved by the respective 4122  
university's board of trustees wherein the uses are compatible 4123  
with the uses and needs of the university and may grant leases of 4124  
university land for periods not to exceed forty years for purposes 4125  
approved by the respective university's board of trustees pursuant 4126  
to section 123.77 of the Revised Code. 4127

(10) To lease office space in buildings for the use of a 4128  
state agency; 4129

(11) To have general supervision and care of the storerooms,	4130
offices, and buildings leased for the use of a state agency;	4131
(12) To exercise general custodial care of all real property	4132
of the state;	4133
(13) To assign and group together state offices in any city	4134
in the state and to establish, in cooperation with the state	4135
agencies involved, rules governing space requirements for office	4136
or storage use;	4137
(14) To lease for a period not to exceed forty years,	4138
pursuant to a contract providing for the construction thereof	4139
under a lease-purchase plan, buildings, structures, and other	4140
improvements for any public purpose, and, in conjunction	4141
therewith, to grant leases, easements, or licenses for lands under	4142
the control of a state agency for a period not to exceed forty	4143
years. The lease-purchase plan shall provide that at the end of	4144
the lease period, the buildings, structures, and related	4145
improvements, together with the land on which they are situated,	4146
shall become the property of the state without cost.	4147
(a) Whenever any building, structure, or other improvement is	4148
to be so leased by a state agency, the department shall retain	4149
either basic plans, specifications, bills of materials, and	4150
estimates of cost with sufficient detail to afford bidders all	4151
needed information or, alternatively, all of the following plans,	4152
details, bills of materials, and specifications:	4153
(i) Full and accurate plans suitable for the use of mechanics	4154
and other builders in the improvement;	4155
(ii) Details to scale and full sized, so drawn and	4156
represented as to be easily understood;	4157
(iii) Accurate bills showing the exact quantity of different	4158
kinds of material necessary to the construction;	4159

(iv) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

(v) A full and accurate estimate of each item of expense and of the aggregate cost thereof.

(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, until, if the builder submitting the lowest and best bid is a person nonresident of this state, the person has filed with the secretary

of state a power of attorney designating the secretary of state as 4192  
its agent for the purpose of accepting service of summons in any 4193  
action brought under Chapter 4123. of the Revised Code, and until 4194  
the agreement is submitted to the attorney general and the 4195  
attorney general's approval is certified thereon. Within thirty 4196  
days after the day on which the bids are received, the department 4197  
shall investigate the bids received and shall determine that the 4198  
bureau and the secretary of state have made the certifications 4199  
required by this section of the builder who has submitted the 4200  
lowest and best bid. Within ten days of the completion of the 4201  
investigation of the bids, the department shall award the lease 4202  
agreement to the builder who has submitted the lowest and best bid 4203  
and who has been certified by the bureau and secretary of state as 4204  
required by this section. If bidding for the lease agreement has 4205  
been conducted upon the basis of basic plans, specifications, 4206  
bills of materials, and estimates of costs, upon the award to the 4207  
builder the department, or the builder with the approval of the 4208  
department, shall appoint an architect or engineer licensed in 4209  
this state to prepare such further detailed plans, specifications, 4210  
and bills of materials as are required to construct the building, 4211  
structure, or improvement. The department shall adopt such rules 4212  
as are necessary to give effect to this section. The department 4213  
may reject any bid. Where there is reason to believe there is 4214  
collusion or combination among bidders, the bids of those 4215  
concerned therein shall be rejected. 4216

(15) To acquire by purchase, gift, devise, or grant and to 4217  
transfer, lease, or otherwise dispose of all real property 4218  
required to assist in the development of a conversion facility as 4219  
defined in section 5709.30 of the Revised Code as that section 4220  
existed before its repeal by H.B. 95 of the 125th general 4221  
assembly; 4222

(16) To lease for a period not to exceed forty years, 4223

notwithstanding any other division of this section, the 4224  
state-owned property located at 408-450 East Town Street, 4225  
Columbus, Ohio, formerly the state school for the deaf, to a 4226  
developer in accordance with this section. "Developer," as used in 4227  
this section, has the same meaning as in section 123.77 of the 4228  
Revised Code. 4229

Such a lease shall be for the purpose of development of the 4230  
land for use by senior citizens by constructing, altering, 4231  
renovating, repairing, expanding, and improving the site as it 4232  
existed on June 25, 1982. A developer desiring to lease the land 4233  
shall prepare for submission to the department a plan for 4234  
development. Plans shall include provisions for roads, sewers, 4235  
water lines, waste disposal, water supply, and similar matters to 4236  
meet the requirements of state and local laws. The plans shall 4237  
also include provision for protection of the property by insurance 4238  
or otherwise, and plans for financing the development, and shall 4239  
set forth details of the developer's financial responsibility. 4240

The department may employ, as employees or consultants, 4241  
persons needed to assist in reviewing the development plans. Those 4242  
persons may include attorneys, financial experts, engineers, and 4243  
other necessary experts. The department shall review the 4244  
development plans and may enter into a lease if it finds all of 4245  
the following: 4246

(a) The best interests of the state will be promoted by 4247  
entering into a lease with the developer; 4248

(b) The development plans are satisfactory; 4249

(c) The developer has established the developer's financial 4250  
responsibility and satisfactory plans for financing the 4251  
development. 4252

The lease shall contain a provision that construction or 4253  
renovation of the buildings, roads, structures, and other 4254

necessary facilities shall begin within one year after the date of 4255  
the lease and shall proceed according to a schedule agreed to 4256  
between the department and the developer or the lease will be 4257  
terminated. The lease shall contain such conditions and 4258  
stipulations as the director considers necessary to preserve the 4259  
best interest of the state. Moneys received by the state pursuant 4260  
to this lease shall be paid into the general revenue fund. The 4261  
lease shall provide that at the end of the lease period the 4262  
buildings, structures, and related improvements shall become the 4263  
property of the state without cost. 4264

(17) To lease to any person any tract of land owned by the 4265  
state and under the control of the department, or any part of such 4266  
a tract, for the purpose of drilling for or the pooling of oil or 4267  
gas. Such a lease shall be granted for a period not exceeding 4268  
forty years, with the full power to contract for, determine the 4269  
conditions governing, and specify the amount the state shall 4270  
receive for the purposes specified in the lease, and shall be 4271  
prepared as in other cases. 4272

(18) Biennially implement, by state agency location, a census 4273  
of agency employees assigned space; 4274

(19) Require each state agency to categorize periodically the 4275  
use of space allotted to the agency between office space, common 4276  
areas, storage space, and other uses and report its findings to 4277  
the department; 4278

(20) Create and update periodically a master space 4279  
utilization plan for all space allotted to state agencies. The 4280  
plan shall incorporate space utilization metrics. 4281

(21) Conduct periodically a cost-benefit analysis to 4282  
determine the effectiveness of state-owned buildings; 4283

(22) Assess periodically the alternatives associated with 4284  
consolidating the commercial leases for buildings located in 4285

<u>Columbus;</u>	4286
<u>(23) Commission a comprehensive space utilization and</u>	4287
<u>capacity study in order to determine the feasibility of</u>	4288
<u>consolidating existing commercially leased space used by state</u>	4289
<u>agencies into a new state-owned facility.</u>	4290
(B) This section and section 125.02 of the Revised Code shall	4291
not interfere with any of the following:	4292
(1) The power of the adjutant general to purchase military	4293
supplies, or with the custody of the adjutant general of property	4294
leased, purchased, or constructed by the state and used for	4295
military purposes, or with the functions of the adjutant general	4296
as director of state armories;	4297
(2) The power of the director of transportation in acquiring	4298
rights-of-way for the state highway system, or the leasing of	4299
lands for division or resident district offices, or the leasing of	4300
lands or buildings required in the maintenance operations of the	4301
department of transportation, or the purchase of real property for	4302
garage sites or division or resident district offices, or in	4303
preparing plans and specifications for and constructing such	4304
buildings as the director may require in the administration of the	4305
department;	4306
(3) The power of the director of public safety and the	4307
registrar of motor vehicles to purchase or lease real property and	4308
buildings to be used solely as locations to which a deputy	4309
registrar is assigned pursuant to division (B) of section 4507.011	4310
of the Revised Code and from which the deputy registrar is to	4311
conduct the deputy registrar's business, the power of the director	4312
of public safety to purchase or lease real property and buildings	4313
to be used as locations for division or district offices as	4314
required in the maintenance of operations of the department of	4315
public safety, and the power of the superintendent of the state	4316

highway patrol in the purchase or leasing of real property and 4317  
buildings needed by the patrol, to negotiate the sale of real 4318  
property owned by the patrol, to rent or lease real property owned 4319  
or leased by the patrol, and to make or cause to be made repairs 4320  
to all property owned or under the control of the patrol; 4321

(4) The power of the division of liquor control in the 4322  
leasing or purchasing of retail outlets and warehouse facilities 4323  
for the use of the division; 4324

(5) The power of the director of development to enter into 4325  
leases of real property, buildings, and office space to be used 4326  
solely as locations for the state's foreign offices to carry out 4327  
the purposes of section 122.05 of the Revised Code. 4328

(C) Purchases for, and the custody and repair of, buildings 4329  
under the management and control of the capitol square review and 4330  
advisory board, the rehabilitation services commission, the bureau 4331  
of workers' compensation, or the departments of public safety, job 4332  
and family services, mental health, mental retardation and 4333  
developmental disabilities, and rehabilitation and correction, and 4334  
buildings of educational and benevolent institutions under the 4335  
management and control of boards of trustees, are not subject to 4336  
the control and jurisdiction of the department of administrative 4337  
services. 4338

(D) Any instrument by which real property is acquired 4339  
pursuant to this section shall identify the agency of the state 4340  
that has the use and benefit of the real property as specified in 4341  
section 5301.012 of the Revised Code. 4342

**Sec. 123.152.** (A) As used in this section, "EDGE business 4343  
enterprise" means a sole proprietorship, association, partnership, 4344  
corporation, limited liability corporation, or joint venture 4345  
certified as a participant in the encouraging diversity, growth, 4346  
and equity program by the director of administrative services 4347

under this section of the Revised Code. 4348

(B) The director of administrative services shall establish a 4349  
business assistance program known as the encouraging diversity, 4350  
growth, and equity program and shall adopt rules in accordance 4351  
with Chapter 119. of the Revised Code to administer the program 4352  
and that do all of the following: 4353

(1) Establish procedures by which a sole proprietorship, 4354  
association, partnership, corporation, limited liability 4355  
corporation, or joint venture may apply for certification as an 4356  
EDGE business enterprise; 4357

(2) Establish agency procurement goals for contracting with 4358  
EDGE business enterprises in the award of contracts under Chapters 4359  
123., 125., and 153. of the Revised Code based on the availability 4360  
of eligible program participants by region or geographic area, as 4361  
determined by the director, and by standard industrial code. 4362

(a) Goals established under division (B)(2) of this section 4363  
shall be based on a percentage level of participation and a 4364  
percentage of contractor availability. 4365

(b) Goals established under division (B)(2) of this section 4366  
shall be applied at the contract level, relative to an overall 4367  
dollar goal for each state agency, in accordance with the 4368  
following certification categories: construction, architecture, 4369  
and engineering; professional services; goods and services; and 4370  
information technology services. 4371

(3) Establish a system of certifying EDGE business 4372  
enterprises based on a requirement that the business owner or 4373  
owners show both social and economic disadvantage based on the 4374  
following, as determined to be sufficient by the director: 4375

(a) Relative wealth of the business seeking certification as 4376  
well as the personal wealth of the owner or owners of the 4377

<u>business;</u>	4378
<u>(b) Social disadvantage based on any of the following:</u>	4379
<u>(i) A rebuttable presumption when the business owner or</u>	4380
<u>owners demonstrate membership in a racial minority group or show</u>	4381
<u>personal disadvantage due to color, ethnic origin, gender,</u>	4382
<u>physical disability, long-term residence in an environment</u>	4383
<u>isolated from the mainstream of American society, location in an</u>	4384
<u>area of high unemployment;</u>	4385
<u>(ii) Some other demonstration of personal disadvantage not</u>	4386
<u>common to other small businesses;</u>	4387
<u>(iii) By business location in a qualified census tract.</u>	4388
<u>(c) Economic disadvantage based on economic and business size</u>	4389
<u>thresholds and eligibility criteria designed to stimulate economic</u>	4390
<u>development through contract awards to businesses located in</u>	4391
<u>qualified census tracts.</u>	4392
<u>(4) Establish standards to determine when an EDGE business</u>	4393
<u>enterprise no longer qualifies for EDGE business enterprise</u>	4394
<u>certification;</u>	4395
<u>(5) Develop a process for evaluating and adjusting goals</u>	4396
<u>established by this section to determine what adjustments are</u>	4397
<u>necessary to achieve participation goals established by the</u>	4398
<u>director;</u>	4399
<u>(6) Establish a point system to evaluate bid proposals to</u>	4400
<u>encourage EDGE business enterprises to participate in the</u>	4401
<u>procurement of professional design and information technology</u>	4402
<u>services;</u>	4403
<u>(7) Establish a system to track data and analyze each</u>	4404
<u>certification category established under division (B)(2)(b) of</u>	4405
<u>this section;</u>	4406
<u>(8) Establish a process to mediate complaints and to review</u>	4407

<u>EDGE business enterprise certification appeals;</u>	4408
<u>(9) Implement an outreach program to educate potential</u>	4409
<u>participants about the encouraging diversity, growth, and equity</u>	4410
<u>program;</u>	4411
<u>(10) Establish a system to assist state agencies in</u>	4412
<u>identifying and utilizing EDGE business enterprises in their</u>	4413
<u>contracting processes;</u>	4414
<u>(11) Implement a system of self-reporting by EDGE business</u>	4415
<u>enterprises as well as an on-site inspection process to validate</u>	4416
<u>the qualifications of an EDGE business enterprise;</u>	4417
<u>(12) Establish a waiver mechanism to waive program goals or</u>	4418
<u>participation requirements for those companies that, despite their</u>	4419
<u>best-documented efforts, are unable to contract with certified</u>	4420
<u>EDGE business enterprises;</u>	4421
<u>(13) Establish a process for monitoring overall program</u>	4422
<u>compliance in which equal employment opportunity officers</u>	4423
<u>primarily are responsible for monitoring their respective</u>	4424
<u>agencies.</u>	4425
<u>(C) Not later than December 31, 2003, the director of</u>	4426
<u>administrative services shall prepare a detailed report to the</u>	4427
<u>governor outlining and evaluating the progress made in</u>	4428
<u>implementing the encouraging diversity, growth, and equity</u>	4429
<u>program.</u>	4430
<b>Sec. 124.03.</b> The state personnel board of review shall	4431
exercise the following powers and perform the following duties:	4432
(A) Hear appeals, as provided by law, of employees in the	4433
classified state service from final decisions of appointing	4434
authorities or the director of administrative services relative to	4435
reduction in pay or position, job abolishments, layoff,	4436
suspension, discharge, assignment or reassignment to a new or	4437

different position classification, or refusal of the director, or anybody authorized to perform the director's functions, to reassign an employee to another classification or to reclassify the employee's position with or without a job audit under division (D) of section 124.14 of the Revised Code. As used in this division, "discharge" includes disability separations. ~~The~~

The board may affirm, disaffirm, or modify the decisions of the appointing authorities or the director, as the case may be, and its decision is final. The board's decisions shall be consistent with the applicable classification specifications. ~~The~~

The board shall not be deprived of jurisdiction to hear any appeal due to the failure of an appointing authority to file its decision with the board. Any final decision of an appointing authority or of the director not filed in the manner provided in this chapter shall be disaffirmed. ~~The~~

The board may place an exempt employee, as defined in section 124.152 of the Revised Code, into a bargaining unit classification, if the board determines that the bargaining unit classification is the proper classification for that employee. Notwithstanding Chapter 4117. of the Revised Code or instruments and contracts negotiated under it, such placements are at the board's discretion.

In any hearing before the board, including any hearing at which a record is taken that may be the basis of an appeal to a court, an employee may be represented by a person permitted to practice before the board who is not an attorney at law ~~so~~ as long as the person does not receive any compensation from the employee for ~~such~~ the representation.

(B) Hear appeals, as provided by law, of appointing authorities from final decisions of the director relative to the classification or reclassification of any position in the

classified state service under the jurisdiction of ~~such~~ that 4469  
appointing authority. The board may affirm, disaffirm, or modify 4470  
the decisions of the director, and its decision is final. The 4471  
board's decisions shall be consistent with the applicable 4472  
classification specifications. 4473

(C) Exercise the authority provided by section 124.40 of the 4474  
Revised Code, for appointment, removal, and supervision of 4475  
municipal and civil service township civil service commissions; 4476

(D) Appoint a secretary, referees, examiners, and whatever 4477  
other employees are necessary in the exercise of its powers and 4478  
performance of its duties and functions. The board shall determine 4479  
appropriate education and experience requirements for its 4480  
secretary, referees, examiners, and other employees and shall 4481  
prescribe their duties. A referee or examiner does not need to 4482  
have been admitted to the practice of law. 4483

(E) Maintain a journal ~~which~~ that shall be open to public 4484  
inspection, in which it shall keep a record of all of its 4485  
proceedings and of the vote of each of its members upon every 4486  
action taken by it; 4487

(F) Adopt rules in accordance with Chapter 119. of the 4488  
Revised Code relating to the procedure of the board in 4489  
administering the laws ~~which~~ it has the authority or duty to 4490  
administer and for the purpose of invoking the jurisdiction of the 4491  
board in hearing appeals of appointing authorities and employees 4492  
in matters set forth in divisions (A) and (B) of this section; 4493

(G) Subpoena and require the attendance and testimony of 4494  
witnesses and the production of books, papers, public records, and 4495  
other documentary evidence pertinent to any matter ~~which~~ it has 4496  
authority to investigate, inquire into, or hear in the same manner 4497  
and to the same extent as provided by division (G) of section 4498  
124.09 of the Revised Code. All witness fees shall be paid in the 4499

manner set forth in that division. 4500

(H) The board shall be funded by general revenue fund 4501  
appropriations. All moneys received by the board for copies of 4502  
documents, rule books, and transcriptions shall be paid into the 4503  
state treasury to the credit of the transcript and other documents 4504  
fund, which is hereby created to defray the cost of ~~furnishing or~~ 4505  
~~making available such copies, rule books, and transcriptions~~ 4506  
producing an administrative record. 4507

**Sec. 124.15.** (A) Board and commission members appointed prior 4508  
to July 1, 1991, shall be paid a salary or wage in accordance with 4509  
the following schedules of rates: 4510

Schedule B 4511

Pay Ranges and Step Values 4512

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	4514
Annually	11897.60	12292.80	12688.00	13124.80	4515
	Step 5	Step 6			4516
Hourly	6.52	6.75			4517
Annually	13561.60	14040.00			4518
	Step 1	Step 2	Step 3	Step 4	4519
24 Hourly	6.00	6.20	6.41	6.63	4520
Annually	12480.00	12896.00	13332.80	13790.40	4521
	Step 5	Step 6			4522
Hourly	6.87	7.10			4523
Annually	14289.60	14768.00			4524
	Step 1	Step 2	Step 3	Step 4	4525
25 Hourly	6.31	6.52	6.75	6.99	4526
Annually	13124.80	13561.60	14040.00	14539.20	4527
	Step 5	Step 6			4528
Hourly	7.23	7.41			4529
Annually	15038.40	15412.80			4530

		Step 1	Step 2	Step 3	Step 4	4531
26	Hourly	6.63	6.87	7.10	7.32	4532
	Annually	13790.40	14289.60	14768.00	15225.60	4533
		Step 5	Step 6			4534
	Hourly	7.53	7.77			4535
	Annually	15662.40	16161.60			4536
		Step 1	Step 2	Step 3	Step 4	4537
27	Hourly	6.99	7.23	7.41	7.64	4538
	Annually	14534.20	15038.40	15412.80	15891.20	4539
		Step 5	Step 6	Step 7		4540
	Hourly	7.88	8.15	8.46		4541
	Annually	16390.40	16952.00	17596.80		4542
		Step 1	Step 2	Step 3	Step 4	4543
28	Hourly	7.41	7.64	7.88	8.15	4544
	Annually	15412.80	15891.20	16390.40	16952.00	4545
		Step 5	Step 6	Step 7		4546
	Hourly	8.46	8.79	9.15		4547
	Annually	17596.80	18283.20	19032.00		4548
		Step 1	Step 2	Step 3	Step 4	4549
29	Hourly	7.88	8.15	8.46	8.79	4550
	Annually	16390.40	16952.00	17596.80	18283.20	4551
		Step 5	Step 6	Step 7		4552
	Hourly	9.15	9.58	10.01		4553
	Annually	19032.00	19926.40	20820.80		4554
		Step 1	Step 2	Step 3	Step 4	4555
30	Hourly	8.46	8.79	9.15	9.58	4556
	Annually	17596.80	18283.20	19032.00	19926.40	4557
		Step 5	Step 6	Step 7		4558
	Hourly	10.01	10.46	10.99		4559
	Annually	20820.80	21756.80	22859.20		4560
		Step 1	Step 2	Step 3	Step 4	4561
31	Hourly	9.15	9.58	10.01	10.46	4562
	Annually	19032.00	19962.40	20820.80	21756.80	4563

		Step 5	Step 6	Step 7		4564
	Hourly	10.99	11.52	12.09		4565
	Annually	22859.20	23961.60	25147.20		4566
		Step 1	Step 2	Step 3	Step 4	4567
32	Hourly	10.01	10.46	10.99	11.52	4568
	Annually	20820.80	21756.80	22859.20	23961.60	4569
		Step 5	Step 6	Step 7	Step 8	4570
	Hourly	12.09	12.68	13.29	13.94	4571
	Annually	25147.20	26374.40	27643.20	28995.20	4572
		Step 1	Step 2	Step 3	Step 4	4573
33	Hourly	10.99	11.52	12.09	12.68	4574
	Annually	22859.20	23961.60	25147.20	26374.40	4575
		Step 5	Step 6	Step 7	Step 8	4576
	Hourly	13.29	13.94	14.63	15.35	4577
	Annually	27643.20	28995.20	30430.40	31928.00	4578
		Step 1	Step 2	Step 3	Step 4	4579
34	Hourly	12.09	12.68	13.29	13.94	4580
	Annually	25147.20	26374.40	27643.20	28995.20	4581
		Step 5	Step 6	Step 7	Step 8	4582
	Hourly	14.63	15.35	16.11	16.91	4583
	Annually	30430.40	31928.00	33508.80	35172.80	4584
		Step 1	Step 2	Step 3	Step 4	4585
35	Hourly	13.29	13.94	14.63	15.35	4586
	Annually	27643.20	28995.20	30430.40	31928.00	4587
		Step 5	Step 6	Step 7	Step 8	4588
	Hourly	16.11	16.91	17.73	18.62	4589
	Annually	33508.80	35172.80	36878.40	38729.60	4590
		Step 1	Step 2	Step 3	Step 4	4591
36	Hourly	14.63	15.35	16.11	16.91	4592
	Annually	30430.40	31928.00	33508.80	35172.80	4593
		Step 5	Step 6	Step 7	Step 8	4594
	Hourly	17.73	18.62	19.54	20.51	4595
	Annually	36878.40	38729.60	40643.20	42660.80	4596

Schedule C			4597
	Pay Range and Values		4598
Range	Minimum	Maximum	4599
41 Hourly	10.44	15.72	4600
Annually	21715.20	32697.60	4601
42 Hourly	11.51	17.35	4602
Annually	23940.80	36088.00	4603
43 Hourly	12.68	19.12	4604
Annually	26374.40	39769.60	4605
44 Hourly	13.99	20.87	4606
Annually	29099.20	43409.60	4607
45 Hourly	15.44	22.80	4608
Annually	32115.20	47424.00	4609
46 Hourly	17.01	24.90	4610
Annually	35380.80	51792.00	4611
47 Hourly	18.75	27.18	4612
Annually	39000.00	56534.40	4613
48 Hourly	20.67	29.69	4614
Annually	42993.60	61755.20	4615
49 Hourly	22.80	32.06	4616
Annually	47424.00	66684.80	4617

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 4618  
4619

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 4620  
4621  
4622

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee, the actual costs or fair market value of the personal services shall 4623  
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be paid by the employee in such amounts and manner as determined 4629  
by the director of administrative services and approved by the 4630  
director of budget and management, and those personal services 4631  
shall not be considered as a part of the employee's compensation. 4632  
An appointing authority, with the approval of the director of 4633  
administrative services and the director of budget and management, 4634  
may establish payments to employees for uniforms, tools, 4635  
equipment, and other requirements of the department and payments 4636  
for the maintenance of them. 4637

The director of administrative services may review collective 4638  
bargaining agreements entered into under Chapter 4117. of the 4639  
Revised Code that cover state employees and determine whether 4640  
certain benefits or payments provided to state employees covered 4641  
by those agreements should also be provided to employees who are 4642  
exempt from collective bargaining coverage and are paid in 4643  
accordance with section 124.152 of the Revised Code or are listed 4644  
in division (B)(2) or (4) of section 124.14 of the Revised Code. 4645  
On completing the review, the director of administrative services, 4646  
with the approval of the director of budget and management, may 4647  
provide to some or all of these employees any payment or benefit, 4648  
except for salary, contained in such a collective bargaining 4649  
agreement even if it is similar to a payment or benefit already 4650  
provided by law to some or all of these employees. Any payment or 4651  
benefit so provided shall not exceed the highest level for that 4652  
payment or benefit specified in such a collective bargaining 4653  
agreement. The director of administrative services shall not 4654  
provide, and the director of budget and management shall not 4655  
approve, any payment or benefit to such an employee under this 4656  
division unless the payment or benefit is provided pursuant to a 4657  
collective bargaining agreement to a state employee who is in a 4658  
position with similar duties as, is supervised by, or is employed 4659  
by the same appointing authority as, the employee to whom the 4660  
benefit or payment is to be provided. 4661

As used in this division, "payment or benefit already 4662  
provided by law" includes, but is not limited to, bereavement, 4663  
personal, vacation, administrative, and sick leave, disability 4664  
benefits, holiday pay, and pay supplements provided under the 4665  
Revised Code, but does not include wages or salary. 4666

(E) New employees paid under schedule B of division (A) of 4667  
this section or under schedule E-1 of section 124.152 of the 4668  
Revised Code shall be employed at the minimum rate established for 4669  
the range unless otherwise provided. Employees with qualifications 4670  
that are beyond the minimum normally required for the position and 4671  
that are determined by the director to be exceptional may be 4672  
employed in, or may be transferred or promoted to, a position at 4673  
an advanced step of the range. Further, in time of a serious labor 4674  
market condition when it is relatively impossible to recruit 4675  
employees at the minimum rate for a particular classification, the 4676  
entrance rate may be set at an advanced step in the range by the 4677  
director of administrative services. This rate may be limited to 4678  
geographical regions of the state. Appointments made to an 4679  
advanced step under the provision regarding exceptional 4680  
qualifications shall not affect the step assignment of employees 4681  
already serving. However, anytime the hiring rate of an entire 4682  
classification is advanced to a higher step, all incumbents of 4683  
that classification being paid at a step lower than that being 4684  
used for hiring, shall be advanced beginning at the start of the 4685  
first pay period thereafter to the new hiring rate, and any time 4686  
accrued at the lower step will be used to calculate advancement to 4687  
a succeeding step. If the hiring rate of a classification is 4688  
increased for only a geographical region of the state, only 4689  
incumbents who work in that geographical region shall be advanced 4690  
to a higher step. When an employee in the unclassified service 4691  
changes from one state position to another or is appointed to a 4692  
position in the classified service, or if an employee in the 4693  
classified service is appointed to a position in the unclassified 4694

service, the employee's salary or wage in the new position shall 4695  
be determined in the same manner as if the employee were an 4696  
employee in the classified service. When an employee in the 4697  
unclassified service who is not eligible for step increases is 4698  
appointed to a classification in the classified service under 4699  
which step increases are provided, future step increases shall be 4700  
based on the date on which the employee last received a pay 4701  
increase. If the employee has not received an increase during the 4702  
previous year, the date of the appointment to the classified 4703  
service shall be used to determine the employee's annual step 4704  
advancement eligibility date. In reassigning any employee to a 4705  
classification resulting in a pay range increase or to a new pay 4706  
range as a result of a promotion, an increase pay range 4707  
adjustment, or other classification change resulting in a pay 4708  
range increase, the director shall assign such employee to the 4709  
step in the new pay range that will provide an increase of 4710  
approximately four per cent if the new pay range can accommodate 4711  
the increase. When an employee is being assigned to a 4712  
classification or new pay range as the result of a class plan 4713  
change, if the employee has completed a probationary period, the 4714  
employee shall be placed in a step no lower than step two of the 4715  
new pay range. If the employee has not completed a probationary 4716  
period, the employee may be placed in step one of the new pay 4717  
range. Such new salary or wage shall become effective on such date 4718  
as the director determines. 4719

(F) If employment conditions and the urgency of the work 4720  
require such action, the director of administrative services may, 4721  
upon the application of a department head, authorize payment at 4722  
any rate established within the range for the class of work, for 4723  
work of a casual or intermittent nature or on a project basis. 4724  
Payment at such rates shall not be made to the same individual for 4725  
more than three calendar months in any one calendar year. Any such 4726  
action shall be subject to the approval of the director of budget 4727

and management as to the availability of funds. This section and 4728  
sections 124.14 and 124.152 of the Revised Code do not repeal any 4729  
authority of any department or public official to contract with or 4730  
fix the compensation of professional persons who may be employed 4731  
temporarily for work of a casual nature or for work on a project 4732  
basis. 4733

(G) ~~Each~~ (1) Except as provided in division (G)(2) of this 4734  
section, each state employee paid under schedule B of this section 4735  
or under schedule E-1 of section 124.152 of the Revised Code shall 4736  
be eligible for advancement to succeeding steps in the range for 4737  
the employee's class according to the schedule established in this 4738  
division. Beginning on the first day of the pay period within 4739  
which the employee completes the prescribed probationary period in 4740  
the employee's classification with the state, each employee shall 4741  
receive an automatic salary adjustment equivalent to the next 4742  
higher step within the pay range for the employee's class or 4743  
grade. 4744

Each employee paid under schedule E-1 of section 124.152 of 4745  
the Revised Code shall be eligible to advance to the next higher 4746  
step until the employee reaches step six, if the employee has 4747  
maintained satisfactory performance in accordance with criteria 4748  
established by the employee's appointing authority. Those step 4749  
~~increases~~ advancements shall not occur more frequently than once 4750  
in any twelve-month period. An employee only may advance to step 4751  
seven upon performing at an exemplary level as determined in the 4752  
employee's performance evaluation. An employee's advancement to 4753  
step seven is at the discretion of the employee's appointing 4754  
authority. An employee may not appeal the denial of advancement to 4755  
step seven to the state personnel board of review. 4756

When an employee is promoted or reassigned to a higher pay 4757  
range, the employee's step indicator shall return to "0" or be 4758  
adjusted to account for a probationary period, as appropriate. 4759

Step advancement shall not be affected by demotion. A promoted 4760  
employee shall advance to the next higher step of the pay range on 4761  
the first day of the pay period in which the required probationary 4762  
period is completed. Step advancement shall become effective at 4763  
the beginning of the pay period within which the employee attains 4764  
the necessary length of service. Time spent on authorized leave of 4765  
absence shall be counted for this purpose. 4766

If determined to be in the best interest of the state 4767  
service, the director of administrative services may, either 4768  
statewide or in selected agencies, adjust the dates on which 4769  
annual step ~~increases~~ advancements are received by employees paid 4770  
under schedule E-1 of section 124.152 of the Revised Code. 4771

(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of 4772  
this section, there shall be a moratorium on step advancements 4773  
under division (G)(1) of this section from the pay period 4774  
beginning June 29, 2003, through the pay period ending June 25, 4775  
2005. Step advancements shall resume with the pay period beginning 4776  
June 26, 2005. Upon the resumption of step advancements, there 4777  
shall be no retroactive step advancements for the period the 4778  
moratorium was in effect. The moratorium shall not affect an 4779  
employee's performance evaluation schedule. 4780

(ii) During the moratorium under division (G)(2)(a)(i) of 4781  
this section, an employee who is hired or promoted and serves a 4782  
probationary period in the employee's new position shall advance 4783  
to the next step in the employee's pay range upon successful 4784  
completion of the employee's probationary period. Thereafter, the 4785  
employee is subject to the moratorium. 4786

(b) The moratorium under division (G)(2)(a)(i) of this 4787  
section shall apply to the employees of the secretary of state, 4788  
the auditor of state, the treasurer of state, and the attorney 4789  
general, who are subject to this section unless the secretary of 4790  
state, the auditor of state, the treasurer of state, or the 4791

attorney general decides to exempt the office's employees from the 4792  
moratorium and so notifies the director of administrative services 4793  
in writing on or before July 1, 2003. 4794

(H) Employees in appointive managerial or professional 4795  
positions paid under salary schedule C of this section or under 4796  
salary schedule E-2 of section 124.152 of the Revised Code may be 4797  
appointed at any rate within the appropriate pay range. This rate 4798  
of pay may be adjusted higher or lower within the respective pay 4799  
range at any time the appointing authority so desires as long as 4800  
the adjustment is based on the employee's ability to successfully 4801  
administer those duties assigned to the employee. Salary 4802  
adjustments shall not be made more frequently than once in any 4803  
six-month period under this provision to incumbents holding the 4804  
same position and classification. 4805

(I) When an employee is assigned to duty outside this state, 4806  
the employee may be compensated, upon request of the department 4807  
head and with the approval of the director of administrative 4808  
services, at a rate not to exceed fifty per cent in excess of the 4809  
employee's current base rate for the period of time spent on that 4810  
duty. 4811

(J) Unless compensation for members of a board or commission 4812  
is otherwise specifically provided by law, the director of 4813  
administrative services shall establish the rate and method of 4814  
payment for members of boards and commissions pursuant to the pay 4815  
schedules listed in section 124.152 of the Revised Code. 4816

(K) Regular full-time employees in positions assigned to 4817  
classes within the instruction and education administration series 4818  
under the rules of the director of administrative services, except 4819  
certificated employees on the instructional staff of the state 4820  
school for the blind or the state school for the deaf, whose 4821  
positions are scheduled to work on the basis of an academic year 4822  
rather than a full calendar year, shall be paid according to the 4823

pay range assigned by such rules but only during those pay periods 4824  
included in the academic year of the school where the employee is 4825  
located. 4826

(1) Part-time or substitute teachers or those whose period of 4827  
employment is other than the full academic year shall be 4828  
compensated for the actual time worked at the rate established by 4829  
this section. 4830

(2) Employees governed by this division are exempt from 4831  
sections 124.13 and 124.19 of the Revised Code. 4832

(3) Length of service for the purpose of determining 4833  
eligibility for step ~~increases~~ advancements as provided by 4834  
division (G) of this section and for the purpose of determining 4835  
eligibility for longevity pay supplements as provided by division 4836  
(~~F~~)(E) of section 124.181 of the Revised Code shall be computed on 4837  
the basis of one full year of service for the completion of each 4838  
academic year. 4839

(L) The superintendent of the state school for the deaf and 4840  
the superintendent of the state school for the blind shall, 4841  
subject to the approval of the superintendent of public 4842  
instruction, carry out both of the following: 4843

(1) Annually, between the first day of April and the last day 4844  
of June, establish for the ensuing fiscal year a schedule of 4845  
hourly rates for the compensation of each certificated employee on 4846  
the instructional staff of that superintendent's respective school 4847  
constructed as follows: 4848

(a) Determine for each level of training, experience, and 4849  
other professional qualification for which an hourly rate is set 4850  
forth in the current schedule, the per cent that rate is of the 4851  
rate set forth in such schedule for a teacher with a bachelor's 4852  
degree and no experience. If there is more than one such rate for 4853  
such a teacher, the lowest rate shall be used to make the 4854

computation. 4855

(b) Determine which six city, local, and exempted village 4856  
school districts with territory in Franklin county have in effect 4857  
on, or have adopted by, the first day of April for the school year 4858  
that begins on the ensuing first day of July, teacher salary 4859  
schedules with the highest minimum salaries for a teacher with a 4860  
bachelor's degree and no experience; 4861

(c) Divide the sum of such six highest minimum salaries by 4862  
ten thousand five hundred sixty; 4863

(d) Multiply each per cent determined in division (L)(1)(a) 4864  
of this section by the quotient obtained in division (L)(1)(c) of 4865  
this section; 4866

(e) One hundred five per cent of each product thus obtained 4867  
shall be the hourly rate for the corresponding level of training, 4868  
experience, or other professional qualification in the schedule 4869  
for the ensuing fiscal year. 4870

(2) Annually, assign each certificated employee on the 4871  
instructional staff of the superintendent's respective school to 4872  
an hourly rate on the schedule that is commensurate with the 4873  
employee's training, experience, and other professional 4874  
qualifications. 4875

If an employee is employed on the basis of an academic year, 4876  
the employee's annual salary shall be calculated by multiplying 4877  
the employee's assigned hourly rate times one thousand seven 4878  
hundred sixty. If an employee is not employed on the basis of an 4879  
academic year, the employee's annual salary shall be calculated in 4880  
accordance with the following formula: 4881

(a) Multiply the number of days the employee is required to 4882  
work pursuant to the employee's contract by eight; 4883

(b) Multiply the product of division (L)(2)(a) of this 4884

section by the employee's assigned hourly rate. 4885

Each employee shall be paid an annual salary in biweekly 4886  
installments. The amount of each installment shall be calculated 4887  
by dividing the employee's annual salary by the number of biweekly 4888  
installments to be paid during the year. 4889

Sections 124.13 and 124.19 of the Revised Code do not apply 4890  
to an employee who is paid under this division. 4891

As used in this division, "academic year" means the number of 4892  
days in each school year that the schools are required to be open 4893  
for instruction with pupils in attendance. Upon completing an 4894  
academic year, an employee paid under this division shall be 4895  
deemed to have completed one year of service. An employee paid 4896  
under this division is eligible to receive a pay supplement under 4897  
division (L)(1), (2), or (3) of section 124.181 of the Revised 4898  
Code for which the employee qualifies, but is not eligible to 4899  
receive a pay supplement under division (L)(4) or (5) of that 4900  
section. An employee paid under this division is eligible to 4901  
receive a pay supplement under division (L)(6) of section 124.181 4902  
of the Revised Code for which the employee qualifies, except that 4903  
the supplement is not limited to a maximum of five per cent of the 4904  
employee's regular base salary in a calendar year. 4905

(M) Division (A) of this section does not apply to "exempt 4906  
employees," as defined in section 124.152 of the Revised Code, who 4907  
are paid under that section. 4908

Notwithstanding any other provisions of this chapter, when an 4909  
employee transfers between bargaining units or transfers out of or 4910  
into a bargaining unit, the director shall establish the 4911  
employee's compensation and adjust the maximum leave accrual 4912  
schedule as the director deems equitable. 4913

**Sec. 124.152.** (A) ~~Beginning on the first day of the pay~~ 4914

~~period that includes July 1, 2000, each exempt employee shall be~~ 4915  
~~paid a salary or wage in accordance with the following schedule of~~ 4916  
~~rates:~~ 4917

~~Schedule E-1~~ 4918

~~Pay Ranges and Step Values~~ 4919

		Step							
	Range	1	2	3	4	5	6	7	
1	Hourly	8.15	8.51	8.88	9.27				4922
	Annually	16952	17701	18470	19282				4923
2	Hourly	9.88	10.30	10.75	11.23				4924
	Annually	20550	21424	22360	23358				4925
3	Hourly	10.35	10.82	11.29	11.79				4926
	Annually	21528	22506	23483	24523				4927
4	Hourly	10.87	11.36	11.90	12.43				4928
	Annually	22610	23629	24752	25854				4929
5	Hourly	11.41	11.93	12.43	12.98				4930
	Annually	23733	24814	25854	26998				4931
6	Hourly	12.02	12.51	13.07	13.60				4932
	Annually	25002	26021	27186	28288				4933
7	Hourly	12.76	13.25	13.78	14.26	14.81			4934
	Annually	26541	27560	28662	29661	30805			4935
8	Hourly	13.50	14.09	14.71	15.35	16.01			4936
	Annually	28080	29307	30597	31928	33301			4937
9	Hourly	14.40	15.14	15.89	16.68	17.53			4938
	Annually	29952	31491	33051	34694	36462			4939
10	Hourly	15.54	16.38	17.27	18.25	19.23			4940
	Annually	32323	34070	35922	37960	39998			4941
11	Hourly	16.91	17.90	18.94	20.00	21.14			4942
	Annually	35173	37232	39395	41600	43971			4943
12	Hourly	18.66	19.70	20.76	21.91	23.13	24.40	25.74	4944
	Annually	38813	40976	43181	45573	48110	50752	53539	4945
13	Hourly	20.56	21.69	22.88	24.11	25.46	26.85	28.33	4946

	Annually	42765	45115	47590	50149	52957	55848	58926	4947
14	Hourly	22.62	23.89	25.18	26.56	28.06	29.61	31.24	4948
	Annually	47050	49691	52374	55245	58365	61589	64979	4949
15	Hourly	24.84	26.23	27.72	29.25	30.86	32.57	34.36	4950
	Annually	51667	54558	57658	60840	64189	67746	71469	4951
16	Hourly	27.39	28.91	30.51	32.21	33.99	35.92	37.90	4952
	Annually	56971	60133	63461	66997	70699	74714	78832	4953
17	Hourly	30.18	31.85	33.63	35.49	37.47	39.56	41.74	4954
	Annually	62774	66248	69950	73819	77938	82285	86819	4955
18	Hourly	33.26	35.10	37.07	39.12	41.28	43.59	45.99	4956
	Annually	69181	73008	77106	81370	85862	90667	95659	4957

Schedule E-2 4958

	Range		Minimum		Maximum	4959
41	Hourly		16.23		30.15	4960
	Annually		33758		62712	4961
42	Hourly		17.89		33.31	4962
	Annually		37211		69285	4963
43	Hourly		19.70		36.69	4964
	Annually		40976		76315	4965
44	Hourly		21.73		40.07	4966
	Annually		45198		83346	4967
45	Hourly		24.01		43.75	4968
	Annually		49941		91000	4969
46	Hourly		26.43		47.81	4970
	Annually		54974		99445	4971
47	Hourly		29.14		52.17	4972
	Annually		60611		108514	4973
48	Hourly		32.14		56.94	4974
	Annually		66851		118435	4975
49	Hourly		35.44		61.48	4976
	Annually		73715		127878	4977

~~(B) Beginning on the first day of the pay period that~~ 4978

~~includes July 1, 2001, each exempt employee shall be paid a salary~~ 4979

~~or wage in accordance with the following schedule of rates:~~ 4980

~~Schedule E-1~~ 4981

~~Pay Ranges and Step Values~~ 4982

		<del>Step</del>							
	Range	1	2	3	4	5	6	7	
1	Hourly	8.44	8.81	9.19	9.59				4985
	Annually	17555	18325	19115	19947				4986
2	Hourly	10.23	10.66	11.13	11.62				4987
	Annually	21278	22173	23150	24170				4988
3	Hourly	10.71	11.20	11.69	12.20				4989
	Annually	22277	23296	24315	25376				4990
4	Hourly	11.25	11.76	12.32	12.87				4991
	Annually	23400	24461	25626	26770				4992
5	Hourly	11.81	12.35	12.87	13.43				4993
	Annually	24565	25688	26770	27934				4994
6	Hourly	12.44	12.95	13.53	14.08				4995
	Annually	25875	26936	28142	29286				4996
7	Hourly	13.21	13.71	14.26	14.76	15.33			4997
	Annually	27477	28517	29661	30701	31886			4998
8	Hourly	13.97	14.58	15.22	15.89	16.57			4999
	Annually	29058	30326	31658	33051	34466			5000
9	Hourly	14.90	15.67	16.45	17.26	18.14			5001
	Annually	30992	32594	34216	35901	37731			5002
10	Hourly	16.08	16.95	17.87	18.89	19.90			5003
	Annually	33446	35256	37170	39291	41392			5004
11	Hourly	17.50	18.53	19.60	20.70	21.88			5005
	Annually	36400	38542	40768	43056	45510			5006
12	Hourly	19.31	20.39	21.49	22.68	23.94	25.25	26.64	5007
	Annually	40165	42411	44699	47174	49795	52520	55411	5008
13	Hourly	21.28	22.45	23.68	24.95	26.35	27.79	29.32	5009
	Annually	44262	46696	49254	51896	54808	57803	60986	5010
14	Hourly	23.41	24.73	26.06	27.49	29.04	30.65	32.33	5011

	Annually	48693	51438	54205	57179	60403	63752	67246	5012
15	Hourly	25.71	27.15	28.69	30.27	31.94	33.71	35.56	5013
	Annually	53477	56472	59675	62962	66435	70117	73965	5014
16	Hourly	28.35	29.92	31.58	33.34	35.18	37.18	39.23	5015
	Annually	58968	62234	65686	69347	73174	77334	81598	5016
17	Hourly	31.24	32.96	34.81	36.73	38.78	40.94	43.20	5017
	Annually	64979	68557	72405	76398	80662	85155	89856	5018
18	Hourly	34.42	36.33	38.37	40.49	42.72	45.12	47.60	5019
	Annually	71594	75566	79810	84219	88858	93850	99008	5020
Schedule E-2									5021
	Range			Minimum				Maximum	5022
41	Hourly			16.23				31.21	5023
	Annually			33758				64917	5024
42	Hourly			17.89				34.48	5025
	Annually			37211				71718	5026
43	Hourly			19.70				37.97	5027
	Annually			40976				78978	5028
44	Hourly			21.73				41.47	5029
	Annually			45198				86258	5030
45	Hourly			24.01				45.28	5031
	Annually			49941				94182	5032
46	Hourly			26.43				49.48	5033
	Annually			54974				102918	5034
47	Hourly			29.14				54.00	5035
	Annually			60611				112320	5036
48	Hourly			32.14				58.93	5037
	Annually			66851				122574	5038
49	Hourly			35.44				63.63	5039
	Annually			73715				132350	5040
	(C) Beginning on the first day of the pay period that								5041
	includes July 1, 2002, each exempt employee shall be paid a salary								5042
	or wage in accordance with the following schedule of rates:								5043

Schedule E-1		Pay Ranges and Step Values							5044
		Step	Step	Step	Step	Step	Step	Step	5045
Range		1	2	3	4	5	6	7	5046
		1	2	3	4	5	6	7	5047
1	Hourly	8.78	9.16	9.56	9.97				5048
	Annually	18262	19053	19885	20738				5049
2	Hourly	10.64	11.09	11.58	12.08				5050
	Annually	22131	23067	24086	25126				5051
3	Hourly	11.14	11.65	12.16	12.69				5052
	Annually	23171	24232	25293	26395				5053
4	Hourly	11.70	12.23	12.81	13.38				5054
	Annually	24336	25438	26645	27830				5055
5	Hourly	12.28	12.84	13.38	13.97				5056
	Annually	25542	26707	27830	29058				5057
6	Hourly	12.94	13.47	14.07	14.64				5058
	Annually	26915	28018	29266	30451				5059
7	Hourly	13.74	14.26	14.83	15.35	15.94			5060
	Annually	28579	29661	30846	31928	33155			5061
8	Hourly	14.53	15.16	15.83	16.53	17.23			5062
	Annually	30222	31533	32926	34382	35838			5063
9	Hourly	15.50	16.30	17.11	17.95	18.87			5064
	Annually	32240	33904	35589	37336	39250			5065
10	Hourly	16.72	17.63	18.58	19.65	20.70			5066
	Annually	34778	36670	38646	40872	43056			5067
11	Hourly	18.20	19.27	20.38	21.53	22.76			5068
	Annually	37856	40082	42390	44782	47341			5069
12	Hourly	20.08	21.21	22.35	23.59	24.90	26.26	27.71	5070
	Annually	41766	44117	46488	49067	51792	54621	57637	5071
13	Hourly	22.13	23.35	24.63	25.95	27.40	28.90	30.49	5072
	Annually	46030	48568	51230	53976	56992	60112	63419	5073
14	Hourly	24.35	25.72	27.10	28.59	30.20	31.88	33.62	5074
	Annually	50648	53498	56368	59467	62816	66310	69930	5075
15	Hourly	26.74	28.24	29.84	31.48	33.22	35.06	36.98	5076

	Annually	55619	58739	62067	65478	69098	72925	76918	5077
16	Hourly	29.48	31.12	32.84	34.67	36.59	38.67	40.80	5078
	Annually	61318	64730	68307	72114	76107	80434	84864	5079
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58	44.93	5080
	Annually	67579	71302	75296	79456	83886	88566	93454	5081
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92	49.50	5082
	Annually	74464	78582	82992	87589	92414	97594	102960	5083
Schedule E-2									5084
	Range			Minimum				Maximum	5085
41	Hourly			16.23				32.46	5086
	Annually			33758				67517	5087
42	Hourly			17.89				35.86	5088
	Annually			37211				74589	5089
43	Hourly			19.70				39.49	5090
	Annually			40976				82139	5091
44	Hourly			21.73				43.13	5092
	Annually			45198				89710	5093
45	Hourly			24.01				47.09	5094
	Annually			49941				97947	5095
46	Hourly			26.43				51.46	5096
	Annually			54974				107037	5097
47	Hourly			29.14				56.16	5098
	Annually			60611				116813	5099
48	Hourly			32.14				61.29	5100
	Annually			66851				127483	5101
49	Hourly			35.44				66.18	5102
	Annually			73715				137654	5103
<u>(D)(B) Beginning on the first day of the pay period that</u>									5104
<u>includes July 1, 2005, each exempt employee shall be paid a salary</u>									5105
<u>or wage in accordance with the following schedule of rates:</u>									5106
<u>Schedule E-1</u>									5107
<u>Pay Ranges and Step Values</u>									5108

		<u>Step</u>							
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	
									5109
									5110
<u>1</u>	<u>Hourly</u>	<u>9.13</u>	<u>9.53</u>	<u>9.94</u>	<u>10.37</u>				5111
	<u>Annually</u>	<u>18990</u>	<u>19822</u>	<u>20675</u>	<u>21570</u>				5112
<u>2</u>	<u>Hourly</u>	<u>11.07</u>	<u>11.53</u>	<u>12.04</u>	<u>12.56</u>				5113
	<u>Annually</u>	<u>23026</u>	<u>23982</u>	<u>25043</u>	<u>26125</u>				5114
<u>3</u>	<u>Hourly</u>	<u>11.59</u>	<u>12.12</u>	<u>12.65</u>	<u>13.20</u>				5115
	<u>Annually</u>	<u>24107</u>	<u>25210</u>	<u>26312</u>	<u>27456</u>				5116
<u>4</u>	<u>Hourly</u>	<u>12.17</u>	<u>12.72</u>	<u>13.32</u>	<u>13.92</u>				5117
	<u>Annually</u>	<u>25314</u>	<u>26458</u>	<u>27706</u>	<u>28954</u>				5118
<u>5</u>	<u>Hourly</u>	<u>12.77</u>	<u>13.35</u>	<u>13.92</u>	<u>14.53</u>				5119
	<u>Annually</u>	<u>26562</u>	<u>27768</u>	<u>28954</u>	<u>30222</u>				5120
<u>6</u>	<u>Hourly</u>	<u>13.46</u>	<u>14.01</u>	<u>14.63</u>	<u>15.23</u>				5121
	<u>Annually</u>	<u>27997</u>	<u>29141</u>	<u>30430</u>	<u>31678</u>				5122
<u>7</u>	<u>Hourly</u>	<u>14.29</u>	<u>14.83</u>	<u>15.42</u>	<u>15.96</u>	<u>16.58</u>			5123
	<u>Annually</u>	<u>29723</u>	<u>30846</u>	<u>32074</u>	<u>33197</u>	<u>34486</u>			5124
<u>8</u>	<u>Hourly</u>	<u>15.11</u>	<u>15.77</u>	<u>16.46</u>	<u>17.19</u>	<u>17.92</u>			5125
	<u>Annually</u>	<u>31429</u>	<u>32802</u>	<u>34237</u>	<u>35755</u>	<u>37274</u>			5126
<u>9</u>	<u>Hourly</u>	<u>16.12</u>	<u>16.95</u>	<u>17.79</u>	<u>18.67</u>	<u>19.62</u>			5127
	<u>Annually</u>	<u>33530</u>	<u>35256</u>	<u>37003</u>	<u>38834</u>	<u>40810</u>			5128
<u>10</u>	<u>Hourly</u>	<u>17.39</u>	<u>18.34</u>	<u>19.32</u>	<u>20.44</u>	<u>21.53</u>			5129
	<u>Annually</u>	<u>36171</u>	<u>38147</u>	<u>40186</u>	<u>42515</u>	<u>44782</u>			5130
<u>11</u>	<u>Hourly</u>	<u>18.93</u>	<u>20.04</u>	<u>21.20</u>	<u>22.39</u>	<u>23.67</u>			5131
	<u>Annually</u>	<u>39374</u>	<u>41683</u>	<u>44096</u>	<u>46571</u>	<u>49234</u>			5132
<u>12</u>	<u>Hourly</u>	<u>20.88</u>	<u>22.06</u>	<u>23.24</u>	<u>24.53</u>	<u>25.90</u>	<u>27.31</u>	<u>28.82</u>	5133
	<u>Annually</u>	<u>43430</u>	<u>45885</u>	<u>48339</u>	<u>51022</u>	<u>53872</u>	<u>56805</u>	<u>59946</u>	5134
<u>13</u>	<u>Hourly</u>	<u>23.02</u>	<u>24.28</u>	<u>25.62</u>	<u>26.99</u>	<u>28.50</u>	<u>30.06</u>	<u>31.71</u>	5135
	<u>Annually</u>	<u>47882</u>	<u>50502</u>	<u>53290</u>	<u>56139</u>	<u>59280</u>	<u>62525</u>	<u>65957</u>	5136
<u>14</u>	<u>Hourly</u>	<u>25.32</u>	<u>26.75</u>	<u>28.18</u>	<u>29.73</u>	<u>31.41</u>	<u>33.16</u>	<u>34.96</u>	5137
	<u>Annually</u>	<u>52666</u>	<u>55640</u>	<u>58614</u>	<u>61838</u>	<u>65333</u>	<u>68973</u>	<u>72717</u>	5138
<u>15</u>	<u>Hourly</u>	<u>27.81</u>	<u>29.37</u>	<u>31.03</u>	<u>32.74</u>	<u>34.55</u>	<u>36.46</u>	<u>38.46</u>	5139
	<u>Annually</u>	<u>57845</u>	<u>61090</u>	<u>64542</u>	<u>68099</u>	<u>71864</u>	<u>75837</u>	<u>79997</u>	5140
<u>16</u>	<u>Hourly</u>	<u>30.66</u>	<u>32.36</u>	<u>34.15</u>	<u>36.06</u>	<u>38.05</u>	<u>40.22</u>	<u>42.43</u>	5141

	<u>Annually</u>	<u>63773</u>	<u>67309</u>	<u>71032</u>	<u>75005</u>	<u>79144</u>	<u>83658</u>	<u>88254</u>	5142
<u>17</u>	<u>Hourly</u>	<u>33.79</u>	<u>35.65</u>	<u>37.65</u>	<u>39.73</u>	<u>41.94</u>	<u>44.28</u>	<u>46.73</u>	5143
	<u>Annually</u>	<u>70283</u>	<u>74152</u>	<u>78312</u>	<u>82638</u>	<u>87235</u>	<u>92102</u>	<u>97198</u>	5144
<u>18</u>	<u>Hourly</u>	<u>37.23</u>	<u>39.29</u>	<u>41.50</u>	<u>43.79</u>	<u>46.21</u>	<u>48.80</u>	<u>51.48</u>	5145
	<u>Annually</u>	<u>77438</u>	<u>81723</u>	<u>86320</u>	<u>91083</u>	<u>96117</u>	<u>101504</u>	<u>107078</u>	5146

Schedule E-2 5147

	<u>Range</u>	<u>Minimum</u>	<u>Maximum</u>	5148
<u>41</u>	<u>Hourly</u>	<u>16.23</u>	<u>33.76</u>	5149
	<u>Annually</u>	<u>33758</u>	<u>70221</u>	5150
<u>42</u>	<u>Hourly</u>	<u>17.89</u>	<u>37.29</u>	5151
	<u>Annually</u>	<u>37211</u>	<u>77563</u>	5152
<u>43</u>	<u>Hourly</u>	<u>19.70</u>	<u>41.07</u>	5153
	<u>Annually</u>	<u>40976</u>	<u>85426</u>	5154
<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>44.86</u>	5155
	<u>Annually</u>	<u>45198</u>	<u>93309</u>	5156
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>48.97</u>	5157
	<u>Annually</u>	<u>49941</u>	<u>101858</u>	5158
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>53.52</u>	5159
	<u>Annually</u>	<u>54974</u>	<u>111322</u>	5160
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>58.41</u>	5161
	<u>Annually</u>	<u>60611</u>	<u>121493</u>	5162
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>63.74</u>	5163
	<u>Annually</u>	<u>66851</u>	<u>132579</u>	5164
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>68.83</u>	5165
	<u>Annually</u>	<u>73715</u>	<u>143166</u>	5166

(C) As used in this section, "exempt employee" means a 5167  
 permanent full-time or permanent part-time employee paid directly 5168  
 by warrant of the auditor of state whose position is included in 5169  
 the job classification plan established under division (A) of 5170  
 section 124.14 of the Revised Code but who is not considered a 5171  
 public employee for the purposes of Chapter 4117. of the Revised 5172  
 Code. As used in this section, "exempt employee" also includes a 5173  
 permanent full-time or permanent part-time employee of the 5174

secretary of state, auditor of state, treasurer of state, or 5175  
attorney general who has not been placed in an appropriate 5176  
bargaining unit by the state employment relations board. 5177

**Sec. 124.181.** (A) Except as provided in division (M) of this 5178  
section, any employee paid under schedule B of section 124.15 or 5179  
under schedule E-1 of section 124.152 of the Revised Code is 5180  
eligible for the pay supplements provided in this section upon 5181  
application by the appointing authority substantiating the 5182  
employee's qualifications for the supplement and with the approval 5183  
of the director of administrative services except as provided in 5184  
division (E) of this section. 5185

(B) ~~In~~ Except as provided in section 124.183 of the Revised 5186  
Code, in computing any of the pay supplements provided in this 5187  
section, the classification salary base shall be the minimum 5188  
hourly rate of the pay range, provided in section 124.15 or 5189  
124.152 of the Revised Code, in which the employee is assigned at 5190  
the time of computation. 5191

(C) The effective date of any pay supplement, except as 5192  
provided in section 124.183 of the Revised Code or unless 5193  
otherwise provided in this section, shall be determined by the 5194  
director. 5195

(D) The director shall, by rule, establish standards 5196  
regarding the administration of this section. 5197

(E)(1) Except as otherwise provided in this division, 5198  
beginning on the first day of the pay period within which the 5199  
employee completes five years of total service with the state 5200  
government or any of its political subdivisions, each employee in 5201  
positions paid under salary schedule B of section 124.15 or under 5202  
salary schedule E-1 of section 124.152 of the Revised Code shall 5203  
receive an automatic salary adjustment equivalent to two and 5204  
one-half per cent of the classification salary base, to the 5205

nearest whole cent. Each employee shall receive thereafter an 5206  
annual adjustment equivalent to one-half of one per cent of the 5207  
employee's classification salary base, to the nearest whole cent, 5208  
for each additional year of qualified employment until a maximum 5209  
of ten per cent of the employee's classification salary base is 5210  
reached. The granting of longevity adjustments shall not be 5211  
affected by promotion, demotion, or other changes in 5212  
classification held by the employee, nor by any change in pay 5213  
range for the employee's class. Longevity pay adjustments shall 5214  
become effective at the beginning of the pay period within which 5215  
the employee completes the necessary length of service, except 5216  
that when an employee requests credit for prior service, the 5217  
effective date of the prior service credit and of any longevity 5218  
adjustment shall be the first day of the pay period following 5219  
approval of the credit by the director of administrative services. 5220  
No employee, other than an employee who submits proof of prior 5221  
service within ninety days after the date of the employee's 5222  
hiring, shall receive any longevity adjustment for the period 5223  
prior to the director's approval of a prior service credit. Time 5224  
spent on authorized leave of absence shall be counted for this 5225  
purpose. 5226

(2) An employee who has retired in accordance with the 5227  
provisions of any retirement system offered by the state and who 5228  
is employed by the state or any political subdivision of the state 5229  
on or after June 24, 1987, shall not have prior service with the 5230  
state or any political subdivision of the state counted for the 5231  
purpose of determining the amount of the salary adjustment 5232  
provided under this division. 5233

(3) There shall be a moratorium on employees' receipt under 5234  
this division of credit for service with the state government or 5235  
any of its political subdivisions during the period from July 1, 5236  
2003, through June 30, 2005. In calculating the number of years of 5237

total service under this division, no credit shall be included for 5238  
service during the moratorium. The moratorium shall apply to the 5239  
employees of the secretary of state, the auditor of state, the 5240  
treasurer of state, and the attorney general, who are subject to 5241  
this section unless the secretary of state, the auditor of state, 5242  
the treasurer of state, or the attorney general decides to exempt 5243  
the office's employees from the moratorium and so notifies the 5244  
director of administrative services in writing on or before July 5245  
1, 2003. 5246

If an employee is exempt from the moratorium, receives credit 5247  
for a period of service during the moratorium, and takes a 5248  
position with another entity in the state government or any of its 5249  
political subdivisions, either during or after the moratorium, and 5250  
if that entity's employees are or were subject to the moratorium, 5251  
the employee shall continue to retain the credit. However, if the 5252  
moratorium is in effect upon the taking of the new position, the 5253  
employee shall cease receiving additional credit as long as the 5254  
employee is in the position, until the moratorium expires. 5255

(F) When an exceptional condition exists that creates a 5256  
temporary or a permanent hazard for one or more positions in a 5257  
class paid under schedule B of section 124.15 or under salary 5258  
schedule E-1 of section 124.152 of the Revised Code, a special 5259  
hazard salary adjustment may be granted for the time the employee 5260  
is subjected to the hazardous condition. All special hazard 5261  
conditions shall be identified for each position and incidence 5262  
from information submitted to the director on an appropriate form 5263  
provided by the director and categorized into standard conditions 5264  
of: some unusual hazard not common to the class; considerable 5265  
unusual hazard not common to the class; and exceptional hazard not 5266  
common to the class. 5267

(1) A hazardous salary adjustment of five per cent of the 5268  
employee's classification salary base may be applied in the case 5269

of some unusual hazardous condition not common to the class for 5270  
those hours worked, or a fraction thereof, while the employee was 5271  
subject to the unusual hazard condition. 5272

(2) A hazardous salary adjustment of seven and one-half per 5273  
cent of the employee's classification salary base may be applied 5274  
in the case of some considerable hazardous condition not common to 5275  
the class for those hours worked, or a fraction thereof, while the 5276  
employee was subject to the considerable hazard condition. 5277

(3) A hazardous salary adjustment of ten per cent of the 5278  
employee's classification salary base may be applied in the case 5279  
of some exceptional hazardous condition not common to the class 5280  
for those hours worked, or a fraction thereof, when the employee 5281  
was subject to the exceptional hazard condition. 5282

(4) Each claim for temporary hazard pay shall be submitted as 5283  
a separate payment and shall be subject to an administrative audit 5284  
by the director as to the extent and duration of the employee's 5285  
exposure to the hazardous condition. 5286

(G) When a full-time employee whose salary or wage is paid 5287  
directly by warrant of the auditor of state and who also is 5288  
eligible for overtime under the "Fair Labor Standards Act of 5289  
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered 5290  
by the appointing authority to report back to work after 5291  
termination of the employee's regular work schedule and the 5292  
employee reports, the employee shall be paid for such time. The 5293  
employee shall be entitled to four hours at the employee's total 5294  
rate of pay or overtime compensation for the actual hours worked, 5295  
whichever is greater. This division does not apply to work that is 5296  
a continuation of or immediately preceding an employee's regular 5297  
work schedule. 5298

(H) When a certain position or positions paid under schedule 5299  
B of section 124.15 or under salary schedule E-1 of section 5300

124.152 of the Revised Code require the ability to speak or write 5301  
a language other than English, a special pay supplement may be 5302  
granted to attract bilingual individuals, to encourage present 5303  
employees to become proficient in other languages, or to retain 5304  
qualified bilingual employees. The bilingual pay supplement 5305  
provided in this division may be granted in the amount of five per 5306  
cent of the employee's classification salary base for each 5307  
required foreign language and shall remain in effect as long as 5308  
the bilingual requirement exists. 5309

(I) The director may establish a shift differential for 5310  
employees. Such differential shall be paid to employees in 5311  
positions working in other than the regular or first shift. In 5312  
those divisions or agencies where only one shift prevails, no 5313  
shift differential shall be paid regardless of the hours of the 5314  
day that are worked. The director and the appointing authority 5315  
shall designate which positions shall be covered by this division. 5316

(J) Whenever an employee is assigned to work in a higher 5317  
level position for a continuous period of more than two weeks but 5318  
no more than two years because of a vacancy, the employee's pay 5319  
may be established at a rate that is approximately four per cent 5320  
above the employee's current base rate for the period the employee 5321  
occupies the position, provided that this temporary occupancy is 5322  
approved by the director. Employees paid under this division shall 5323  
continue to receive any of the pay supplements due them under 5324  
other divisions of this section based on the step one base rate 5325  
for their normal classification. 5326

(K) If a certain position, or positions, within a class paid 5327  
under schedule B of section 124.15 or under salary schedule E-1 of 5328  
section 124.152 of the Revised Code are mandated by state or 5329  
federal law or regulation or other regulatory agency or other 5330  
certification authority to have special technical certification, 5331  
registration, or licensing to perform the functions which are 5332

under the mandate, a special professional achievement pay 5333  
supplement may be granted. This special professional achievement 5334  
pay supplement shall not be granted when all incumbents in all 5335  
positions in a class require license as provided in the 5336  
classification description published by the department of 5337  
administrative services; to licensees where no special or 5338  
extensive training is required; when certification is granted upon 5339  
completion of a stipulated term of in-service training; when an 5340  
appointing authority has required certification; or any other 5341  
condition prescribed by the director. 5342

(1) Before this supplement may be applied, evidence as to the 5343  
requirement must be provided by the agency for each position 5344  
involved, and certification must be received from the director as 5345  
to the director's concurrence for each of the positions so 5346  
affected. 5347

(2) The professional achievement pay supplement provided in 5348  
this division shall be granted in an amount up to ten per cent of 5349  
the employee's classification salary base and shall remain in 5350  
effect as long as the mandate exists. 5351

(L) Those employees assigned to teaching supervisory, 5352  
principal, assistant principal, or superintendent positions who 5353  
have attained a higher educational level than a basic bachelor's 5354  
degree may receive an educational pay supplement to remain in 5355  
effect as long as the employee's assignment and classification 5356  
remain the same. 5357

(1) An educational pay supplement of two and one-half per 5358  
cent of the employee's classification salary base may be applied 5359  
upon the achievement of a bachelor's degree plus twenty quarter 5360  
hours of postgraduate work. 5361

(2) An educational pay supplement of an additional five per 5362  
cent of the employee's classification salary base may be applied 5363

upon achievement of a master's degree. 5364

(3) An educational pay supplement of an additional two and 5365  
one-half per cent of the employee's classification salary base may 5366  
be applied upon achievement of a master's degree plus thirty 5367  
quarter hours of postgraduate work. 5368

(4) An educational pay supplement of five per cent of the 5369  
employee's classification salary base may be applied when the 5370  
employee is performing as a master teacher. 5371

(5) An educational pay supplement of five per cent of the 5372  
employee's classification salary base may be applied when the 5373  
employee is performing as a special education teacher. 5374

(6) Those employees in teaching supervisory, principal, 5375  
assistant principal, or superintendent positions who are 5376  
responsible for specific extracurricular activity programs shall 5377  
receive overtime pay for those hours worked in excess of their 5378  
normal schedule, at their straight time hourly rate up to a 5379  
maximum of five per cent of their regular base salary in any 5380  
calendar year. 5381

(M)(1) A state agency, board, or commission may establish a 5382  
supplementary compensation schedule for those licensed physicians 5383  
employed by the agency, board, or commission in positions 5384  
requiring a licensed physician. The supplementary compensation 5385  
schedule, together with the compensation otherwise authorized by 5386  
this chapter, shall provide for the total compensation for these 5387  
employees to range appropriately, but not necessarily uniformly, 5388  
for each classification title requiring a licensed physician, in 5389  
accordance with a schedule approved by the state controlling 5390  
board. The individual salary levels recommended for each such 5391  
physician employed shall be approved by the director. 5392  
Notwithstanding section 124.11 of the Revised Code, such personnel 5393  
are in the unclassified civil service. 5394

(2) The director of administrative services may approve 5395  
supplementary compensation for the director of health, if the 5396  
director is a licensed physician, in accordance with a 5397  
supplementary compensation schedule approved under division (M)(1) 5398  
of this section or in accordance with another supplementary 5399  
compensation schedule the director of administrative services 5400  
considers appropriate. The supplementary compensation shall not 5401  
exceed twenty per cent of the director of health's base rate of 5402  
pay. 5403

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 5404  
117.42, and 131.02 of the Revised Code, the state shall not 5405  
institute any civil action to recover and shall not seek 5406  
reimbursement for overpayments made in violation of division (E) 5407  
of this section or division (C) of section 9.44 of the Revised 5408  
Code for the period starting after June 24, 1987, and ending on 5409  
October 31, 1993. 5410

(O) Employees of the office of the treasurer of state who are 5411  
exempt from collective bargaining coverage may be granted a merit 5412  
pay supplement of up to one and one-half per cent of their step 5413  
rate. The rate at which this supplement is granted shall be based 5414  
on performance standards established by the treasurer of state. 5415  
Any supplements granted under this division shall be administered 5416  
on an annual basis. 5417

Sec. 124.183. (A) As used in this section, "active payroll" 5418  
means when an employee is actively working; on military, worker's 5419  
compensation, occupational injury, or disability leave; or on an 5420  
approved leave of absence. 5421

(B) Each permanent employee paid under schedule E-1 of 5422  
section 124.152 of the Revised Code who was appointed on or before 5423  
March 6, 2003, and is on the active payroll as of November 14, 5424  
2004, shall receive a one-time pay supplement. The supplement 5425

shall be a two per cent lump sum payment that is based on the 5426  
annualization of the top step of the pay range that the employee 5427  
is in on November 14, 2004. 5428

Each permanent employee paid under schedule E-2 of section 5429  
124.152 of the Revised Code who was appointed on or before March 5430  
6, 2003, and is on the active payroll as of November 14, 2004, 5431  
shall receive a one-time pay supplement. The supplement shall be a 5432  
two per cent lump sum payment that is based upon the annualization 5433  
of the maximum hourly rate of the pay range that the employee is 5434  
in on November 14, 2004. 5435

(C) Each permanent employee who is exempt from collective 5436  
bargaining, is not covered by division (B) of this section, was 5437  
appointed on or before March 6, 2003, and is on the active payroll 5438  
as of November 14, 2004, shall receive a one-time pay supplement. 5439  
The supplement shall be a two per cent lump sum payment that is 5440  
based upon the annualization of the base rate of the employee's 5441  
pay on November 14, 2004. 5442

(D) A part-time employee who is eligible to receive a 5443  
one-time pay supplement under division (B) or (C) of this section 5444  
shall have the employee's one-time pay supplement pro-rated based 5445  
on the number of hours worked in the twenty-six pay periods prior 5446  
to November 14, 2004. 5447

An employee who is eligible to receive a one-time pay 5448  
supplement under division (B) or (C) of this section and was on a 5449  
voluntary leave of absence shall have the employee's one-time pay 5450  
supplement pro-rated based on the number of hours worked in the 5451  
twenty-six pay periods prior to November 14, 2004. 5452

(E) A one-time pay supplement under this section shall be 5453  
paid in the employee's first paycheck in December of 2004. 5454

(F) Notwithstanding any provision of law to the contrary, a 5455  
one-time pay supplement under this section shall not be subject to 5456

withholding for deposit into any state retirement system. 5457  
Notwithstanding any provision of law to the contrary, a one-time 5458  
pay supplement under this section shall not be used for 5459  
calculation purposes in determining an employee's retirement 5460  
benefits in any state retirement system. 5461

(G)(1) This section does not apply to employees of the 5462  
general assembly, legislative agencies, the supreme court, or 5463  
state boards or commissions. 5464

(2) This section does not apply to employees of the secretary 5465  
of state, the auditor of state, the treasurer of state, or the 5466  
attorney general unless the secretary of state, the auditor of 5467  
state, the treasurer of state, or the attorney general decides 5468  
that the office's employees should be eligible for the one-time 5469  
pay supplement and so notifies the director of administrative 5470  
services in writing on or before July 1, 2004. 5471

**Sec. 125.05.** Except as provided in division (E) of this 5472  
section, no state agency shall purchase any supplies or services 5473  
except as provided in divisions (A) to (C) of this section. 5474

(A) Subject to division (D) of this section, a state agency 5475  
may, without competitive selection, make any purchase of services 5476  
that cost fifty thousand dollars or less or any purchase of 5477  
supplies that cost twenty-five thousand dollars or less. The 5478  
agency may make the purchase directly or may make the purchase 5479  
from or through the department of administrative services, 5480  
whichever the agency determines. The department shall establish 5481  
written procedures to assist state agencies when they make direct 5482  
purchases. If the agency makes the purchase directly, it shall 5483  
make the purchase by a term contract whenever possible. 5484

(B) Subject (1) Except as provided in division (B)(2) of this 5485  
section and subject to division (D) of this section, a state 5486  
agency wanting to purchase services that cost more than fifty 5487

thousand dollars or supplies that cost more than twenty-five 5488  
thousand dollars shall, unless otherwise authorized by law, make 5489  
the purchase from or through the department. The department shall 5490  
make the purchase by competitive selection under section 125.07 of 5491  
the Revised Code. If the director of administrative services 5492  
determines that it is not possible or not advantageous to the 5493  
state for the department to make the purchase, the department 5494  
shall grant the agency a release and permit under section 125.06 5495  
of the Revised Code to make the purchase. Section 127.16 of the 5496  
Revised Code does not apply to purchases the department makes 5497  
under this section. 5498

(2) Subject to division (D) of this section, a state agency 5499  
desiring to purchase services that cost more than fifty thousand 5500  
dollars or supplies that cost more than twenty-five thousand 5501  
dollars shall solicit, pursuant to the competitive selection 5502  
requirements specified in section 125.07 of the Revised Code, at 5503  
least three bids or proposals for the services or supplies and 5504  
make the purchase directly from the lowest bidder or offeror 5505  
instead of from or through the department, but only if the state 5506  
agency determines that it is possible to purchase the services or 5507  
supplies directly from that bidder or offeror at a lower price 5508  
than making the purchase from or through the department. If the 5509  
agency makes a purchase pursuant to division (B)(2) of this 5510  
section, it shall provide the department with written notification 5511  
of the subject and amount of the purchase. 5512

(C) An agency that has been granted a release and permit to 5513  
make a purchase may make the purchase without competitive 5514  
selection if after making the purchase the cumulative purchase 5515  
threshold as computed under division (F) of section 127.16 of the 5516  
Revised Code would: 5517

(1) Be exceeded and the controlling board approves the 5518  
purchase; or 5519

(2) Not be exceeded and the department of administrative services approves the purchase. 5520  
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(D) Not later than January 31, 1997, the amounts specified in divisions (A) and (B) of this section and, not later than the thirty-first day of January of each second year thereafter, any amounts computed by adjustments made under this division, shall be increased or decreased by the average percentage increase or decrease in the consumer price index prepared by the United States bureau of labor statistics (U.S. City Average for Urban Wage Earners and Clerical Workers: "All Items 1982-1984=100") for the twenty-four calendar month period prior to the immediately preceding first day of January over the immediately preceding twenty-four calendar month period, as reported by the bureau. The director of administrative services shall make this determination and adjust the appropriate amounts accordingly. 5522  
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(E) If the Ohio SchoolNet commission, the department of education, or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software services or supplies for themselves, the office, department, or network shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions (A) to (D) of this section. 5535  
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**Sec. 125.06.** The department of administrative services may, pursuant to division (B)(1) of section 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, issue a release and permit to ~~the~~ a state agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the time 5545  
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during which it is operative, and the reason for its issuance. A 5551  
release and permit for computer services ~~shall~~ also shall specify 5552  
the type of services to be rendered, and the number and type of 5553  
machines to be employed, and may specify the amount of ~~such~~ the 5554  
services to be performed. One copy of every release and permit 5555  
shall be filed with the agency to which it is issued, and one copy 5556  
shall be retained by the department. 5557

**Sec. 125.07.** The department of administrative services, in 5558  
making a purchase by competitive selection pursuant to division 5559  
(B)(1) of section 125.05 of the Revised Code, or a state agency, 5560  
in making a purchase by competitive selection pursuant to division 5561  
(B)(2) of section 125.02 of the Revised Code, shall give notice in 5562  
the following manner: 5563

(A) The department or state agency shall advertise the 5564  
intended purchases by notice that is posted by mail or electronic 5565  
means and that is for the benefit of competing persons producing 5566  
or dealing in the supplies or services to be purchased, including, 5567  
but not limited to, the persons whose names appear on the 5568  
appropriate list provided for in section 125.08 of the Revised 5569  
Code. The notice may be in the form of the bid or proposal 5570  
document or of a listing in a periodic bulletin, or in any other 5571  
form the director of administrative services or state agency head 5572  
considers appropriate to sufficiently notify qualified competing 5573  
persons of the intended purchases. 5574

(B) The notice required under division (A) of this section 5575  
shall include the time and place where bids or proposals will be 5576  
accepted and opened, or, when bids are made in a reverse auction, 5577  
the time when bids will be accepted; the conditions under which 5578  
bids or proposals will be received; the terms of the proposed 5579  
purchases; and an itemized list of the supplies or services to be 5580  
purchased and the estimated quantities or amounts of them. 5581

(C) The posting of the notice required under division (A) of 5582  
this section shall be completed by the number of days the director 5583  
or state agency head determines preceding the day when the bids or 5584  
proposals will be opened or accepted. 5585

(D) The department or state agency also shall maintain, in a 5586  
public place in its office, a bulletin board upon which it shall 5587  
post and maintain a copy of the notice required under division (A) 5588  
of this section for at least the number of days the director or 5589  
state agency head determines under division (C) of this section 5590  
preceding the day of the opening or acceptance of the bids or 5591  
proposals. The failure to so additionally post the notice shall 5592  
invalidate all proceedings had and any contract entered into 5593  
pursuant to the proceedings. 5594

**Sec. 125.073.** (A) The department of administrative services 5595  
shall actively promote and accelerate the use of electronic 5596  
procurement, including reverse auctions as defined by section 5597  
125.072 of the Revised Code, by implementing the relevant 5598  
recommendations concerning electronic procurement from the "2000 5599  
Management Improvement Commission Report to the Governor" when 5600  
exercising its statutory powers. 5601

(B) Beginning July 1, 2004, the department shall annually on 5602  
or before the first day of July report to the committees in each 5603  
house of the general assembly dealing with finance indicating the 5604  
effectiveness of electronic procurement. 5605

**Sec. 125.15.** All state agencies required to secure any 5606  
equipment, materials, supplies, or services, ~~or contracts of~~ 5607  
~~insurance~~ from the department of administrative services shall 5608  
make acquisition in the manner and upon forms prescribed by the 5609  
director of administrative services and shall reimburse the 5610  
department for the equipment, materials, supplies, or services, ~~or~~ 5611

~~contracts of insurance,~~ including a reasonable sum to cover the 5612  
department's administrative costs, whenever reimbursement is 5613  
required by the department. The money so paid shall be deposited 5614  
in the state treasury to the credit of the general services fund 5615  
or the information technology fund, as appropriate. ~~Such~~ Those 5616  
funds are hereby created. 5617

Sec. 125.831. As used in sections 125.831 to 125.833 of the 5618  
Revised Code: 5619

(A) "Law enforcement officer" means an officer, agent, or 5620  
employee of a state agency upon whom, by statute, a duty to 5621  
conserve the peace or to enforce all or certain laws is imposed 5622  
and the authority to arrest violators is conferred, within the 5623  
limits of that statutory duty and authority. 5624

(B)(1) "Motor vehicle" means any automobile, car minivan, 5625  
passenger van, sport utility vehicle, or pickup truck with a gross 5626  
vehicle weight of under twelve thousand pounds. 5627

(2) "Motor vehicle" does not include any vehicle described in 5628  
division (B)(1) of this section that is used by a law enforcement 5629  
officer and law enforcement agency or any vehicle that is so 5630  
described and that is equipped with specialized equipment that is 5631  
not normally found in such a vehicle and that is used to carry out 5632  
a state agency's specific and specialized duties and 5633  
responsibilities. 5634

(C) "Specialized equipment" does not include standard mobile 5635  
radios with no capabilities other than voice communication, 5636  
exterior and interior lights, or roof-mounted caution lights. 5637

(D) "State agency" means every organized body, office, or 5638  
agency established by the laws of the state for the exercise of 5639  
any function of state government, other than any state-supported 5640  
institution of higher education, the office of the governor, 5641

lieutenant governor, auditor of state, treasurer of state, 5642  
secretary of state, or attorney general, the general assembly or 5643  
any legislative agency, or the courts or any judicial agency. 5644

Sec. 125.832. (A) The department of administrative services 5645  
is granted exclusive authority over the acquisition and management 5646  
of all motor vehicles used by state agencies. In carrying out this 5647  
authority, the department shall do both of the following: 5648

(1) Approve the purchase or lease of each motor vehicle for 5649  
use by a state agency. The department shall decide if a motor 5650  
vehicle shall be leased or purchased for that use. 5651

(2) Direct and approve all funds that are expended for the 5652  
purchase, lease, repair, maintenance, registration, insuring, and 5653  
other costs related to the possession and operation of motor 5654  
vehicles for the use of state agencies. 5655

(B) The director of administrative services shall establish 5656  
and operate a fleet management program. The director shall operate 5657  
the program for purposes including, but not limited to, 5658  
cost-effective acquisition, maintenance, management, analysis, and 5659  
disposal of all motor vehicles owned or leased by the state. All 5660  
state agencies shall comply with statewide fleet management 5661  
policies and procedures established by the director for the 5662  
program, including, but not limited to, motor vehicle assignments, 5663  
additions of motor vehicles to fleets or motor vehicle 5664  
replacements, motor vehicle fueling, and motor vehicle repairs. 5665

(C) The director shall establish and maintain a fleet 5666  
reporting system and shall require state agencies to submit to the 5667  
department information relative to state motor vehicles, to be 5668  
used in operating the fleet management program. State agencies 5669  
shall provide to the department fleet data and information, 5670  
including, but not limited to, mileage and costs. The information 5671  
shall be submitted in formats and in a manner determined by the 5672

department. 5673

(D) All state agency purchases or leases of motor vehicles 5674  
are subject to the prior approval of the director under division 5675  
(A)(1) of this section. 5676

(E) State agencies that utilize state motor vehicles or pay 5677  
mileage reimbursements to employees shall provide a fleet plan to 5678  
the department as directed by the department. 5679

(F)(1) The fleets of state agencies that consist of one 5680  
hundred or less vehicles on July 1, 2004, shall be managed by the 5681  
department's fleet management program on a time schedule 5682  
determined by the department, unless the state agency has received 5683  
delegated authority as described in division (G) of this section. 5684

(2) The fleets of state agencies that consist of greater than 5685  
one hundred motor vehicles, but less than five hundred motor 5686  
vehicles, on July 1, 2005, also shall be managed by the 5687  
department's fleet management program on a time schedule 5688  
determined by the department, unless the state agency has received 5689  
delegated authority as described in division (G) of this section. 5690

(G)(1) The department may delegate any or all of its duties 5691  
regarding fleet management to a state agency, if the state agency 5692  
demonstrates to the satisfaction of the department both of the 5693  
following: 5694

(a) Capabilities to institute and manage a fleet management 5695  
program, including, but not limited to, the presence of a 5696  
certified fleet manager; 5697

(b) Fleet management performance, as demonstrated by fleet 5698  
data and other information submitted pursuant to annual reporting 5699  
requirements and any other criteria the department considers 5700  
necessary in evaluating the performance. 5701

(2) The department may determine that a state agency is not 5702

in compliance with this section and direct that the agency's fleet management duties be transferred to the department. 5703  
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(H) The proceeds derived from the disposition of any motor vehicles under this section shall be paid to whichever of the following applies: 5705  
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(1) The fund that originally provided moneys for the purchase or lease of the motor vehicles; 5708  
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(2) If the motor vehicles were originally purchased with moneys derived from the general revenue fund, the state treasury for credit to the fleet management fund created by section 125.83 of the Revised Code. 5710  
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(I)(1) The department shall create and maintain a certified fleet manager program. 5714  
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(2) State agencies that have received delegated authority as described in division (G) of this section shall have a certified fleet manager. 5716  
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(J) The department annually shall prepare and submit a statewide fleet report to the governor, the speaker of the house of representatives, and the president of the senate. The report shall be submitted not later than the thirty-first day of January following the end of each fiscal year. It may include, but is not limited to, the numbers and types of motor vehicles, their mileage, miles per gallon, and cost per mile, mileage reimbursements, accident and insurance data, and information regarding compliance by state agencies having delegated authority under division (G) of this section with applicable fleet management requirements. 5719  
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(K) The director shall adopt rules for implementing the fleet management program that are consistent with recognized best practices. The program shall be supported by reasonable fee charges for the services provided. The director shall collect 5730  
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these fees and deposit them into the state treasury to the credit 5734  
for the fleet management fund created by section 125.83 of the 5735  
Revised Code. The setting and collection of fees under this 5736  
division is not subject to any restriction imposed by law upon the 5737  
director's or the department's authority to set or collect fees. 5738

(L) The director also shall adopt rules that prohibit, except 5739  
in very limited circumstances, the exclusive assignment of 5740  
state-owned, leased, or pooled motor vehicles to state employees. 5741  
Beginning on the effective date of this section, no such motor 5742  
vehicle shall be personally assigned as any form of compensation 5743  
or benefit of state employment, and no such motor vehicle shall be 5744  
assigned to an employee solely for commuting to and from home and 5745  
work. 5746

(M) The director shall do both of the following: 5747

(1) Implement to the greatest extent possible the 5748  
recommendations from the 2002 report entitled "Administrative 5749  
Analysis of the Ohio Fleet Management Program" in connection with 5750  
the authority granted to the department by this section; 5751

(2) Attempt to reduce the number of passenger vehicles used 5752  
by state agencies during the fiscal years ending on June 30, 2004, 5753  
and June 30, 2005. 5754

(N) Each state agency shall reimburse the department for all 5755  
costs incurred in the assignment of motor vehicles to the state 5756  
agency. 5757

(O) The director shall do all of the following in managing 5758  
the fleet management program: 5759

(1) Determine how motor vehicles will be maintained, insured, 5760  
operated, financed, and licensed; 5761

(2) Pursuant to the formula in division (O)(3) of this 5762  
section, annually establish the minimum number of business miles 5763

per year an employee of a state agency must drive in order to 5764  
qualify for approval by the department to receive a motor vehicle 5765  
for business use; 5766

(3) Establish the minimum number of business miles per year 5767  
at an amount that results when the annual motor vehicle cost is 5768  
divided by the amount that is the reimbursement rate per mile 5769  
minus the amount that is the sum of the fuel cost, the operating 5770  
cost, and the insurance cost. As used in this division: 5771

(a) "Annual motor vehicle cost" means the price of a motor 5772  
vehicle divided by the number of years an average motor vehicle is 5773  
used. 5774

(b) "Fuel cost" means the average price per gallon of motor 5775  
fuel divided by the miles per gallon fuel efficiency of a motor 5776  
vehicle. 5777

(c) "Insurance cost" means the cost of insuring a motor 5778  
vehicle per year divided by the number of miles an average motor 5779  
vehicle is driven per year. 5780

(d) "Operating cost" means the maintenance cost of a motor 5781  
vehicle per year divided by the product resulting when the number 5782  
of miles an average motor vehicle is driven per year is multiplied 5783  
by the number of years an average motor vehicle is used. 5784

(e) "Reimbursement rate per mile" means the reimbursement per 5785  
mile rate for travel expenses as provided by rule of the director 5786  
of budget and management adopted under division (B) of section 5787  
126.31 of the Revised Code. 5788

**Sec. 125.833.** (A) There is hereby established within the 5789  
department of administrative services the vehicle management 5790  
commission. 5791

(B) The commission shall consist of the director of 5792  
administrative services and eight other members. These other 5793

members shall be two members of the house of representatives 5794  
appointed by the speaker of the house of representatives, two 5795  
members of the senate appointed by the president of the senate, 5796  
and four persons with experience in the vehicle leasing, 5797  
purchasing, and maintenance industry in this state appointed by 5798  
the governor and serving at the governor's pleasure. The governor 5799  
shall appoint the commission's chairperson. 5800

Initial appointments of the members to the commission shall 5801  
be made by September 1, 2003, in the manner prescribed in this 5802  
section. Thereafter, appointments of legislative members to the 5803  
commission shall be made within fifteen days after the 5804  
commencement of the first regular session of the general assembly 5805  
in the manner prescribed in this section. The terms of legislative 5806  
members on the commission shall be for the duration of the session 5807  
of the general assembly in which they are appointed; they shall 5808  
continue to serve on the commission until the appointments are 5809  
made in the following session of the general assembly, unless they 5810  
cease to be members of the general assembly. A vacancy on the 5811  
commission shall be filled for the unexpired term in the same 5812  
manner as the original appointment. 5813

(C) The commission shall periodically review the 5814  
implementation of the fleet management program by the department 5815  
of administrative services under section 125.832 of the Revised 5816  
Code and may recommend to the department and the general assembly 5817  
modifications to the department's procedures and functions and 5818  
other statutory changes. 5819

**Sec. 125.91.** As used in sections 125.92 to 125.98 of the 5820  
Revised Code: 5821

(A) "State agency" includes every department, bureau, board, 5822  
commission, office, or other organized body established by the 5823  
constitution and laws of the state for the exercise of any 5824

function of state government, but does not include any 5825  
state-supported institution of higher education, the general 5826  
assembly or any legislative agency, the attorney general, the 5827  
auditor of state, the secretary of state, the treasurer of state, 5828  
the bureau of workers' compensation, any court or judicial agency, 5829  
or any political subdivision or agency ~~thereof~~ of a political 5830  
subdivision. 5831

(B) "Form" means any document, device, or item used to convey 5832  
information, regardless of medium, that has blank spaces for the 5833  
insertion of information and that may have a predetermined format 5834  
and data elements to guide the entry, ~~interpretation~~ 5835  
interpretation, and use of the information. "Form" does not 5836  
include letterheads, envelopes, labels, tags, tickets, or note 5837  
pads, or forms mandated by the federal government, but does 5838  
include all computer-generated forms except those mandated by the 5839  
federal government. ~~As used in sections 125.931 to 125.935 of the~~ 5840  
~~Revised Code, "form" applies only to a form that is used by a~~ 5841  
~~state agency and that is completed in whole or in part by private~~ 5842  
~~business, political subdivisions, or the public.~~ 5843

**Sec. 125.92.** There is hereby established in the department of 5844  
administrative services a state forms management ~~control center~~ 5845  
program, which shall be under the control and supervision of the 5846  
director of administrative services, ~~who shall appoint an~~ 5847  
~~administrator of the center~~ or the director's designee. 5848

The ~~center~~ state forms management program shall ~~develop,~~ 5849  
~~implement, and maintain a statewide forms management program that~~ 5850  
~~involves~~ be developed, implemented, and maintained for all state 5851  
agencies and ~~is~~ be designed to simplify, consolidate, or 5852  
eliminate, when expedient, forms, surveys, and other documents 5853  
used by state agencies. In developing the program, particular 5854  
emphasis shall be placed upon determining the actual need for any 5855

information, records, and reports sought from private business, 5856  
agriculture, and local governments through the use of ~~such~~ forms, 5857  
surveys, and other documents. 5858

**Sec. 125.93.** The state forms management ~~control center~~ 5859  
program shall do each of the following: 5860

(A) Assist state agencies in establishing internal forms 5861  
management capabilities; 5862

(B) Study, develop, coordinate, and initiate forms of 5863  
interagency and common administrative usage, and establish basic 5864  
design and specification criteria to standardize state forms; 5865

(C) Assist state agencies to design economical forms ~~and~~ 5866  
~~compose art work for forms;~~ 5867

(D) ~~Establish and supervise control procedures to prevent the~~ 5868  
~~undue creation and reproduction of state forms;~~ 5869

~~(E)~~ Assist, train, and instruct state agencies and their 5870  
forms management representatives in forms management techniques, 5871  
and provide direct forms management assistance to new state 5872  
agencies as they are created; 5873

~~(F)~~(E) Maintain a central ~~cross index~~ forms repository of all 5874  
state forms to facilitate standardization of the forms, eliminate 5875  
redundant forms, and provide a central source of information on 5876  
forms usage and availability; 5877

~~(G)~~ Utilize existing functions within the department of 5878  
~~administrative services to design economical forms and compose art~~ 5879  
~~work, as well as use appropriate procurement techniques to take~~ 5880  
~~advantage of competitive selection, consolidated orders, and~~ 5881  
~~contract procurement of forms;~~ 5882

~~(H)~~ Conduct an annual evaluation of the effectiveness of the 5883  
~~forms management program and the forms management practices of~~ 5884  
~~individual state agencies, and maintain records that indicate~~ 5885

~~dollar savings resulting from, and the number of forms eliminated, 5886  
simplified, or standardized through, centralized forms management. 5887  
The results of the evaluation shall be reported to the speaker of 5888  
the house of representatives and president of the senate not later 5889  
than the fifteenth day of January each year. The center shall 5890  
report on the first day of each month to the state records 5891  
administrator on its activities during the preceding month. 5892~~

**Sec. 125.95.** (A) ~~The administrator of the state forms 5893  
management control center program~~ may permit any state agency to 5894  
manage fully any forms used or proposed to be used by it, whenever 5895  
the ~~administrator~~ program determines that the delegation will 5896  
result in the most timely and economical method of accomplishing 5897  
the objectives of the ~~forms management~~ program as set forth in 5898  
section 125.93 of the Revised Code. A determination to delegate to 5899  
a state agency authority to manage forms may, among other matters, 5900  
take into consideration the benefits of central management of any 5901  
form in relation to the costs associated with ~~such~~ that 5902  
management. 5903

(B) To expedite the collection and disposition of general 5904  
state and local revenue, the ~~administrator~~ state forms management 5905  
program shall permit, without prior authorization, the tax 5906  
commissioner to design, print or have printed, distribute, and 5907  
require the use of those forms ~~which~~ that the tax commissioner 5908  
determines are necessary for the proper administration of those 5909  
taxes and programs ~~he~~ the tax commissioner administers except as 5910  
provided in division (A) of section 4307.05 of the Revised Code. 5911  
The tax commissioner shall report to the ~~administrator~~ program not 5912  
later than fifteen days after the close of each calendar quarter 5913  
with respect to the forms activities occurring within ~~his~~ the tax 5914  
commissioner's agency during the preceding calendar quarter. 5915

**Sec. 125.96.** The director of administrative services may 5916

adopt, amend, or rescind rules necessary to carry out the powers 5917  
and duties imposed upon the state forms management ~~control center~~ 5918  
~~and its administrator~~ program and state agencies by sections 5919  
125.92 to 125.98 of the Revised Code. The director shall adopt, 5920  
and may amend or rescind, rules providing ~~that~~ each of the 5921  
following: 5922

(A) After a date to be determined by the ~~administrator~~ state 5923  
forms management program, no state agency shall utilize any form, 5924  
other than a form subject to division (B) of section 125.95 of the 5925  
Revised Code, the management of which has not been delegated to 5926  
the agency by the ~~administrator~~ program under division (A) of that 5927  
section ~~125.95 of the Revised Code~~ or ~~that has not~~ been approved 5928  
by the ~~center~~ program. 5929

(B) The notice required by section 125.97 of the Revised Code 5930  
shall appear in a standard place and a standard manner on each 5931  
form to which the notice applies, and shall include specified 5932  
indicia of approval by the ~~administrator~~ state forms management 5933  
program. 5934

(C) Any form required by a state agency on an emergency basis 5935  
may be given interim approval by the ~~administrator~~ state forms 5936  
management program if the form is accompanied by a letter from the 5937  
director or other head of the agency setting forth the nature of 5938  
the emergency and requesting interim approval. 5939

**Sec. 125.98.** (A) Each state agency shall appoint a forms 5940  
management representative, who may be from existing personnel. The 5941  
appointee shall cooperate with, and provide other necessary 5942  
assistance to, the director of administrative services and the 5943  
~~administrator of the~~ state forms management ~~control center~~ program 5944  
in implementing the ~~state forms management~~ program. A forms 5945  
management representative shall do all of the following: 5946

(1) Manage the agency's forms management program and 5947

cooperate with and provide other necessary assistance to the 5948  
director of administrative services in implementing the state 5949  
forms management program; 5950

(2) Monitor the use and reproduction of all forms to ensure 5951  
that all policies, procedures, guidelines, and standards 5952  
established by the agency and the director of administrative 5953  
services are followed; 5954

(3) Ensure that every form used by the agency is presented to 5955  
the state forms management ~~control center~~ program for registration 5956  
prior to its reproduction; 5957

(4) Maintain a master forms file history file, in numeric 5958  
order, of all agency forms; 5959

(5) Verify and update the information on all forms ~~computer~~ 5960  
~~file reports returned to the agency by the state forms management~~ 5961  
~~control center~~ in the central forms repository database. 5962

(B) Any state agency, as ~~such term is~~ defined in section 1.60 5963  
of the Revised Code, not included within the definition of a state 5964  
agency in section 125.91 of the Revised Code may elect to 5965  
participate in the state forms management program. The ~~center~~ 5966  
program may provide to any such agency any service required or 5967  
authorized by sections 125.92 to 125.98 of the Revised Code to be 5968  
performed for a state agency. 5969

**Sec. 127.16.** (A) Upon the request of either a state agency or 5970  
the director of budget and management and after the controlling 5971  
board determines that an emergency or a sufficient economic reason 5972  
exists, the controlling board may approve the making of a purchase 5973  
without competitive selection as provided in division (B) of this 5974  
section. 5975

(B) Except as otherwise provided in this section, no state 5976  
agency, using money that has been appropriated to it directly, 5977

shall: 5978

(1) Make any purchase from a particular supplier, that would 5979  
amount to fifty thousand dollars or more when combined with both 5980  
the amount of all disbursements to the supplier during the fiscal 5981  
year for purchases made by the agency and the amount of all 5982  
outstanding encumbrances for purchases made by the agency from the 5983  
supplier, unless the purchase is made by competitive selection or 5984  
with the approval of the controlling board; 5985

(2) Lease real estate from a particular supplier, if the 5986  
lease would amount to seventy-five thousand dollars or more when 5987  
combined with both the amount of all disbursements to the supplier 5988  
during the fiscal year for real estate leases made by the agency 5989  
and the amount of all outstanding encumbrances for real estate 5990  
leases made by the agency from the supplier, unless the lease is 5991  
made by competitive selection or with the approval of the 5992  
controlling board. 5993

(C) Any person who authorizes a purchase in violation of 5994  
division (B) of this section shall be liable to the state for any 5995  
state funds spent on the purchase, and the attorney general shall 5996  
collect the amount from the person. 5997

(D) Nothing in division (B) of this section shall be 5998  
construed as: 5999

(1) A limitation upon the authority of the director of 6000  
transportation as granted in sections 5501.17, 5517.02, and 6001  
5525.14 of the Revised Code; 6002

(2) Applying to medicaid provider agreements under Chapter 6003  
5111. of the Revised Code or payments or provider agreements under 6004  
the disability ~~assistance~~ medical assistance program established 6005  
under Chapter 5115. of the Revised Code; 6006

(3) Applying to the purchase of examinations from a sole 6007  
supplier by a state licensing board under Title XLVII of the 6008

Revised Code; 6009

(4) Applying to entertainment contracts for the Ohio state 6010  
fair entered into by the Ohio expositions commission, provided 6011  
that the controlling board has given its approval to the 6012  
commission to enter into such contracts and has approved a total 6013  
budget amount for such contracts as agreed upon by commission 6014  
action, and that the commission causes to be kept itemized records 6015  
of the amounts of money spent under each contract and annually 6016  
files those records with the clerk of the house of representatives 6017  
and the clerk of the senate following the close of the fair; 6018

(5) Limiting the authority of the chief of the division of 6019  
mineral resources management to contract for reclamation work with 6020  
an operator mining adjacent land as provided in section 1513.27 of 6021  
the Revised Code; 6022

(6) Applying to investment transactions and procedures of any 6023  
state agency, except that the agency shall file with the board the 6024  
name of any person with whom the agency contracts to make, broker, 6025  
service, or otherwise manage its investments, as well as the 6026  
commission, rate, or schedule of charges of such person with 6027  
respect to any investment transactions to be undertaken on behalf 6028  
of the agency. The filing shall be in a form and at such times as 6029  
the board considers appropriate. 6030

(7) Applying to purchases made with money for the per cent 6031  
for arts program established by section 3379.10 of the Revised 6032  
Code; 6033

(8) Applying to purchases made by the rehabilitation services 6034  
commission of services, or supplies, that are provided to persons 6035  
with disabilities, or to purchases made by the commission in 6036  
connection with the eligibility determinations it makes for 6037  
applicants of programs administered by the social security 6038  
administration; 6039

(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	6040 6041 6042 6043
(10) Applying to any agency of the legislative branch of the state government;	6044 6045
(11) Applying to agreements or contracts entered into under section 5101.11, <u>5101.20</u> , <u>5101.201</u> , 5101.21, or <del>5101.211</del> <u>5101.214</u> of the Revised Code;	6046 6047 6048
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	6049 6050 6051 6052
(13) Applying to dues or fees paid for membership in an organization or association;	6053 6054
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	6055 6056
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	6057 6058 6059 6060
(16) Applying to purchases of tickets for passenger air transportation;	6061 6062
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	6063 6064 6065
(18) Applying to the judicial branch of state government;	6066
(19) Applying to purchases of liquor for resale by the division of liquor control;	6067 6068
(20) Applying to purchases of motor courier and freight	6069

services made in accordance with department of administrative services rules;	6070 6071
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	6072 6073 6074 6075
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	6076 6077 6078
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	6079 6080
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	6081 6082 6083 6084
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	6085 6086
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	6087 6088 6089 6090 6091
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and <del>5111.252</del> <u>5123.199</u> of the Revised Code;	6092 6093 6094
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	6095 6096 6097
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance	6098 6099

efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.

(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;

(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code or the children's health insurance program part II provided for under section 5101.51 of the Revised Code;

(32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;

(33) Applying to contracts with a contracting authority or administrative receiver under division (G)(2) of section 5126.055 of the Revised Code;

(34) Applying to reimbursements paid to the United States department of veterans affairs for pharmaceutical and patient supply purchases made on behalf of the Ohio veterans' home agency.

(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services.

(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1),

(B)(2), and (E) of this section, all of the following purchases by 6131  
such agency shall not be considered: 6132

(1) Purchases made through competitive selection or with 6133  
controlling board approval; 6134

(2) Purchases listed in division (D) of this section; 6135

(3) For the purposes of the thresholds of divisions (B)(1) 6136  
and (E) of this section only, leases of real estate. 6137

(G) As used in this section, "competitive selection," 6138  
"purchase," "supplies," and "services" have the same meanings as 6139  
in section 125.01 of the Revised Code. 6140

**Sec. 131.02.** (A) Whenever any amount is payable to the state, 6141  
the officer, employee, or agent responsible for administering the 6142  
law under which the amount is payable shall immediately proceed to 6143  
collect the amount or cause the amount to be collected and shall 6144  
pay the amount into the state treasury or into the appropriate 6145  
custodial fund in the manner set forth pursuant to section 113.08 6146  
of the Revised Code. If the amount is not paid within forty-five 6147  
days after payment is due, the officer, employee, or agent shall 6148  
certify the amount due to the attorney general, in the form and 6149  
manner prescribed by the attorney general, and notify the director 6150  
of budget and management thereof. The attorney general may assess 6151  
the collection cost to the amount certified in such manner and 6152  
amount as prescribed by the attorney general. 6153

(B)(1) The attorney general shall give immediate notice by 6154  
mail or otherwise to the party indebted of the nature and amount 6155  
of the indebtedness. 6156

(2) If the amount payable to this state arises from a tax 6157  
levied under Chapter 5733., 5739., 5741., or 5747. of the Revised 6158  
Code, the notice also shall specify all of the following: 6159

(a) The assessment or case number; 6160

(b) The tax pursuant to which the assessment is made;	6161
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	6162 6163
(d) An explanation of how and when interest will be added to the amount assessed;	6164 6165
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	6166 6167 6168 6169
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	6170 6171
(D) Each claim shall bear interest, from the day on which the claim became due, at the <del>base rate per annum for advances and discounts to member banks in effect at the federal reserve bank in required by section 5703.47 of the second federal reserve district</del> <u>Revised Code.</u>	6172 6173 6174 6175 6176
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do <del>either or both</del> <u>any</u> of the following if such action is in the best interests of the state:	6177 6178 6179 6180
(1) Compromise the claim;	6181
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	6182 6183 6184 6185
(3) <u>Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.</u>	6186 6187 6188
<b>Sec. 131.23.</b> The various political subdivisions of this state	6189

may issue bonds, and any indebtedness created by such issuance 6190  
shall not be subject to the limitations or included in the 6191  
calculation of indebtedness prescribed by sections 133.05, 133.06, 6192  
133.07, and 133.09 of the Revised Code, but such bonds may be 6193  
issued only under the following conditions: 6194

(A) The subdivision desiring to issue such bonds shall obtain 6195  
from the county auditor a certificate showing the total amount of 6196  
delinquent taxes due and unpayable to such subdivision at the last 6197  
semiannual tax settlement. 6198

(B) The fiscal officer of that subdivision shall prepare a 6199  
statement, from the books of the subdivision, verified by ~~him~~ the 6200  
fiscal officer under oath, which shall contain the following facts 6201  
of such subdivision: 6202

(1) The total bonded indebtedness; 6203

(2) The aggregate amount of notes payable or outstanding 6204  
accounts of the subdivision, incurred prior to the commencement of 6205  
the current fiscal year, which shall include all evidences of 6206  
indebtedness issued by the subdivision except notes issued in 6207  
anticipation of bond issues and the indebtedness of any 6208  
nontax-supported public utility; 6209

(3) Except in the case of school districts, the aggregate 6210  
current year's requirement for disability financial assistance and 6211  
disability medical assistance provided under Chapter 5115. of the 6212  
Revised Code that the subdivision is unable to finance except by 6213  
the issue of bonds; 6214

(4) The indebtedness outstanding through the issuance of any 6215  
bonds or notes pledged or obligated to be paid by any delinquent 6216  
taxes; 6217

(5) The total of any other indebtedness; 6218

(6) The net amount of delinquent taxes unpledged to pay any 6219

bonds, notes, or certificates, including delinquent assessments on 6220  
improvements on which the bonds have been paid; 6221

(7) The budget requirements for the fiscal year for bond and 6222  
note retirement; 6223

(8) The estimated revenue for the fiscal year. 6224

(C) The certificate and statement provided for in divisions 6225  
(A) and (B) of this section shall be forwarded to the tax 6226  
commissioner together with a request for authority to issue bonds 6227  
of such subdivision in an amount not to exceed seventy per cent of 6228  
the net unobligated delinquent taxes and assessments due and owing 6229  
to such subdivision, as set forth in division (B)(6) of this 6230  
section. 6231

(D) No subdivision may issue bonds under this section in 6232  
excess of a sufficient amount to pay the indebtedness of the 6233  
subdivision as shown by division (B)(2) of this section and, 6234  
except in the case of school districts, to provide funds for 6235  
disability financial assistance and disability medical assistance, 6236  
as shown by division (B)(3) of this section. 6237

(E) The tax commissioner shall grant to such subdivision 6238  
authority requested by such subdivision as restricted by divisions 6239  
(C) and (D) of this section and shall make a record of the 6240  
certificate, statement, and grant in a record book devoted solely 6241  
to such recording and which shall be open to inspection by the 6242  
public. 6243

(F) The commissioner shall immediately upon issuing the 6244  
authority provided in division (E) of this section notify the 6245  
proper authority having charge of the retirement of bonds of such 6246  
subdivision by forwarding a copy of such grant of authority and of 6247  
the statement provided for in division (B) of this section. 6248

(G) Upon receipt of authority, the subdivision shall proceed 6249  
according to law to issue the amount of bonds authorized by the 6250

commissioner, and authorized by the taxing authority, provided the 6251  
taxing authority of that subdivision may by resolution submit to 6252  
the electors of that subdivision the question of issuing such 6253  
bonds. Such resolution shall make the declarations and statements 6254  
required by section 133.18 of the Revised Code. The county auditor 6255  
and taxing authority shall thereupon proceed as set forth in 6256  
divisions (C) and (D) of such section. The election on the 6257  
question of issuing such bonds shall be held under divisions (E), 6258  
(F), and (G) of such section, except that publication of the 6259  
notice of such election shall be made on four separate days prior 6260  
to such election in one or more newspapers of general circulation 6261  
in the subdivisions. Such bonds may be exchanged at their face 6262  
value with creditors of the subdivision in liquidating the 6263  
indebtedness described and enumerated in division (B)(2) of this 6264  
section or may be sold as provided in Chapter 133. of the Revised 6265  
Code, and in either event shall be uncontestable. 6266

(H) The per cent of delinquent taxes and assessments 6267  
collected for and to the credit of the subdivision after the 6268  
exchange or sale of bonds as certified by the commissioner shall 6269  
be paid to the authority having charge of the sinking fund of the 6270  
subdivision, which money shall be placed in a separate fund for 6271  
the purpose of retiring the bonds so issued. The proper authority 6272  
of the subdivisions shall provide for the levying of a tax 6273  
sufficient in amount to pay the debt charges on all such bonds 6274  
issued under this section. 6275

(I) This section is for the sole purpose of assisting the 6276  
various subdivisions in paying their unsecured indebtedness, and 6277  
providing funds for disability financial assistance and disability 6278  
medical assistance. The bonds issued under authority of this 6279  
section shall not be used for any other purpose and any exchange 6280  
for other purposes, or the use of the money derived from the sale 6281  
of such bonds by the subdivision for any other purpose, is 6282

misapplication of funds. 6283

(J) The bonds authorized by this section shall be redeemable 6284  
or payable in not to exceed ten years from date of issue and shall 6285  
not be subject to or considered in calculating the net 6286  
indebtedness of the subdivision. The budget commission of the 6287  
county in which the subdivision is located shall annually allocate 6288  
such portion of the then delinquent levy due such subdivision 6289  
which is unpledged for other purposes to the payment of debt 6290  
charges on the bonds issued under authority of this section. 6291

(K) The issue of bonds under this section shall be governed 6292  
by Chapter 133. of the Revised Code, respecting the terms used, 6293  
forms, manner of sale, and redemption except as otherwise provided 6294  
in this section. 6295

The board of county commissioners of any county may issue 6296  
bonds authorized by this section and distribute the proceeds of 6297  
such bond issues to any or all of the cities and townships of such 6298  
counties, according to their relative needs for disability 6299  
financial assistance and disability medical assistance as 6300  
determined by such county. 6301

All sections of the Revised Code inconsistent with or 6302  
prohibiting the exercise of the authority conferred by this 6303  
section are inoperative respecting bonds issued under this 6304  
section. 6305

**Sec. 131.35.** (A) With respect to the federal funds received 6306  
into any fund of the state from which transfers may be made under 6307  
division (D) of section 127.14 of the Revised Code: 6308

(1) No state agency may make expenditures of any federal 6309  
funds, whether such funds are advanced prior to expenditure or as 6310  
reimbursement, unless such expenditures are made pursuant to 6311  
specific appropriations of the general assembly ~~identifying the~~ 6312

~~federal program that is the source of funds, are authorized~~ 6313  
~~pursuant to section 131.38 of the Revised Code, are authorized by~~ 6314  
the controlling board pursuant to division (A)(5) of this section, 6315  
or are authorized by an executive order issued in accordance with 6316  
section 107.17 of the Revised Code, and until an allotment has 6317  
been approved by the director of budget and management. All 6318  
federal funds received by a state agency shall be reported to the 6319  
director within fifteen days of the receipt of such funds or the 6320  
notification of award, whichever occurs first. The director shall 6321  
prescribe the forms and procedures to be used when reporting the 6322  
receipt of federal funds. 6323

(2) If the federal funds received are greater than the amount 6324  
of such funds appropriated by the general assembly for a specific 6325  
purpose, the total appropriation of federal and state funds for 6326  
such purpose shall remain at the amount designated by the general 6327  
assembly, except that the expenditure of federal funds received in 6328  
excess of such specific appropriation may be authorized by the 6329  
controlling board. 6330

(3) To the extent that the expenditure of excess federal 6331  
funds is authorized, the controlling board may transfer a like 6332  
amount of general revenue fund appropriation authority from the 6333  
affected agency to the emergency purposes appropriation of the 6334  
controlling board, if such action is permitted under federal 6335  
regulations. 6336

(4) Additional funds may be created by the controlling board 6337  
to receive revenues not anticipated in an appropriations act for 6338  
the biennium in which such new revenues are received. Expenditures 6339  
from such additional funds may be authorized by the controlling 6340  
board, but such authorization shall not extend beyond the end of 6341  
the biennium in which such funds are created. 6342

(5) Controlling board authorization for a state agency to 6343  
make an expenditure of federal funds constitutes authority for the 6344

agency to participate in the federal program providing the funds, 6345  
and the agency is not required to obtain an executive order under 6346  
section 107.17 of the Revised Code to participate in the federal 6347  
program. 6348

(B) With respect to nonfederal funds received into the 6349  
waterways safety fund, the wildlife fund, and any fund of the 6350  
state from which transfers may be made under division (D) of 6351  
section 127.14 of the Revised Code: 6352

(1) No state agency may make expenditures of any such funds 6353  
unless the expenditures are made pursuant to specific 6354  
appropriations of the general assembly. 6355

(2) If the receipts received into any fund are greater than 6356  
the amount appropriated, the appropriation for that fund shall 6357  
remain at the amount designated by the general assembly or as 6358  
increased and approved by the controlling board. 6359

(3) Additional funds may be created by the controlling board 6360  
to receive revenues not anticipated in an appropriations act for 6361  
the biennium in which such new revenues are received. Expenditures 6362  
from such additional funds may be authorized by the controlling 6363  
board, but such authorization shall not extend beyond the end of 6364  
the biennium in which such funds are created. 6365

(C) The controlling board shall not authorize more than ten 6366  
per cent of additional spending from the occupational licensing 6367  
and regulatory fund, created in section 4743.05 of the Revised 6368  
Code, in excess of any appropriation made by the general assembly 6369  
to a licensing agency except an appropriation for costs related to 6370  
the examination or reexamination of applicants for a license. As 6371  
used in this division, "licensing agency" and "license" have the 6372  
same meanings as in section 4745.01 of the Revised Code. 6373

**Sec. 131.41.** There is hereby created in the state treasury 6374

the family services stabilization fund. The fund shall consist of 6375  
moneys deposited into it pursuant to acts of the general assembly. 6376  
The director of budget and management, with advice from the 6377  
director of job and family services, may transfer moneys in the 6378  
family services stabilization fund to the general revenue fund for 6379  
the department of job and family services. Moneys may be 6380  
transferred due to identified shortfalls for family services 6381  
activities, such as higher caseloads, federal funding changes, and 6382  
unforeseen costs due to significant state policy changes. Before 6383  
transfers are authorized, the director of budget and management 6384  
shall exhaust the possibilities for transfers of moneys within the 6385  
department of job and family services to meet the identified 6386  
shortfall. Transfers shall not be used to fund policy changes not 6387  
contemplated by acts of the general assembly. Any investment 6388  
earnings of the family services stabilization fund shall be 6389  
credited to that fund. 6390

**Sec. 145.38.** (A) As used in this section and ~~section~~ sections 6391  
145.381 and 145.384 of the Revised Code: 6392

(1) "PERS retirant" means a former member of the public 6393  
employees retirement system who is receiving one of the following: 6394

(a) Age and service retirement benefits under section 145.32, 6395  
145.33, 145.331, 145.34, or 145.46 of the Revised Code; 6396

(b) Age and service retirement benefits paid by the public 6397  
employees retirement system under section 145.37 of the Revised 6398  
Code; 6399

(c) Any benefit paid under a PERS defined contribution plan. 6400

(2) "Other system retirant" means both of the following: 6401

(a) A member or former member of the Ohio police and fire 6402  
pension fund, state teachers retirement system, school employees 6403  
retirement system, state highway patrol retirement system, or 6404

Cincinnati retirement system who is receiving age and service or 6405  
commuted age and service retirement benefits or a disability 6406  
benefit from a system of which the person is a member or former 6407  
member; 6408

(b) A member or former member of the public employees 6409  
retirement system who is receiving age and service retirement 6410  
benefits or a disability benefit under section 145.37 of the 6411  
Revised Code paid by the school employees retirement system or the 6412  
state teachers retirement system. 6413

(B)(1) Subject to this section and section 145.381 of the 6414  
Revised Code, a PERS retirant or other system retirant may be 6415  
employed by a public employer. If so employed, the PERS retirant 6416  
or other system retirant shall contribute to the public employees 6417  
retirement system in accordance with section 145.47 of the Revised 6418  
Code, and the employer shall make contributions in accordance with 6419  
section 145.48 of the Revised Code. 6420

(2) A public employer that employs a PERS retirant or other 6421  
system retirant, or enters into a contract for services as an 6422  
independent contractor with a PERS retirant shall notify the 6423  
retirement board of the employment or contract not later than the 6424  
end of the month in which the employment or contract commences. 6425  
Any overpayment of benefits to a PERS retirant by the retirement 6426  
system resulting from delay or failure of the employer to give the 6427  
notice shall be repaid to the retirement system by the employer. 6428

(3) On receipt of notice from a public employer that a person 6429  
who is an other system retirant has been employed, the retirement 6430  
system shall notify the retirement system of which the other 6431  
system retirant was a member of such employment. 6432

(4)(a) A PERS retirant who has received a retirement 6433  
allowance for less than two months when employment subject to this 6434  
section commences shall forfeit the retirement allowance for any 6435

month the PERS retirant is employed prior to the expiration of the 6436  
two-month period. Service and contributions for that period shall 6437  
not be included in calculation of any benefits payable to the PERS 6438  
retirant and those contributions shall be refunded on the 6439  
retirant's death or termination of the employment. 6440

(b) An other system retirant who has received a retirement 6441  
allowance or disability benefit for less than two months when 6442  
employment subject to this section commences shall forfeit the 6443  
retirement allowance or disability benefit for any month the other 6444  
system retirant is employed prior to the expiration of the 6445  
two-month period. Service and contributions for that period shall 6446  
not be included in the calculation of any benefits payable to the 6447  
other system retirant and those contributions shall be refunded on 6448  
the retirant's death or termination of the employment. 6449

(c) Contributions made on compensation earned after the 6450  
expiration of the two-month period shall be used in the 6451  
calculation of the benefit or payment due under section 145.384 of 6452  
the Revised Code. 6453

(5) On receipt of notice from the Ohio police and fire 6454  
pension fund, school employees retirement system, or state 6455  
teachers retirement system of the re-employment of a PERS 6456  
retirant, the public employees retirement system shall not pay, or 6457  
if paid, shall recover, the amount to be forfeited by the PERS 6458  
retirant in accordance with section 742.26, 3307.35, or 3309.341 6459  
of the Revised Code. 6460

(6) A PERS retirant who enters into a contract to provide 6461  
services as an independent contractor to the employer by which the 6462  
retirant was employed at the time of retirement or, less than two 6463  
months after the retirement allowance commences, begins providing 6464  
services as an independent contractor pursuant to a contract with 6465  
another public employer, shall forfeit the pension portion of the 6466  
retirement benefit for the period beginning the first day of the 6467

month following the month in which the services begin and ending 6468  
on the first day of the month following the month in which the 6469  
services end. The annuity portion of the retirement allowance 6470  
shall be suspended on the day services under the contract begin 6471  
and shall accumulate to the credit of the retirant to be paid in a 6472  
single payment after services provided under the contract 6473  
terminate. A PERS retirant subject to division (B)(6) of this 6474  
section shall not contribute to the retirement system and shall 6475  
not become a member of the system. 6476

(7) As used in this division, "employment" includes service 6477  
for which a PERS retirant or other system retirant, the retirant's 6478  
employer, or both, have waived any earnable salary for the 6479  
service. 6480

(C)(1) Except as provided in division (C)(3) of this section, 6481  
this division applies to both of the following: 6482

(a) A PERS retirant who, prior to September 14, 2000, was 6483  
subject to division (C)(1)(b) of this section as that division 6484  
existed immediately prior to September 14, 2000, and has not 6485  
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 6486  
assembly to cease to be subject to that division; 6487

(b) A PERS retirant to whom both of the following apply: 6488

(i) The retirant held elective office in this state, or in 6489  
any municipal corporation, county, or other political subdivision 6490  
of this state at the time of retirement under this chapter. 6491

(ii) The retirant was elected or appointed to the same office 6492  
for the remainder of the term or the term immediately following 6493  
the term during which the retirement occurred. 6494

(2) A PERS retirant who is subject to this division is a 6495  
member of the public employees retirement system with all the 6496  
rights, privileges, and obligations of membership, except that the 6497  
membership does not include survivor benefits provided pursuant to 6498

section 145.45 of the Revised Code or, beginning on the ninetieth 6499  
day after September 14, 2000, any amount calculated under section 6500  
145.401 of the Revised Code. The pension portion of the PERS 6501  
retirant's retirement allowance shall be forfeited until the first 6502  
day of the first month following termination of the employment. 6503  
The annuity portion of the retirement allowance shall accumulate 6504  
to the credit of the PERS retirant to be paid in a single payment 6505  
after termination of the employment. The retirement allowance 6506  
shall resume on the first day of the first month following 6507  
termination of the employment. On termination of the employment, 6508  
the PERS retirant shall elect to receive either a refund of the 6509  
retirant's contributions to the retirement system during the 6510  
period of employment subject to this section or a supplemental 6511  
retirement allowance based on the retirant's contributions and 6512  
service credit for that period of employment. 6513

(3) This division does not apply to any of the following: 6514

(a) A PERS retirant elected to office who, at the time of the 6515  
election for the retirant's current term, was not retired but, not 6516  
less than ninety days prior to the primary election for the term 6517  
or the date on which a primary for the term would have been held, 6518  
filed a written declaration of intent to retire before the end of 6519  
the term with the board of elections of the county in which 6520  
petitions for nomination or election to the office ~~were~~ are filed; 6521

(b) A PERS retirant elected to office who, at the time of the 6522  
election for the retirant's current term, was a retirant and had 6523  
been retired for not less than ninety days; 6524

(c) A PERS retirant appointed to office who, at the time of 6525  
appointment to the retirant's current term, notified the person or 6526  
entity making the appointment that the retirant was already 6527  
retired or intended to retire before the end of the term. 6528

(D)(1) Except as provided in division (C) of this section, a 6529

PERS retirant or other system retirant subject to this section is 6530  
not a member of the public employees retirement system, and, 6531  
except as specified in this section does not have any of the 6532  
rights, privileges, or obligations of membership. Except as 6533  
specified in division (D)(2) of this section, the retirant is not 6534  
eligible to receive health, medical, hospital, or surgical 6535  
benefits under section 145.58 of the Revised Code for employment 6536  
subject to this section. 6537

(2) A PERS retirant subject to this section shall receive 6538  
primary health, medical, hospital, or surgical insurance coverage 6539  
from the retirant's employer, if the employer provides coverage to 6540  
other employees performing comparable work. Neither the employer 6541  
nor the PERS retirant may waive the employer's coverage, except 6542  
that the PERS retirant may waive the employer's coverage if the 6543  
retirant has coverage comparable to that provided by the employer 6544  
from a source other than the employer or the public employees 6545  
retirement system. If a claim is made, the employer's coverage 6546  
shall be the primary coverage and shall pay first. The benefits 6547  
provided under section 145.58 of the Revised Code shall pay only 6548  
those medical expenses not paid through the employer's coverage or 6549  
coverage the PERS retirant receives through a source other than 6550  
the retirement system. 6551

(E) If the disability benefit of an other system retirant 6552  
employed under this section is terminated, the retirant shall 6553  
become a member of the public employees retirement system, 6554  
effective on the first day of the month next following the 6555  
termination with all the rights, privileges, and obligations of 6556  
membership. If such person, after the termination of the 6557  
disability benefit, earns two years of service credit under this 6558  
system or under the Ohio police and fire pension fund, state 6559  
teachers retirement system, school employees retirement system, or 6560  
state highway patrol retirement system, the person's prior 6561

contributions as an other system retirant under this section shall 6562  
be included in the person's total service credit as a public 6563  
employees retirement system member, and the person shall forfeit 6564  
all rights and benefits of this section. Not more than one year of 6565  
credit may be given for any period of twelve months. 6566

(F) This section does not affect the receipt of benefits by 6567  
or eligibility for benefits of any person who on August 20, 1976, 6568  
was receiving a disability benefit or service retirement pension 6569  
or allowance from a state or municipal retirement system in Ohio 6570  
and was a member of any other state or municipal retirement system 6571  
of this state. 6572

(G) The public employees retirement board may adopt rules to 6573  
carry out this section. 6574

Sec. 145.381. (A) This section applies in the case of a 6575  
person who is or most recently has been employed by a public 6576  
employer in a position that is customarily filled by a vote of 6577  
members of a board or commission or by the legislative authority 6578  
of a county, municipal corporation, or township. 6579

(B) A board, commission, or legislative authority that 6580  
proposes to continue the employment as a reemployed retirant or 6581  
rehire as a reemployed retirant to the same position an individual 6582  
described in division (A) of this section shall do both of the 6583  
following in accordance with rules adopted under division (C) of 6584  
this section: 6585

(1) Not less than sixty days before the employment as a 6586  
reemployed retirant is to begin, give public notice that the 6587  
person is or will be retired and is seeking employment with the 6588  
public employer; 6589

(2) Between fifteen and thirty days before the employment as 6590  
a reemployed retirant is to begin and after complying with 6591

division (B)(1) of this section, hold a public meeting on the 6592  
issue of the person being employed by the public employer. 6593

The notice regarding division (B)(1) of this section shall 6594  
include the time, date, and location at which the public meeting 6595  
is to take place. 6596

(C) The public employees retirement board shall adopt rules 6597  
as necessary to implement this section. 6598

**Sec. 147.01.** (A) The secretary of state may appoint and 6599  
commission as notaries public as many persons who meet the 6600  
qualifications of division (B) of this section as the secretary of 6601  
state considers necessary. 6602

(B) In order for a person to qualify to be appointed and 6603  
commissioned as a notary public, the person must satisfy both of 6604  
the following: 6605

(1) The person has attained the age of eighteen years. 6606

(2) One of the following applies: 6607

(a) The person is a ~~citizen~~ legal resident of this state who 6608  
is not an attorney admitted to the practice of law in this state 6609  
by the Ohio supreme court. 6610

(b) The person is a ~~citizen~~ legal resident of this state who 6611  
is an attorney admitted to the practice of law in this state by 6612  
the Ohio supreme court. 6613

(c) The person is not a ~~citizen~~ legal resident of this state, 6614  
is an attorney admitted to the practice of law in this state by 6615  
the Ohio supreme court, and has the person's principal place of 6616  
business or the person's primary practice in this state. 6617

(C) A notary public shall be appointed and commissioned as a 6618  
notary public for the state. The secretary of state may revoke a 6619  
commission issued to a notary public upon presentation of 6620

satisfactory evidence of official misconduct or incapacity. 6621

**Sec. 147.37.** Each person receiving a commission as notary 6622  
public, ~~except~~ including an attorney admitted to the practice of 6623  
law in this state by the Ohio supreme court, shall pay a fee of 6624  
~~five~~ fifteen dollars to the secretary of state. ~~Each person~~ 6625  
~~receiving a commission as a notary public who is an attorney~~ 6626  
~~admitted to the practice of law in this state by the Ohio supreme~~ 6627  
~~court shall pay a fee of ten dollars to the secretary of state.~~ 6628

**Sec. 149.011.** As used in this chapter: 6629

(A) "Public office" includes any state agency, public 6630  
institution, political subdivision, or ~~any~~ other organized body, 6631  
office, agency, institution, or entity established by the laws of 6632  
this state for the exercise of any function of government. 6633

(B) "State agency" includes every department, bureau, board, 6634  
commission, office, or other organized body established by the 6635  
constitution and laws of this state for the exercise of any 6636  
function of state government, including any state-supported 6637  
institution of higher education, the general assembly, ~~or~~ any 6638  
legislative agency, any court or judicial agency, or any political 6639  
subdivision or agency ~~thereof~~ of a political subdivision. 6640

(C) "Public money" includes all money received or collected 6641  
by or due a public official, whether in accordance with or under 6642  
authority of any law, ordinance, resolution, or order, under color 6643  
of office, or otherwise. It also includes any money collected by 6644  
any individual on behalf of a public office or as a purported 6645  
representative or agent of the public office. 6646

(D) "Public official" includes all officers, employees, or 6647  
duly authorized representatives or agents of a public office. 6648

(E) "Color of office" includes any act purported or alleged 6649  
to be done under any law, ordinance, resolution, order, or other 6650

pretension to official right, power, or authority. 6651

(F) "Archive" includes any public record that is transferred 6652  
to the state archives or other designated archival institutions 6653  
because of the historical information contained on it. 6654

(G) "Records" includes any document, device, or item, 6655  
regardless of physical form or characteristic, including an 6656  
electronic record as defined in section 1306.01 of the Revised 6657  
Code, created or received by or coming under the jurisdiction of 6658  
any public office of the state or its political subdivisions, 6659  
which serves to document the organization, functions, policies, 6660  
decisions, procedures, operations, or other activities of the 6661  
office. 6662

**Sec. 149.30.** The Ohio historical society, chartered by this 6663  
state as a corporation not for profit to promote a knowledge of 6664  
history and archaeology, especially of Ohio, and operated 6665  
continuously in the public interest since 1885, may perform public 6666  
functions as prescribed by law. 6667

The general assembly may appropriate money to the Ohio 6668  
historical society each biennium to carry out the public functions 6669  
of the society as enumerated in this section. An appropriation by 6670  
the general assembly to the society constitutes an offer to 6671  
contract with the society to carry out those public functions for 6672  
which appropriations are made. An acceptance by the society of the 6673  
appropriated funds constitutes an acceptance by the society of the 6674  
offer and is considered an agreement by the society to perform 6675  
those functions in accordance with the terms of the appropriation 6676  
and the law and to expend the funds only for the purposes for 6677  
which appropriated. The governor may request on behalf of the 6678  
society, and the controlling board may release, additional funds 6679  
to the society for survey, salvage, repair, or rehabilitation of 6680  
an emergency nature for which funds have not been appropriated, 6681

and acceptance by the society of those funds constitutes an 6682  
agreement on the part of the society to expend those funds only 6683  
for the purpose for which released by the controlling board. 6684

The society shall faithfully expend and apply all moneys 6685  
received from the state to the uses and purposes directed by law 6686  
and for necessary administrative expenses. The society shall 6687  
perform the public function of sending notice by certified mail to 6688  
the owner of any property at the time it is listed on the national 6689  
register of historic places. The society shall accurately record 6690  
all expenditures of such funds in conformity with generally 6691  
accepted accounting principles. 6692

The auditor of state shall audit all funds and fiscal records 6693  
of the society. 6694

The public functions to be performed by the Ohio historical 6695  
society shall include all of the following: 6696

(A) Creating, supervising, operating, protecting, 6697  
maintaining, and promoting for public use a system of state 6698  
memorials, titles to which may reside wholly or in part with this 6699  
state or wholly or in part with the society as provided in and in 6700  
conformity to appropriate acts and resolves of the general 6701  
assembly, and leasing for renewable periods of two years or less, 6702  
with the advice and consent of the attorney general and the 6703  
director of administrative services, lands and buildings owned by 6704  
the state which are in the care, custody, and control of the 6705  
society, all of which shall be maintained and kept for public use 6706  
at reasonable hours; 6707

(B) Making alterations and improvements, marking, and 6708  
constructing, reconstructing, protecting, or restoring structures, 6709  
earthworks, and monuments in its care, and equipping such 6710  
facilities with appropriate educational maintenance facilities; 6711

(C) Serving as the archives administration for the state and 6712

its political subdivisions as provided in sections 149.31 to 6713  
149.42 of the Revised Code; 6714

(D) Administering a state historical museum, to be the 6715  
headquarters of the society and its principal museum and library, 6716  
which shall be maintained and kept for public use at reasonable 6717  
hours; 6718

(E) Establishing a marking system to identify all designated 6719  
historic and archaeological sites within the state and marking or 6720  
causing to be marked historic sites and communities considered by 6721  
the society to be historically or archaeologically significant; 6722

(F) Publishing books, pamphlets, periodicals, and other 6723  
publications about history, archaeology, and natural science and 6724  
~~supplying~~ offering one copy of each regular periodical issue to 6725  
all public libraries in this state ~~without charge~~ at a reasonable 6726  
price, which shall not exceed one hundred ten per cent more than 6727  
the total cost of publication; 6728

(G) Engaging in research in history, archaeology, and natural 6729  
science and providing historical information upon request to all 6730  
state agencies; 6731

(H) Collecting, preserving, and making available by all 6732  
appropriate means and under approved safeguards all manuscript, 6733  
print, or near-print library collections and all historical 6734  
objects, specimens, and artifacts which pertain to the history of 6735  
Ohio and its people, including the following original documents: 6736  
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed 6737  
Ohio Constitution of 1875; design and the letters of patent and 6738  
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 6739  
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); 6740  
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 6741  
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); 6742  
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition 6743

form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 6744  
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); 6745  
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); 6746  
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 6747  
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 6748  
(1947); 6749

(I) Encouraging and promoting the organization and 6750  
development of county and local historical societies; 6751

(J) Providing to Ohio schools ~~with~~ such materials ~~at cost or~~ 6752  
~~near cost~~ as the society may prepare to facilitate the instruction 6753  
of Ohio history at a reasonable price, which shall not exceed one 6754  
hundred ten per cent more than the total cost of preparation and 6755  
delivery; 6756

(K) Providing advisory and technical assistance to local 6757  
societies for the preservation and restoration of historic and 6758  
archaeological sites; 6759

(L) Devising uniform criteria for the designation of historic 6760  
and archaeological sites throughout the state and advising local 6761  
historical societies of the criteria and their application; 6762

(M) Taking inventory, in cooperation with the Ohio arts 6763  
council, the Ohio archaeological council, and the archaeological 6764  
society of Ohio, of significant designated and undesignated state 6765  
and local sites and keeping an active registry of all designated 6766  
sites within the state; 6767

(N) Contracting with the owners or persons having an interest 6768  
in designated historic or archaeological sites or property 6769  
adjacent or contiguous to those sites, or acquiring, by purchase, 6770  
gift, or devise, easements in those sites or in property adjacent 6771  
or contiguous to those sites, in order to control or restrict the 6772  
use of those historic or archaeological sites or adjacent or 6773  
contiguous property for the purpose of restoring or preserving the 6774

historical or archaeological significance or educational value of 6775  
those sites; 6776

(O) Constructing a monument honoring Governor James A. 6777  
Rhodes, which shall stand on the northeast quadrant of the grounds 6778  
surrounding the capitol building. The monument shall be 6779  
constructed with private funds donated to the Ohio historical 6780  
society and designated for this purpose. No public funds shall be 6781  
expended to construct this monument. The department of 6782  
administrative services shall cooperate with the Ohio historical 6783  
society in carrying out this function and shall maintain the 6784  
monument in a manner compatible with the grounds of the capitol 6785  
building. 6786

(P) Commissioning a portrait of each departing governor, 6787  
which shall be displayed in the capitol building. The Ohio 6788  
historical society may accept private contributions designated for 6789  
this purpose and, at the discretion of its board of trustees, also 6790  
may apply for the same purpose funds appropriated by the general 6791  
assembly to the society pursuant to this section. 6792

(Q) Planning and developing a center at the capitol building 6793  
for the purpose of educating visitors about the history of Ohio, 6794  
including its political, economic, and social development and the 6795  
design and erection of the capitol building and its grounds. The 6796  
Ohio historical society may accept contributions of private moneys 6797  
and in-kind services designated for this purpose and may, at the 6798  
discretion of its board of trustees, also apply, for the same 6799  
purpose, personnel and other resources paid in whole or in part by 6800  
its state subsidy. 6801

(R) Submitting an annual report of its activities, programs, 6802  
and operations to the governor within two months after the close 6803  
of each fiscal year of the state. 6804

The society shall not sell, mortgage, transfer, or dispose of 6805

historical or archaeological sites to which it has title and in 6806  
which the state has monetary interest except by action of the 6807  
general assembly. 6808

In consideration of the public functions performed by the 6809  
Ohio historical society for the state, employees of the society 6810  
shall be considered public employees within the meaning of section 6811  
145.01 of the Revised Code. 6812

**Sec. 149.31.** (A) The Ohio historical society, in addition to 6813  
its other functions, shall function as the state archives 6814  
administration for the state and its political subdivisions. 6815

It shall be the function of the state archives to preserve 6816  
government archives, documents, and records of historical value 6817  
~~which~~ that may come into its possession from public or private 6818  
sources. 6819

The archives administration shall evaluate, preserve, 6820  
arrange, service repair, or make other disposition, such as 6821  
transfer to public libraries, county historical societies, state 6822  
universities, or other public or quasi-public institutions, 6823  
agencies, or corporations, of those public records of the state 6824  
and its political subdivisions ~~which~~ that may come into its 6825  
possession under ~~the provisions of~~ this section. Such public 6826  
records shall be transferred by written agreement only, and only 6827  
to public or quasi-public institutions, agencies, or corporations 6828  
capable of meeting accepted archival standards for housing and 6829  
use. 6830

The archives administration shall be headed by a trained 6831  
archivist designated by the Ohio historical society, and shall 6832  
make its services available to county, city, township, and ~~school~~ 6833  
school district records commissions upon request. The archivist 6834  
shall be designated as the "state archivist." 6835

(B) The archives administration of the Ohio historical society may purchase or procure for itself, or authorize the board of trustees of an archival institution to purchase or procure from an insurance company licensed to do business in this state policies of insurance insuring the administration or the members of the board and their officers, employees, and agents against liability on account of damage or injury to persons and property resulting from any act or omission of the board members, officers, employees, and agents in their official capacity.

(C) Notwithstanding any other provision of the Revised Code to the contrary, the archives administration may establish a fee schedule, which may include the cost of labor, for researching, retrieving, copying, and mailing copies of public records in the state archives. Revisions to the fee schedule shall be subject to approval by the board of trustees of the Ohio historical society.

**Sec. 149.33.** (A) The department of administrative services shall have full responsibility for establishing and administering a state records program for all state agencies, except for state-supported institutions of higher education. The department shall apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposition of state records.

There is hereby established within the department of administrative services ~~an office of a~~ state records ~~administration program~~, which shall be under the control and supervision of the director of administrative services or ~~his~~ the director's appointed deputy. ~~The director shall designate an administrator of the office of state records administration.~~

(B) The boards of trustees of state-supported institutions of higher education shall have full responsibility for establishing and administering a records program for their respective

institutions. The boards shall apply efficient and economical 6867  
management methods to the creation, utilization, maintenance, 6868  
retention, preservation, and disposition of the records of their 6869  
respective institutions. 6870

**Sec. 149.331.** The state ~~record administration~~ records program 6871  
of the department of administrative services shall do all of the 6872  
following: 6873

(A) Establish and promulgate in consultation with the state 6874  
archivist standards, procedures, and techniques for the effective 6875  
management of state records; 6876

~~(B) Make continuing surveys of record keeping operations and 6877  
recommend improvements in current records management practices 6878  
including the use of space, equipment, and supplies employed in 6879  
creating, maintaining, storing, and servicing records; 6880~~

~~(C) Establish and operate such state records centers and 6881  
auxiliary facilities as may be authorized by appropriation and 6882  
provide such related services as are deemed necessary for the 6883  
preservation, screening, storage, and servicing of state records 6884  
pending disposition; 6885~~

~~(D)~~ Review applications for one-time records disposal and 6886  
schedules of records retention and destruction submitted by state 6887  
agencies in accordance with section 149.333 of the Revised Code; 6888

~~(E)~~(C) Establish "general schedules" proposing the disposal, 6889  
after the lapse of specified periods of time, of records of 6890  
specified form or character common to several or all agencies that 6891  
either have accumulated or may accumulate in such agencies and 6892  
that apparently will not, after the lapse of the periods 6893  
specified, have sufficient administrative, legal, fiscal, or other 6894  
value to warrant their further preservation by the state; 6895

~~(F)~~(D) Establish and maintain a records management training 6896

program, and provide a basic consulting service, for personnel 6897  
involved in record-making and record-keeping functions of 6898  
departments, offices, and institutions; 6899

~~(G) Obtain reports from departments, offices, and 6900  
institutions necessary for the effective administration of the 6901  
program; 6902~~

~~(H)~~(E) Provide for the disposition of any remaining records 6903  
of any state agency, board, or commission, whether in the 6904  
executive, judicial, or legislative branch of government, that has 6905  
terminated its operations. After the closing of the Ohio veterans' 6906  
children's home, the resident records of the home and the resident 6907  
records of the home when it was known as the soldiers' and 6908  
sailors' orphans' home required to be maintained by approved 6909  
records retention schedules shall be administered by the state 6910  
department of education pursuant to this chapter, the 6911  
administrative records of the home required to be maintained by 6912  
approved records retention schedules shall be administered by the 6913  
department of administrative services pursuant to this chapter, 6914  
and historical records of the home shall be transferred to an 6915  
appropriate archival institution in this state prescribed by the 6916  
state ~~record administration~~ records program. 6917

~~(I)~~(F) Establish a centralized program coordinating 6918  
micrographics standards, training, and services for the benefit of 6919  
all state agencies; 6920

~~(J)~~(G) Establish and publish in accordance with the 6921  
applicable law necessary procedures and rules for the retention 6922  
and disposal of state records. 6923

This section does not apply to the records of state-supported 6924  
institutions of higher education, which shall keep their own 6925  
records. 6926

**Sec. 149.332.** Upon request the ~~state records administrator~~ 6927  
director of administrative services and the state archivist shall 6928  
assist and advise in the establishment of records management 6929  
programs in the legislative and judicial branches of state 6930  
government and shall, as required by them, provide program 6931  
services similar to those available to the executive branch 6932  
~~pursuant to~~ under section 149.33 of the Revised Code. Prior to the 6933  
disposal of any records, the state archivist shall be allowed 6934  
sixty days to select for preservation in the state archives those 6935  
records ~~he~~ the state archivist determines to have continuing 6936  
historical value. 6937

**Sec. 149.333.** No state agency shall retain, destroy, or 6938  
otherwise transfer its state records in violation of this section. 6939  
This section does not apply to state-supported institutions of 6940  
higher education. 6941

Each state agency shall submit to the state records 6942  
~~administrator~~ program under the director of administrative 6943  
services all applications for records disposal or transfer and all 6944  
schedules of records retention and destruction. The state records 6945  
~~administrator~~ program shall review ~~such~~ the applications and 6946  
schedules and provide written approval, rejection, or modification 6947  
of ~~the~~ an application or schedule. The state records ~~administrator~~ 6948  
program shall then forward the application for records disposal or 6949  
transfer or the schedule for retention or destruction, with the 6950  
~~administrator's~~ program's recommendation attached, to the auditor 6951  
of state for review and approval. The decision of the auditor of 6952  
state to approve, reject, or modify the ~~applications~~ application 6953  
or ~~schedules~~ schedule shall be based upon the continuing 6954  
administrative and fiscal value of the state records to the state 6955  
or to its citizens. If the auditor of state disapproves the action 6956  
by the state agency, ~~he~~ the auditor of state shall so inform the 6957

state agency through the state records ~~administrator~~ program 6958  
within sixty days, and ~~these~~ the records shall not be destroyed. 6959  
~~At~~ 6960

At the same time, the state records ~~administrator~~ program 6961  
shall forward the application for records disposal or transfer or 6962  
the schedule for retention or destruction to the state archivist 6963  
for review and approval. The state archivist shall have sixty days 6964  
to select for custody ~~such~~ the state records ~~as he~~ that the state 6965  
archivist determines to be of continuing historical value. Records 6966  
not ~~se~~ selected shall be disposed of in accordance with this 6967  
section. 6968

**Sec. 149.34.** The head of each state agency, office, 6969  
institution, board, or commission shall do the following: 6970

(A) Establish, maintain, and direct an active continuing 6971  
program for the effective management of the records of the state 6972  
agency; 6973

~~(B) Cooperate with the state records administrator in the 6974  
conduct of surveys pursuant to section 149.331 of the Revised 6975  
Code;~~ 6976

~~(C)~~ Submit to the state records ~~administrator~~ program, in 6977  
accordance with applicable standards and procedures, schedules 6978  
proposing the length of time each record series warrants retention 6979  
for administrative, legal, or fiscal purposes after it has been 6980  
received or created by the agency. The head ~~of each state agency~~ 6981  
also shall submit to the state records ~~administrator~~ program 6982  
applications for disposal of records in ~~his~~ the head's custody 6983  
that are not needed in the transaction of current business and are 6984  
not otherwise scheduled for retention or destruction. 6985

~~(D) Transfer to a state records center or auxiliary 6986  
facilities, in the manner prescribed by the state records 6987~~

administrator, those records of the agency that can be retained 6988  
more efficiently and economically in such a center; 6989

~~(E)~~(C) Within one year after their date of creation or 6990  
receipt, schedule all records for disposition or retention in the 6991  
manner prescribed by applicable law and procedures. 6992

This section does not apply to state-supported institutions 6993  
of higher education. 6994

**Sec. 149.35.** If any law prohibits the destruction of records, 6995  
~~neither the state records administrator nor director of~~ 6996  
~~administrative services, the director's designee, or~~ the boards of 6997  
trustees of state-supported institutions of higher education shall 6998  
~~not~~ order their destruction or other disposition, ~~and, if.~~ If any 6999  
law provides that records shall be kept for a specified period of 7000  
time, ~~neither the administrator nor director of administrative~~ 7001  
~~services, the director's designee, or~~ the boards shall not order 7002  
their destruction or other disposition prior to the expiration of 7003  
~~such~~ that period. 7004

**Sec. 153.65.** As used in sections 153.65 to 153.71 of the 7005  
Revised Code: 7006

(A) "Public authority" means the state, ~~or~~ a county, 7007  
township, municipal corporation, school district, or other 7008  
political subdivision, or any public agency, authority, board, 7009  
commission, instrumentality, or special district of the state or a 7010  
county, township, municipal corporation, school district, or other 7011  
political subdivision. 7012

(B) "Professional design firm" means any person legally 7013  
engaged in rendering professional design services. 7014

(C) "Professional design services" means services within the 7015  
scope of practice of an architect or landscape architect 7016  
registered under Chapter 4703. of the Revised Code or a 7017

professional engineer or surveyor registered under Chapter 4733. 7018  
of the Revised Code. 7019

(D) "Qualifications" means all of the following: 7020

(1) Competence of the professional design firm to perform the 7021  
required professional design services as indicated by the 7022  
technical training, education, and experience of the firm's 7023  
personnel, especially the technical training, education, and 7024  
experience of the employees within the firm who would be assigned 7025  
to perform the services; 7026

(2) Ability of the firm in terms of its workload and the 7027  
availability of qualified personnel, equipment, and facilities to 7028  
perform the required professional design services competently and 7029  
expeditiously; 7030

(3) Past performance of the firm as reflected by the 7031  
evaluations of previous clients with respect to such factors as 7032  
control of costs, quality of work, and meeting of deadlines; 7033

(4) ~~Other similar~~ Any other relevant factors as determined by 7034  
the public authority. 7035

**Sec. 153.691.** No public authority planning to contract for 7036  
professional design services under section 153.69 of the Revised 7037  
Code shall require any form of fee estimate, fee proposal, or 7038  
other estimate or measure of compensation prior to selecting and 7039  
ranking professional design firms, except in instances when firms 7040  
are selected and ranked by a state agency from a list of 7041  
prequalified firms created under section 153.68 of the Revised 7042  
Code and the state agency's payment of funds for the professional 7043  
design services has been preapproved by the controlling board. 7044

**Sec. 164.14.** (A) The local transportation improvement program 7045  
fund is hereby created in the state treasury. The fund shall 7046  
consist of moneys credited to it pursuant to ~~section~~ sections 7047

117.16 and 5735.23 of the Revised Code, and, subject to the 7048  
limitations of section 5735.05 of the Revised Code, shall be used 7049  
to make grants to local subdivisions for projects that have been 7050  
approved by district public works integrating committees and the 7051  
Ohio public works commission in accordance with this section. The 7052  
fund shall be administered by the Ohio public works commission, 7053  
and shall be allocated each fiscal year on a per capita basis to 7054  
district public works integrating committees in accordance with 7055  
the most recent decennial census statistics. Money in the fund may 7056  
be used to pay reasonable costs incurred by the commission in 7057  
administering this section. Investment earnings on moneys credited 7058  
to the fund shall be retained by the fund. 7059

(B) Grants awarded under this section may provide up to one 7060  
hundred per cent of the estimated total cost of the project. 7061

(C) No grant shall be awarded for a project under this 7062  
section unless the project is designed to have a useful life of at 7063  
least seven years, except that the average useful life of all such 7064  
projects for which grants are awarded in each district during a 7065  
fiscal year shall be not less than twenty years. 7066

(D) For the period beginning on July 1, 1989, and ending on 7067  
June 30, 1994, and for each succeeding five-year period, at least 7068  
one-third of the total amount of money allocated to each district 7069  
from the local transportation improvement program fund shall be 7070  
awarded as follows: 7071

(1) Forty-two and eight-tenths per cent for projects of 7072  
municipal corporations; 7073

(2) Thirty-seven and two-tenths per cent for projects of 7074  
counties; 7075

(3) Twenty per cent for projects of townships, except that 7076  
the requirement of division (D)(3) of this section shall not apply 7077  
in districts where the combined population of the townships in the 7078

district is less than five per cent of the population of the 7079  
district. 7080

(E) Each district public works integrating committee shall 7081  
review, and approve or disapprove requests submitted to it by 7082  
local subdivisions for assistance from the local transportation 7083  
improvement program fund. In reviewing projects submitted to it, a 7084  
district public works integrating committee shall consider the 7085  
following factors: 7086

(1) Whether the project is of critical importance to the 7087  
safety of the residents of the local subdivision; 7088

(2) Whether the project would alleviate serious traffic 7089  
problems or hazards or would respond to needs caused by rapid 7090  
growth and development; 7091

(3) Whether the project would assist the local subdivision in 7092  
attaining the transportation infrastructure needed to pursue 7093  
significant and specific economic development opportunities; 7094

(4) The availability of other sources of funding for the 7095  
project; 7096

(5) The adequacy of the planning for the project and the 7097  
readiness of the local subdivision to proceed should the project 7098  
be approved; 7099

(6) The local subdivision's ability to pay for and history of 7100  
investing in bridge and highway improvements; 7101

(7) The impact of the project on the multijurisdictional 7102  
highway and bridge needs of the district; 7103

(8) The requirements of divisions (A), (B), (C), and (D) of 7104  
this section; 7105

(9) The condition of the infrastructure system proposed for 7106  
improvement; 7107

(10) Any other factors related to the safety, orderly growth, 7108

or economic development of the district or local subdivision that 7109  
the district public works integrating committee considers 7110  
relevant. 7111

A district public works integrating committee or its 7112  
executive committee may appoint a subcommittee to assist it in 7113  
carrying out its responsibilities under this section. 7114

(F) Every project approved by a district public works 7115  
integrating committee shall be submitted to the Ohio public works 7116  
commission for its review and approval or disapproval. The 7117  
commission shall not approve any project that fails to meet the 7118  
requirements of this section. 7119

(G) Grants awarded from the local transportation improvement 7120  
program fund shall not be limited in their usage by divisions (D), 7121  
(E), (F), (G), (H), and (I) of section 164.05 of the Revised Code. 7122

(H) As used in this section, "local subdivision" means a 7123  
county, municipal corporation, or township. 7124

(I) The director of the Ohio public works commission shall 7125  
notify the director of budget and management of the amounts 7126  
allocated pursuant to this section, and the allocation information 7127  
shall be entered into the state accounting system. The director of 7128  
budget and management shall establish appropriation line items as 7129  
needed to track these allocations. 7130

**Sec. 164.27.** (A) The clean Ohio conservation fund is hereby 7131  
created in the state treasury. Seventy-five per cent of the net 7132  
proceeds of obligations issued and sold by the issuing authority 7133  
pursuant to sections 151.01 and 151.09 of the Revised Code shall 7134  
be deposited into the fund. Investment earnings of the fund shall 7135  
be credited to the fund. ~~For two years after the effective date of~~ 7136  
~~this section, investment earnings credited to the fund~~ and may be 7137  
used to pay costs incurred by the Ohio public works commission in 7138

administering sections 164.20 to 164.27 of the Revised Code. 7139  
Moneys in the clean Ohio conservation fund shall be used to make 7140  
grants to local political subdivisions and nonprofit organizations 7141  
for projects that have been approved for grants under sections 7142  
164.20 to 164.27 of the Revised Code. 7143

The clean Ohio conservation fund shall be administered by the 7144  
Ohio public works commission. 7145

(B) For the purpose of grants issued under sections 164.20 to 7146  
164.27 of the Revised Code, moneys shall be allocated on an annual 7147  
basis from the clean Ohio conservation fund to districts 7148  
represented by natural resources assistance councils as follows: 7149

(1) Each district shall receive an amount that is equal to 7150  
one-fourth of one per cent of the total annual amount allocated to 7151  
all districts each year for each county that is represented by the 7152  
district. 7153

(2) The remaining moneys shall be allocated to each district 7154  
annually on a per capita basis. 7155

(C) A grant that is awarded under sections 164.20 to 164.27 7156  
of the Revised Code may provide up to seventy-five per cent of the 7157  
estimated cost of a project. Matching funds from a grant recipient 7158  
may consist of contributions of money by any person, any local 7159  
political subdivision, or the federal government or of 7160  
contributions in-kind by such entities through the purchase or 7161  
donation of equipment, land, easements, interest in land, labor, 7162  
or materials necessary to complete the project. 7163

(D) The director of the Ohio public works commission shall 7164  
notify the director of budget and management of the amounts 7165  
allocated pursuant to this section, and that information shall be 7166  
entered in the state accounting system. The director of budget and 7167  
management may establish appropriate line items or other 7168

mechanisms that are needed to track the allocations. 7169

(E) Grants awarded under sections 164.20 to 164.27 of the 7170  
Revised Code from the clean Ohio conservation fund shall be used 7171  
by a local political subdivision or nonprofit organization only to 7172  
pay the costs related to the purposes for which grants may be 7173  
issued under section 164.22 of the Revised Code and shall not be 7174  
used by a local political subdivision or nonprofit organization to 7175  
pay any administrative costs incurred by the local political 7176  
subdivision or nonprofit organization. 7177

**Sec. 165.09.** Any real or personal property, or both, of an 7178  
issuer ~~which~~ that is acquired, constructed, reconstructed, 7179  
enlarged, improved, furnished or equipped, or any combination 7180  
thereof, and leased or subleased under authority of either Chapter 7181  
165. or 761. of the Revised Code shall be subject to ad valorem, 7182  
sales, use, and franchise taxes and to zoning, planning, and 7183  
building regulations and fees, to the same extent and in the same 7184  
manner as if the lessee-user or sublessee-user thereof, rather 7185  
than the issuer, had acquired, constructed, reconstructed, 7186  
enlarged, improved, furnished, or equipped, or any combination 7187  
thereof, such real or personal property, and title thereto was in 7188  
the name of such lessee-user or sublessee-user. 7189

The transfer of tangible personal property by lease or 7190  
sublease under authority of either Chapter 165. or 761. of the 7191  
Revised Code is not a sale as used in Chapter 5739. of the Revised 7192  
Code. The exemptions provided in divisions (B)(1) and (B)~~(14)~~(13) 7193  
of section 5739.02 of the Revised Code shall not be applicable to 7194  
purchases for a project under either Chapters 165. or 761. of the 7195  
Revised Code. 7196

An issuer shall be exempt from all taxes on its real or 7197  
personal property, or both, which has been acquired, constructed, 7198  
reconstructed, enlarged, improved, furnished, or equipped, or any 7199

combination thereof, under Chapter 165. or 761. of the Revised 7200  
Code, so long as such property is used by the issuer for purposes 7201  
which would otherwise exempt such property; has ceased to be used 7202  
by a former lessee-user or sublessee-user and is not occupied or 7203  
used; or has been acquired by the issuer, but development has not 7204  
yet commenced. The exemption shall be effective as of the date the 7205  
exempt use begins. All taxes on the exempt real or personal 7206  
property for the year should be prorated and the taxes for the 7207  
exempt portion of the year shall be remitted by the county 7208  
auditor. 7209

**Sec. 166.16.** (A) The director of development, with the 7210  
approval of the controlling board and subject to the other 7211  
applicable provisions of this chapter, may lend moneys in the 7212  
innovation Ohio loan fund to persons for the purpose of paying 7213  
allowable innovation costs of an eligible innovation project if 7214  
the director determines that: 7215

(1) The project is an eligible innovation project and is 7216  
economically sound. 7217

(2) The borrower is unable to finance the necessary allowable 7218  
costs through ordinary financial channels upon comparable terms. 7219

(3) The amount to be lent from the innovation Ohio loan fund 7220  
will not exceed ninety per cent of the total costs of the eligible 7221  
innovation project. 7222

(4) The repayment of the loan from the innovation Ohio loan 7223  
fund will be secured by a mortgage, lien, assignment, or pledge, 7224  
or other interest in property or innovation property at such level 7225  
of priority and value as the director may determine necessary, 7226  
provided that, in making such a determination, the director may 7227  
take into account the value of any rights granted by the borrower 7228  
to the director to control the use of any property or innovation 7229  
property of the borrower under the circumstances described in the 7230

loan documents. 7231

(B) The determinations of the director under division (A) of 7232  
this section shall be conclusive for purposes of the validity of a 7233  
loan commitment evidenced by a loan agreement signed by the 7234  
director. 7235

(C) Fees, charges, rates of interest, times of payment of 7236  
interest and principal, and other terms, conditions, and 7237  
provisions of and security for loans made from the innovation Ohio 7238  
loan fund shall be such as the director determines to be 7239  
appropriate and in furtherance of the purpose for which the loans 7240  
are made. The moneys used in making the loans shall be disbursed 7241  
from the innovation Ohio loan fund upon order of the director. 7242  
Unless otherwise specified in any indenture or other instrument 7243  
securing obligations under division (D) of section 166.08 of the 7244  
Revised Code, any payments of principal and interest from loans 7245  
made from the innovation Ohio loan fund shall be paid to the 7246  
innovation Ohio loan fund and used for the purpose of making 7247  
loans. 7248

(D) ~~The~~ There is hereby created in the state treasury the 7249  
innovation Ohio loan fund ~~is hereby created as a special revenue~~ 7250  
~~fund and a trust fund which shall be in the custody of the~~ 7251  
~~treasurer of state but shall be separate and apart from and not a~~ 7252  
~~part of the state treasury.~~ The fund shall consist of all grants, 7253  
gifts, and contributions of moneys or rights to moneys lawfully 7254  
designated for or deposited in such fund, all moneys and rights to 7255  
moneys lawfully appropriated and transferred to such fund, 7256  
including moneys received from the issuance of obligations for 7257  
purposes of allowable innovation costs under section 166.08 of the 7258  
Revised Code, and moneys deposited to such fund pursuant to 7259  
divisions (C) and (G) of this section. All investment earnings on 7260  
the cash balance in the fund shall be credited to the fund. The 7261  
~~innovation Ohio loan~~ fund shall not be comprised, in any part, of 7262

moneys raised by taxation. 7263

(E) The director may take actions necessary or appropriate to 7264  
collect or otherwise deal with any loan made under this section. 7265

(F) The director may fix service charges for the making of a 7266  
loan. The charges shall be payable at such times and place and in 7267  
such amounts and manner as may be prescribed by the director. 7268

~~(G) The treasurer of state shall serve as an agent for the 7269  
director in the making of deposits and withdrawals and maintenance 7270  
of records pertaining to the innovation Ohio loan fund. 7271~~

~~(H)~~(1) There shall be credited to the innovation Ohio loan 7272  
fund the moneys received by this state from the repayment of 7273  
innovation Ohio loans and recovery on loan guarantees, including 7274  
interest thereon, made from the innovation Ohio loan fund or from 7275  
the innovation Ohio loan guarantee fund and from the sale, lease, 7276  
or other disposition of property acquired or constructed ~~from~~ with 7277  
moneys in the innovation Ohio loan fund with moneys derived from 7278  
the proceeds of the sale of obligations under section 166.08 of 7279  
the Revised Code. Such moneys shall be applied as provided in this 7280  
chapter pursuant to appropriations made by the general assembly. 7281

(2) Notwithstanding division ~~(H)~~(G)(1) of this section, any 7282  
amounts recovered on innovation Ohio loan guarantees shall be 7283  
deposited to the credit of the innovation Ohio loan guarantee fund 7284  
to the extent necessary to restore that fund to the innovation 7285  
Ohio loan guarantee reserve requirement or any level in excess 7286  
thereof required by any guarantee contract. Money in the 7287  
innovation Ohio loan guarantee fund in excess of the innovation 7288  
Ohio loan guarantee reserve requirement, but subject to the 7289  
provisions and requirements of any guarantee contracts, may be 7290  
transferred to the innovation Ohio loan fund by the treasurer of 7291  
state upon the order of the director of development. 7292

(3) In addition to the requirements of division ~~(H)~~(G)(1) of 7293

this section, moneys referred to in that division may be deposited 7294  
to the credit of separate accounts within the innovation Ohio loan 7295  
fund or in the bond service fund and pledged to the security of 7296  
obligations, applied to the payment of bond service charges 7297  
without need for appropriation, released from any such pledge and 7298  
transferred to the innovation Ohio loan fund, all as and to the 7299  
extent provided in the bond proceedings pursuant to written 7300  
directions by the director of development. Accounts may be 7301  
established by the director in the innovation Ohio loan fund for 7302  
particular projects or otherwise. ~~Income from the investment of~~ 7303  
~~moneys in the innovation Ohio loan fund shall be credited to that~~ 7304  
~~fund and, as may be provided in bond proceedings, to particular~~ 7305  
~~accounts in that fund.~~ The ~~treasurer of state~~ director may 7306  
withdraw from the innovation Ohio loan fund or, subject to 7307  
provisions of the applicable bond proceedings, from any special 7308  
funds established pursuant to the bond proceedings, or from any 7309  
accounts in such funds, any amounts of investment income required 7310  
to be rebated and paid to the federal government in order to 7311  
maintain the exemption from federal income taxation of interest on 7312  
obligations issued under this chapter, which withdrawal and 7313  
payment may be made without necessity for appropriation. 7314

**Sec. 173.06.** (A) The director of aging shall establish a 7315  
golden buckeye card program and provide a golden buckeye card to 7316  
any resident of this state who applies to the director for a card 7317  
and ~~who~~ is sixty years of age or older or ~~disabled~~ is a person 7318  
with a disability and is eighteen years of age or older. The 7319  
director shall devise programs to provide benefits of any kind to 7320  
card holders, and encourage support and participation in them by 7321  
all persons, including governmental organizations. Card holders 7322  
shall be entitled to any benefits granted to them by private 7323  
persons or organizations, the laws of this state, or ordinances or 7324  
resolutions of political subdivisions. This section does not 7325

require any person or organization to provide benefits to any card holder. The department of aging shall bear all costs of the program, except that the department is not required to bear any costs related to the prescription drug ~~discount~~ programs established pursuant to section 173.061 of the Revised Code.

(B) Before issuing a golden buckeye card to any person, the director shall establish the identity of any person who applies for a card and shall ascertain that such person is sixty years of age or older or ~~disabled~~ is a person with a disability and is eighteen years of age or older. The director shall adopt rules under Chapter 119. of the Revised Code to prevent the issuance of cards to persons not qualified to have them. Cards shall contain the signature of the card holder and any other information the director considers necessary to carry out the purposes of the golden buckeye card program under this section. Any card that the director issues shall be held in perpetuity by the original card holder and shall not be transferable to any other person. A person who loses the person's card may obtain another card from the director upon providing the same information to the director as was required for the issuance of the original card.

(C) No person shall use a golden buckeye card except to obtain a benefit for the holder of the card to which the holder is entitled under the conditions of the offer.

(D) As used in this section, "~~disabled~~ person with a disability" means a person who has some impairment of body or mind ~~that makes the person unfit to work at any substantially remunerative employment that the person is substantially able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery therefrom, or who~~ and has been certified as permanently and totally disabled by an agency of this state or the United States having the function of so classifying persons.

Sec. 173.061. (A) As used in this section: 7358

(1) "Prescription drug" means a drug that may not be 7359  
dispensed without a prescription from a licensed health 7360  
professional authorized to prescribe drugs. 7361

(2) "Drug," "licensed health professional authorized to 7362  
prescribe drugs," "pharmacy," and "prescription" have the same 7363  
meanings as in section 4729.01 of the Revised Code. 7364

(3) "~~Disabled person~~ Person with a disability" has the same 7365  
meaning as in section 173.06 of the Revised Code. 7366

(4) "Drug discount" means a reimbursement of a certain 7367  
portion of the wholesale price of a drug to the administrator of a 7368  
prescription drug program for funds accrued or paid in connection 7369  
with a reduction in cost of the drug by the manufacturer to the 7370  
prescription drug program cardholder pursuant to an agreement 7371  
between the manufacturer and the administrator and in 7372  
consideration of the administrator's agreement to return one 7373  
hundred per cent of the non-negotiated discounts to the cardholder 7374  
at the point of sale. A discount is not tied to and does not vary 7375  
based on market share performance. 7376

(5) "Rebate" means a refund of a certain portion of the 7377  
wholesale price of a drug to the administrator of a prescription 7378  
drug program based on a negotiated agreement between the 7379  
manufacturer and the administrator and in consideration of market 7380  
share performance or continued access or availability of the drug 7381  
under the administrator's prescription drug program. 7382

(B) The director of aging shall establish one or more 7383  
prescription drug ~~discount card~~ programs that enable cardholders 7384  
to receive ~~discounts~~ reduced prices on prescription drugs 7385  
dispensed at participating pharmacies. A card shall be provided to 7386  
any resident of this state who applies in accordance with rules 7387

adopted by the director pursuant to division (F) of this section 7388  
and is sixty years of age or older or is a ~~disabled~~ person with a 7389  
disability. 7390

If the director establishes more than one prescription drug 7391  
~~discount card~~ program under this section, an eligible resident may 7392  
participate in one or more or all of the programs. 7393

(C)(1) The director shall solicit and accept proposals from 7394  
entities separate from the department of aging to provide for 7395  
administration of a program or programs in accordance with rules 7396  
adopted under division (F) of this section. Proposals must be 7397  
submitted not later than a date established by the director. The 7398  
director shall accept only those proposals that specify all of the 7399  
following: 7400

(a) The estimated amount of the ~~discount~~ reduced prices on 7401  
prescription drugs based on the entity's previous experience and 7402  
how the ~~discount~~ reduction is to be achieved; 7403

(b) To the extent that ~~discounts on prescription drugs are to~~ 7404  
~~be achieved through rebates or discounts in prices that the an~~ 7405  
entity negotiates rebates with drug manufacturers, the proportion 7406  
of the rebates ~~or discounts~~ to be used to do ~~all~~ any of the 7407  
following: 7408

(i) Reduce any costs to cardholders; 7409

(ii) ~~Achieve discounts for cardholders;~~ 7410

~~(iii) Cover costs for administering the program;~~ 7411

(iii) Offer any other benefits to cardholders. 7412

(c) Any other benefits offered to cardholders; 7413

(d) If fees are permitted, the fee, if any, to cardholders 7414  
for participation in the program and whether the fee is to be a 7415  
one-time or periodic fee; 7416

(e) The estimated number and geographic distribution of 7417

participating pharmacies and the process for establishing the program's pharmacy network; 7418  
7419

(f) Financial incentives to be paid to participating pharmacies by the entity; 7420  
7421

(g) The percentage of prescription drugs to be covered by the program by major drug category; 7422  
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(h) How the entity proposes to improve medication management for cardholders; 7424  
7425

(i) How cardholders and participating pharmacies will be informed of the ~~discounted~~ reduced price negotiated by the entity; 7426  
7427

(j) How the entity will handle complaints about the program's operation; 7428  
7429

(k) The entity's previous experience in managing similar programs; 7430  
7431

(1) Any additional information requested by the director. 7432

(2) The director shall contract with one or more entities to administer a program or programs on the basis of the proposals submitted, but may require an administrator to modify its conduct of a program in accordance with rules adopted under division (F) of this section. Prior to entering into a contract with an entity, the director shall obtain approval of the contract from the controlling board at a public hearing. 7433  
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The director shall adopt rules specifying the period for which a contract will be in effect and may terminate a contract if an administrator fails to conduct a program in accordance with its proposal or with any modifications required by rule. When a contract period ends or a contract is terminated, the director shall enter into a new contract in the manner specified in this section for an original contract. Prior to making a new contract, the director may modify the rules for administration of the 7440  
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program or programs. 7448

(D) The rules for administration of a program established 7449  
under division (C)(2) of this section may permit an administrator 7450  
to charge a fee for a prescription drug ~~discount~~ card. The fee may 7451  
be a one-time or periodic fee. If the rules permit a fee to be 7452  
charged, each entity that submits a proposal under which a fee 7453  
will be charged shall specify the amount of the fee and the period 7454  
to which the fee will apply. 7455

If an administrator charges a fee for a prescription drug 7456  
~~discount~~ card, the rules may require the administrator to issue 7457  
the cards. If an administrator does not charge a fee, the rules 7458  
may require the administrator to issue the cards or may include 7459  
the prescription drug ~~discount~~ information on golden buckeye cards 7460  
issued under section 173.06 of the Revised Code. 7461

(E) As used in this division, "administrator" includes the 7462  
administrator's parent company and any subsidiary of the parent 7463  
company. 7464

(1) No administrator shall sell any information concerning a 7465  
person who holds a prescription drug ~~discount~~ card, other than 7466  
aggregate information that does not identify the cardholder, 7467  
without the cardholder's written consent. 7468

(2) Unless an administrator has the cardholder's written 7469  
consent, no administrator shall use any personally identifiable 7470  
information that it obtains concerning a cardholder through the 7471  
program to promote or sell a program or product offered by the 7472  
administrator that is not related to the administration of the 7473  
program. This division does not prohibit an administrator from 7474  
contacting cardholders concerning participation in or 7475  
administration of the program, including, but not limited to, 7476  
mailing a list of pharmacies participating in the program's 7477  
network. 7478

(3) When determining medicaid drug rebates, an administrator shall be subject to best price calculations promulgated by the centers for medicare and medicaid services in the United States department of health and human services. With prior approval of the controlling board, an administrator may use rebates negotiated with a drug manufacturer for purposes other than those provided in divisions (E)(3)(a), (b), and (c) of this section, including sharing a portion of the rebate with the administrator's clients, prescription drug program participants, or participating pharmacies. To the extent that ~~a discount is achieved through rebates or discounts in prices that~~ an administrator negotiates rebates with drug manufacturers, ~~an~~ the administrator shall use the rebates ~~or discounts~~ to do one or more of the following:

(a) Reduce any costs to cardholders; 7492

(b) ~~Achieve discounts for cardholders;~~ 7493

~~(e)~~ Cover any administrative costs of the program; 7494

(c) Offer any other benefits to cardholders. 7495

(4) An administrator may negotiate with drug manufacturers to have the prescription drug program or programs established by the department of aging under this section serve as a single enrollment point for the manufacturer's discount program. To the extent that discounts are offered by manufacturers through the program, discounts are exempt from best price calculations when determining medicaid drug rebates pursuant to 42 U.S.C. 1396r-8, as amended, if all of the following apply:

(a) The manufacturer's program provides prescription drug assistance to a limited group of persons without negotiations between the manufacturer and a third party regarding the amount of assistance.

(b) The manufacturer establishes the amount of the benefit to be given to persons without negotiations between the manufacturer

and a third party regarding the amount of the benefit. 7510

(c) The entire amount of the discount is used to benefit an individual without providing an opportunity for the administrator, participating pharmacies, or any other third party to reduce or take for its use a portion of the benefit. 7511  
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(d) A participating pharmacy is reimbursed based on the lower of a calculated formula equal to the average wholesale price less a defined percentage plus a dispensing fee, or the pharmacy's usual and customary price for the drug. 7515  
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(e) Other than the benefit amount, a participating pharmacy collects no additional payment from the manufacturer's discount program. 7519  
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(5) To the extent that drug discounts on prescription drugs are achieved through reduced prices an administrator obtains from drug manufacturers, the administrator shall use the drug discounts to reduce prescription drug costs for cardholders. 7522  
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(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following: 7526  
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(1) Specify how a resident may apply to participate in any one or more prescription drug discount card programs; 7528  
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(2) Provide for the administration of each program; 7530

(3) Specify the circumstances under which the director may require an administrator to modify its conduct of a program; 7531  
7532

(4) Specify the duration of a contract; 7533

(5) Specify whether an administrator may charge a fee for a card and whether an administrator is required to issue the cards; 7534  
7535

(6) Require that an administrator permit any pharmacy willing to comply with the administrator's terms and conditions for participation in the program's network to participate in any network used by the administrator for its program; 7536  
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(7) Prohibit an administrator from requiring a pharmacy or drug manufacturer to participate in the program's network as a condition of participation in another network operated by the administrator;

(8) Permit an administrator to work with one or more drug manufacturers to obtain drug discounts;

(9) Permit an administrator to negotiate with one or more drug manufacturers for ~~discounts in drug prices or rebates;~~

~~(9)~~(10) Permit an administrator to receive any rebate payments from drug manufacturers;

~~(10)~~(11) Require that an administrator create a financial incentive program for participating pharmacies through which the administrator shall distribute a portion of any rebate payments from drug manufacturers received under division (F)~~(9)~~(10) of this section.

(G) Not later than one month after the end of each twelve-month period that one or more prescription drug ~~discount card~~ ~~card~~ programs are in operation, each administrator shall collect from each of its participating pharmacies and provide to the director of aging the information required by section 173.071 of the Revised Code.

**Sec. 173.062.** Records identifying the recipients of golden buckeye cards issued under section 173.06 of the Revised Code or prescription drug ~~discount~~ cards issued under section 173.061 of the Revised Code are not public records subject to inspection or copying under section 149.43 of the Revised Code and may be disclosed only at the discretion of the director of aging. The director may disclose only information in records identifying the recipients of golden buckeye cards or prescription drug ~~discount~~ cards that does not contain the recipient's medical history or

prescription drug utilization history. 7570

**Sec. 173.07.** Not later than four months after the end of each 7571  
twelve-month period that one or more prescription drug ~~discount~~ 7572  
~~card~~ programs established under section 173.061 of the Revised 7573  
Code are in operation, the director of aging shall issue a report 7574  
on the operation of each program during that twelve-month period. 7575

**Sec. 173.071.** Each report issued under section 173.07 of the 7576  
Revised Code shall be based on information received by the 7577  
director of aging from each administrator under division (G) of 7578  
section 173.061 of the Revised Code and specify all of the 7579  
following about each program: 7580

(A) The number of prescription drug ~~discount~~ cardholders; 7581

(B) The number of cardholders who used the card at least once 7582  
in the immediately preceding twelve-month period; 7583

(C) The total cost savings to all cardholders generated by 7584  
the program; 7585

(D) The average cost savings to a cardholder per 7586  
prescription; 7587

(E) The source and method of cost savings under the program; 7588

(F) The drugs that are discounted under the program listed 7589  
according to major drug category; 7590

(G) The drugs for which rebates are offered under the 7591  
program, listed according to major drug category; 7592

(H) For each participating pharmacy, the number of times in 7593  
the twelve-month period that the pharmacy's customary and usual 7594  
price was lower than the price offered under the prescription drug 7595  
~~discount~~ program; 7596

~~(H)~~(I) The name of the program's administrator; 7597

~~(I)~~(J) The length of the contract between the director and the program's administrator; 7598  
7599

~~(J)~~(K) The number of pharmacies participating in the program; 7600

~~(K)~~(L) Other than the cost of prescription drugs, any fees paid by cardholders to participate in the program; 7601  
7602

~~(L)~~(M) Any costs incurred by the state to operate the program; 7603  
7604

~~(M)~~(N) Any costs incurred by participating pharmacies to participate in the program. 7605  
7606

**Sec. 173.08.** (A) The resident services coordinator program is established in the department of aging to fund resident services coordinators. The coordinators shall provide information to low-income and special-needs tenants, including the elderly, who live in subsidized rental housing complexes, and assist those tenants in identifying and obtaining community and program services and other benefits for which they are eligible. 7607  
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(B) The resident services coordinator program fund is hereby created in the state treasury to support the resident services coordinator program established pursuant to this section. The fund consists of all moneys the department of development sets aside pursuant to division (A)(4) of section 175.21 of the Revised Code and moneys the general assembly appropriates to the fund. 7614  
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**Sec. 173.14.** As used in sections 173.14 to 173.26 of the Revised Code: 7620  
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(A)(1) Except as otherwise provided in division (A)(2) of this section, "long-term care facility" includes any residential facility that provides personal care services for more than twenty-four hours for two or more unrelated adults, including all of the following: 7622  
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7626

(a) A "nursing home," "residential care facility," or "home for the aging" as defined in section 3721.01 of the Revised Code;	7627 7628
(b) A facility authorized to provide extended care services under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;	7629 7630 7631
(c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;	7632 7633
(d) An "adult care facility" as defined in section 3722.01 of the Revised Code;	7634 7635
(e) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;	7636 7637 7638 7639
(f) An adult foster home certified under section 173.36 of the Revised Code.	7640 7641
(2) "Long-term care facility" does not include a "residential facility" as defined in section 5119.22 of the Revised Code or a "residential facility" as defined in section 5123.19 of the Revised Code.	7642 7643 7644 7645
(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility.	7646 7647 7648
(C) "Community-based long-term care services" means health and social services provided to persons <del>age sixty or older</del> in their own homes or in community care settings, and includes any of the following:	7649 7650 7651 7652
(1) Case management;	7653
(2) Home health care;	7654
(3) Homemaker services;	7655

(4) Chore services;	7656
(5) Respite care;	7657
(6) Adult day care;	7658
(7) Home-delivered meals;	7659
(8) Personal care;	7660
(9) Physical, occupational, and speech therapy;	7661
(10) Any other health and social services provided to persons	7662
<del>age sixty or older</del> that allow them to retain their independence in	7663
their own homes or in community care settings.	7664
(D) "Recipient" means a recipient of community-based	7665
long-term care services and, where appropriate, includes a	7666
prospective, previous, or deceased recipient of community-based	7667
long-term care services.	7668
(E) "Sponsor" means an adult relative, friend, or guardian	7669
who has an interest in or responsibility for the welfare of a	7670
resident or a recipient.	7671
(F) "Personal care services" has the same meaning as in	7672
section 3721.01 of the Revised Code.	7673
(G) "Regional long-term care ombudsperson program" means an	7674
entity, either public or private and nonprofit, designated as a	7675
regional long-term care ombudsperson program by the state	7676
long-term care ombudsperson.	7677
(H) "Representative of the office of the state long-term care	7678
ombudsperson program" means the state long-term care ombudsperson	7679
or a member of the ombudsperson's staff, or a person certified as	7680
a representative of the office under section 173.21 of the Revised	7681
Code.	7682
(I) "Area agency on aging" means an area agency on aging	7683
established under the "Older Americans Act of 1965," 79 Stat. 219,	7684

42 U.S.C.A. 3001, as amended. 7685

**Sec. 173.26.** (A) Each of the following facilities shall 7686  
annually pay to the department of aging ~~three~~ six dollars for each 7687  
bed maintained by the facility for use by a resident during any 7688  
part of the previous year: 7689

(1) Nursing homes, residential care facilities, and homes for 7690  
the aging as defined in section 3721.01 of the Revised Code; 7691

(2) Facilities authorized to provide extended care services 7692  
under Title XVIII of the "Social Security Act," 49 Stat. 620 7693  
(1935), 42 U.S.C. 301, as amended; 7694

(3) County homes and district homes operated pursuant to 7695  
Chapter 5155. of the Revised Code; 7696

(4) Adult care facilities as defined in section 3722.01 of 7697  
the Revised Code; 7698

(5) ~~Adult foster homes certified under section 173.36 of the~~ 7699  
~~Revised Code;~~ 7700

~~(6)~~ Facilities approved by the Veterans Administration under 7701  
Section 104(a) of the "Veterans Health Care Amendments of 1983," 7702  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 7703  
the placement and care of veterans. 7704

The department shall, by rule adopted ~~under section 111.15 in~~ 7705  
accordance with Chapter 119. of the Revised Code, establish 7706  
deadlines for payments required by this section. 7707

(B) All money collected under this section shall be deposited 7708  
in the state treasury to the credit of the office of the state 7709  
long-term care ~~ombudsman~~ ombudsperson program fund, which is 7710  
hereby created. Money credited to the fund shall be used solely to 7711  
pay the costs of operating the regional long-term care ~~ombudsman~~ 7712  
ombudsperson programs. 7713

(C) The state long-term care ~~ombudsman~~ ombudsperson and the 7714  
regional programs may solicit and receive contributions to support 7715  
the operation of the office or a regional program, except that no 7716  
contribution shall be solicited or accepted that would interfere 7717  
with the independence or objectivity of the office or program. 7718

**Sec. 175.03.** (A)(1) The Ohio housing finance agency shall 7719  
consist of eleven members. Nine of the members shall be appointed 7720  
by the governor with the advice and consent of the senate. The 7721  
director of commerce and the director of development, or their 7722  
respective designees, shall also be voting members of the agency. 7723  
Of the nine appointed members, at least one shall have experience 7724  
in residential housing construction; at least one shall have 7725  
experience in residential housing mortgage lending, loan 7726  
servicing, or brokering; at least one shall have experience in the 7727  
licensed residential housing brokerage business; at least one 7728  
shall have experience with the housing needs of senior citizens; 7729  
at least one shall be from a background in labor representation in 7730  
the construction industry; at least one shall represent the 7731  
interests of nonprofit multifamily housing development 7732  
corporations; at least one shall represent the interests of 7733  
for-profit multifamily housing development organizations; and two 7734  
shall be public members. The governor shall receive 7735  
recommendations from the Ohio housing council for appointees to 7736  
represent the interests of nonprofit multifamily housing 7737  
development corporations and for-profit multifamily housing 7738  
development organizations. Each appointee representing multifamily 7739  
housing interests currently shall be employed with an organization 7740  
that is active in the area of affordable housing development or 7741  
management. No more than six of the appointed members of the 7742  
agency shall be of the same political party. Of the appointments 7743  
made to the agency for the eighth and ninth appointed members in 7744  
accordance with this amendment, one shall be for a term ending on 7745

January 31, 2005, and one shall be for a term ending on January 7746  
31, 2006. Thereafter, each appointed member shall serve for a term 7747  
ending on the thirty-first day of January which is six years 7748  
following the date of termination of the term which it succeeds. 7749  
Each member shall hold office from the date of the member's 7750  
appointment until the end of the term for which the member was 7751  
appointed. Any member appointed to fill a vacancy occurring prior 7752  
to the expiration of the term for which the member's predecessor 7753  
was appointed shall hold office for the remainder of such term. 7754  
Any appointed member shall continue in office subsequent to the 7755  
expiration date of the member's term until the member's successor 7756  
takes office, or until a period of sixty days has elapsed, 7757  
whichever occurs first. Each appointed member may be removed from 7758  
office by the governor for misfeasance, nonfeasance, malfeasance 7759  
in office, or for failure to attend in person three consecutive 7760  
meetings of the agency. 7761

(2) The ~~director of development or the director's designee~~ 7762  
governor shall ~~be~~ appoint the chairperson of the agency. The 7763  
agency shall elect one of its ~~appointed~~ members as 7764  
vice-chairperson and such other officers as it deems necessary, 7765  
who need not be members of the agency. Each appointed member of 7766  
the agency shall receive compensation at the rate of one hundred 7767  
fifty dollars per agency meeting attended in person, not to exceed 7768  
a maximum of three thousand dollars per year. All members shall be 7769  
reimbursed for their actual and necessary expenses incurred in the 7770  
discharge of their official duties. 7771

(3) Six members of the agency constitute a quorum, and the 7772  
affirmative vote of six members shall be necessary for any action 7773  
taken by the agency. No vacancy in membership of the agency 7774  
impairs the right of a quorum to exercise all the rights and 7775  
perform all the duties of the agency. Meetings of the agency may 7776  
be held at any place within the state. Meetings of the agency, 7777

including notice of the place of meetings, shall comply with 7778  
section 121.22 of the Revised Code. 7779

(B)(1) The appointed members of the agency are not subject to 7780  
section 102.02 of the Revised Code. Each such appointed member 7781  
shall file with the agency a signed written statement setting 7782  
forth the general nature of sales of goods, property or services 7783  
or of loans to the agency in which such member has a pecuniary 7784  
interest or in which any member of the member's immediate family, 7785  
as defined in section 102.01 of the Revised Code, or any 7786  
corporation, partnership or enterprise of which the member is an 7787  
officer, director, or partner, or of which the member or a member 7788  
of the member's immediate family, as so defined, owns more than a 7789  
five per cent interest, has a pecuniary interest, and of which 7790  
sale, loan and interest such member has knowledge. The statement 7791  
shall be supplemented from time to time to reflect changes in the 7792  
general nature of any such sales or loans. No member shall 7793  
participate in portions of agency meetings dealing with, or vote 7794  
concerning, any such matter. 7795

(2) The requirements of this section pertaining to disclosure 7796  
and prohibition from participation and voting do not apply to 7797  
agency loans to lending institutions or contracts between the 7798  
agency and lending institutions for the purchase, administration, 7799  
or servicing of loans notwithstanding that such lending 7800  
institution has a director, officer, employee, or owner who is a 7801  
member of the agency, and no such loans or contracts shall be 7802  
deemed to be prohibited or otherwise regulated by reason of any 7803  
other law or rule. 7804

(3) The members of the agency representing multifamily 7805  
housing interests are not in violation of division (A) of section 7806  
2921.42, division (D) of section 102.03, or division (E) of 7807  
section 102.03 of the Revised Code in regard to a contract the 7808  
agency enters into if both of the following apply: 7809

(a) The contract is entered into for a loan, grant, or participation in a program administered or funded by the agency and the contract was awarded pursuant to rules or guidelines the agency adopted.

(b) The member does not participate in the discussion or vote on the contract if the contract secured a grant or loan that would directly benefit the member, a family member, or a business associate of the member.

**Sec. 175.21.** (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund shall consist of all appropriations, made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the department of development for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The department shall administer the fund. The agency shall use money allocated to it in the fund for implementing and administering its programs and duties under sections 175.22 and 175.24 of the Revised Code, and the department shall use the remaining money in the fund for implementing and administering its programs and duties under sections 175.22 to 175.25 of the Revised Code. Use of all money in the fund is subject to the following restrictions:

(1) Not more than six per cent of any current year appropriation authority for the fund shall be used for the transitional and permanent housing program to make grants to municipal corporations, counties, townships, and nonprofit organizations for the acquisition, rehabilitation, renovation,

construction, conversion, operation, and cost of supportive 7841  
services for new and existing transitional and permanent housing 7842  
for homeless persons. 7843

(2)(a) Not more than five per cent of any current year 7844  
appropriation authority for the fund shall be used for grants and 7845  
loans to community development corporations and the Ohio community 7846  
development finance fund, a private nonprofit corporation. 7847

(b) In any year in which the amount in the fund exceeds one 7848  
hundred thousand dollars, not less than one hundred thousand 7849  
dollars shall be used to provide training, technical assistance, 7850  
and capacity building assistance to nonprofit development 7851  
organizations in areas of the state the director designates as 7852  
underserved. 7853

(c) For monies awarded in any fiscal year, priority shall be 7854  
given to proposals submitted by nonprofit development 7855  
organizations from areas of the state the director designates as 7856  
underserved. 7857

(3) Not more than seven per cent of any current year 7858  
appropriation authority for the fund shall be used for the 7859  
emergency shelter housing grants program to make grants to 7860  
private, nonprofit organizations and municipal corporations, 7861  
counties, and townships for emergency shelter housing for the 7862  
homeless. The grants shall be distributed pursuant to rules the 7863  
director adopts and qualify as matching funds for funds obtained 7864  
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 7865  
11371 to 11378. 7866

(4) In any fiscal year in which the amount in the fund 7867  
exceeds the amount awarded pursuant to division (A)(2)(b) of this 7868  
section by at least two hundred fifty thousand dollars, at least 7869  
two hundred fifty thousand dollars from the fund shall be provided 7870  
to the department of aging for the resident services coordinator 7871

program. 7872

(5) Of all money in the fund: 7873

(a) Not more than five per cent shall be used for 7874  
administration. 7875

(b) Not less than forty-five per cent of the ~~amount of~~ funds 7876  
awarded during any one fiscal year shall be ~~used to make for~~ 7877  
grants and loans to nonprofit organizations under section 175.22 7878  
of the Revised Code, ~~not.~~ 7879

(c) Not less than fifty per cent of the amount of funds 7880  
awarded during any one fiscal year, excluding the amounts awarded 7881  
pursuant to divisions (A)(1), (A)(2), and (A)(3) of this section, 7882  
shall be ~~used to make for~~ grants and loans for activities that 7883  
~~will~~ provide housing and housing assistance to families and 7884  
individuals in rural areas and small cities that ~~would~~ are not be 7885  
eligible to participate as a participating jurisdiction under the 7886  
"HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 7887  
U.S.C. 12701 note, 12721, ~~no more than five per cent of the money~~ 7888  
~~in the fund shall be used for administration, and no.~~ 7889

(d) No money in the fund shall be used to pay for any legal 7890  
services other than the usual and customary legal services 7891  
associated with the acquisition of housing. 7892

(6) Except as otherwise provided by the director under 7893  
division (B) of this section, money in the fund may be used as 7894  
matching money for federal funds received by the state, counties, 7895  
municipal corporations, and townships for the activities listed in 7896  
section 175.22 of the Revised Code. 7897

(B) If after the second quarter of any year it appears to the 7898  
director that the full amount of the money in the ~~low and~~ 7899  
~~moderate income housing trust~~ fund designated in that year for 7900  
activities that ~~will~~ provide housing and housing assistance to 7901  
families and individuals in rural areas and small cities under 7902

division (A) of this section will not be ~~se~~ used for that purpose, 7903  
the director may reallocate all or a portion of that amount for 7904  
other housing activities. In determining whether or how to 7905  
reallocate money under this division, the director may consult 7906  
with and shall receive advice from the housing trust fund advisory 7907  
committee. 7908

**Sec. 175.22.** (A) The department of development and the Ohio 7909  
housing finance agency shall each develop programs under which, in 7910  
accordance with rules adopted under this section, ~~it~~ they may make 7911  
grants, loans, loan guarantees, and loan subsidies to counties, 7912  
municipal corporations, townships, local housing authorities, and 7913  
nonprofit organizations and may make loans, loan guarantees, and 7914  
loan subsidies to private developers and private lenders to assist 7915  
~~them~~ in activities that ~~will~~ provide housing and housing 7916  
assistance for specifically targeted low- and moderate-income 7917  
families and individuals. There ~~shall be~~ is no minimum housing 7918  
project size for awards under this division for any project that 7919  
is ~~being~~ developed for a special needs population and that is 7920  
supported by a social service agency where the housing project 7921  
~~will be~~ is located. Activities for which grants, loans, loan 7922  
guarantees, and loan subsidies may be made under this section 7923  
include all of the following: 7924

(1) Acquiring, financing, constructing, leasing, 7925  
rehabilitating, remodeling, improving, and equipping publicly or 7926  
privately owned housing; 7927

(2) Providing supportive services related to housing and the 7928  
homeless, including housing counseling. Not more than twenty per 7929  
cent of the current year appropriation authority for the low- and 7930  
moderate-income housing trust fund that remains after the award of 7931  
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 7932  
section 175.21 of the Revised Code, shall be awarded in any fiscal 7933

year for ~~such~~ supportive services. 7934

(3) Providing rental assistance payments or other project 7935  
operating subsidies that lower tenant rents. 7936

(B) Grants, loans, loan guarantees, and loan subsidies may be 7937  
made to counties, municipal corporations, townships, and nonprofit 7938  
organizations for the additional purposes of providing technical 7939  
assistance, design and finance services and consultation, and 7940  
payment of pre-development and administrative costs related to any 7941  
of the activities listed above. 7942

(C) In developing programs under this section, the department 7943  
and the agency shall invite, accept, and consider public comment, 7944  
and recommendations from the housing trust fund advisory committee 7945  
created under section 175.25 of the Revised Code, on how the 7946  
programs should be designed to most effectively benefit low- and 7947  
moderate-income families and individuals. The programs developed 7948  
under this section shall respond collectively to housing and 7949  
housing assistance needs of low- and moderate-income families and 7950  
individuals statewide. 7951

(D) The department and the agency, in accordance with Chapter 7952  
119. of the Revised Code, shall each adopt rules ~~under which it~~ 7953  
~~shall to~~ administer programs developed ~~by it~~ under this section. 7954  
The rules shall prescribe procedures and forms ~~whereby that~~ 7955  
counties, municipal corporations, townships, local housing 7956  
authorities, and nonprofit organizations ~~may apply~~ shall use in 7957  
applying for grants, loans, loan guarantees, and loan subsidies 7958  
and that private developers and private lenders ~~may apply~~ shall 7959  
use in applying for loans, loan guarantees, and loan subsidies; 7960  
eligibility criteria for the receipt of funds; procedures for 7961  
reviewing and granting or denying applications; procedures for 7962  
paying out funds; conditions on the use of funds; procedures for 7963  
monitoring the use of funds; and procedures under which a 7964  
recipient shall be required to repay funds that are improperly 7965

used. The rules ~~adopted by the department~~ shall do both of the 7966  
following: 7967

(1) Require each recipient of a grant or loan made from the 7968  
low- and moderate-income housing trust fund for activities that 7969  
~~will~~ provide, or assist in providing, a rental housing project, to 7970  
reasonably ensure that the rental housing project will ~~be~~ remain 7971  
affordable to those families and individuals targeted for the 7972  
rental housing project for the useful life of the rental housing 7973  
project or for thirty years, whichever is longer; 7974

(2) Require each recipient of a grant or loan made from the 7975  
low- and moderate-income housing trust fund for activities that 7976  
~~will~~ provide, or assist in providing, a housing project to prepare 7977  
and implement a plan to reasonably assist any families and 7978  
individuals displaced by the housing project in obtaining decent 7979  
affordable housing. 7980

(E) In prescribing eligibility criteria and conditions for 7981  
the use of funds, neither the department nor the agency is limited 7982  
to the criteria and conditions specified in this section and each 7983  
may prescribe additional eligibility criteria and conditions that 7984  
relate to the purposes for which grants, loans, loan guarantees, 7985  
and loan subsidies may be made. However, the department and agency 7986  
are limited by the following specifically targeted low- and 7987  
moderate-income guidelines: 7988

(1) Not less than seventy-five per cent of the money granted 7989  
and loaned under this section in any fiscal year shall be for 7990  
activities that ~~will~~ provide affordable housing and housing 7991  
assistance to families and individuals ~~in a county~~ whose incomes 7992  
are equal to or less than fifty per cent of the median income for 7993  
~~that~~ the county in which they live, as determined by the 7994  
department under section 175.23 of the Revised Code. 7995

(2) ~~The remainder of the~~ Any money granted and loaned under 7996

this section in any fiscal year that is not granted or loaned 7997  
pursuant to division (E)(1) of this section shall be for 7998  
activities that ~~will~~ provide affordable housing and housing 7999  
assistance to families and individuals ~~in a county~~ whose incomes 8000  
are equal to or less than eighty per cent of the median income for 8001  
~~that~~ the county in which they live, as determined by the 8002  
department under section 175.23 of the Revised Code. 8003

(F) In making grants, loans, loan guarantees, and loan 8004  
subsidies under this section, the department and the agency shall 8005  
give preference to viable projects and activities that ~~will~~ 8006  
benefit those families and individuals ~~in a county~~ whose incomes 8007  
are equal to or less than thirty-five per cent of the median 8008  
income for ~~that~~ the county in which they live, as determined by 8009  
the department under section 175.23 of the Revised Code. 8010

(G) The department and the agency shall monitor the programs 8011  
developed under this section to ensure that money granted and 8012  
loaned under this section is not used in a manner that violates 8013  
division (H) of section 4112.02 of the Revised Code or 8014  
discriminates against families with children. 8015

**Sec. 183.02.** This section's references to years mean state 8016  
fiscal years. 8017

All payments received by the state pursuant to the tobacco 8018  
master settlement agreement shall be deposited into the state 8019  
treasury to the credit of the tobacco master settlement agreement 8020  
fund, which is hereby created. All investment earnings of the fund 8021  
shall also be credited to the fund. Except as provided in division 8022  
(K) of this section, payments and interest credited to the fund 8023  
shall be transferred by the director of budget and management as 8024  
follows: 8025

(A)(1) Of the first payment credited to the tobacco master 8026  
settlement agreement fund in 2000 and the net amounts credited to 8027

the fund annually from 2000 to 2006 and in 2012, the following 8028  
amount or percentage shall be transferred to the tobacco use 8029  
prevention and cessation trust fund, created in section 183.03 of 8030  
the Revised Code: 8031

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$104,855,222.85	8033
2000 (net amount credited)	70.30%	8034
2001	62.84	8035
2002	61.41	8036
2003	63.24	8037
2004	66.65	8038
2005	66.24	8039
2006	65.97	8040
2012	56.01	8041

(2) Of the net amounts credited to the tobacco master 8042  
settlement agreement fund in 2013, the director shall transfer to 8043  
the tobacco use prevention and cessation trust fund the amount not 8044  
transferred to the tobacco use prevention and cessation trust fund 8045  
from the net amounts credited to the tobacco master settlement 8046  
agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. 8047  
S.B. No. 242 of the 124th general assembly. Of the net amounts 8048  
credited to the tobacco master settlement agreement fund in 2014, 8049  
the director shall transfer to the tobacco use prevention and 8050  
cessation trust fund the amount not transferred to the tobacco use 8051  
prevention and cessation trust fund from the net amounts credited 8052  
to the tobacco master settlement agreement fund in 2003 due to Am. 8053  
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 8054  
assembly. Of the net amounts credited to the tobacco master 8055  
settlement agreement fund in 2015, the director shall transfer to 8056  
the tobacco use prevention and cessation trust fund the amount not 8057  
transferred to the tobacco use prevention and cessation trust fund 8058  
from the net amounts credited to the tobacco master settlement 8059

agreement fund in 2004 due to Am. Sub. H.B. 95 of the 125th 8060  
general assembly. 8061

(B) Of the first payment credited to the tobacco master 8062  
settlement agreement fund in 2000 and the net amounts credited to 8063  
the fund annually in 2000 and 2001, the following amount or 8064  
percentage shall be transferred to the law enforcement 8065  
improvements trust fund, created in section 183.10 of the Revised 8066  
Code: 8067

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment	\$10,000,000	8069
credited)		
2000 (net amount credited)	5.41%	8070
2001	2.32	8071

(C)(1) Of the first payment credited to the tobacco master 8072  
settlement agreement fund in 2000 and the net amounts credited to 8073  
the fund annually from 2000 to 2011, the following percentages 8074  
shall be transferred to the southern Ohio agricultural and 8075  
community development trust fund, created in section 183.11 of the 8076  
Revised Code: 8077

YEAR	PERCENTAGE	
2000 (first payment	5.00%	8079
credited)		
2000 (net amount credited)	8.73	8080
2001	8.12	8081
2002	9.18	8082
2003	8.91	8083
2004	7.84	8084
2005	7.79	8085
2006	7.76	8086
2007	17.39	8087
2008 through 2011	17.25	8088

(2) Of the net amounts credited to the tobacco master 8089

settlement agreement fund in 2013, the director shall transfer to 8090  
the southern Ohio agricultural and community development trust 8091  
fund the amount not transferred to the southern Ohio agricultural 8092  
and community development trust fund from the net amounts credited 8093  
to the tobacco master settlement agreement fund in 2002 due to Am. 8094  
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 8095  
assembly. Of the net amounts credited to the tobacco master 8096  
settlement agreement fund in 2014, the director shall transfer to 8097  
the southern Ohio agricultural and community development trust 8098  
fund the amount not transferred to the southern Ohio agricultural 8099  
and community development trust fund from the net amounts credited 8100  
to the tobacco master settlement agreement fund in 2003 due to Am. 8101  
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 8102  
assembly. 8103

(D)~~(1)~~ The following percentages of the net amounts credited 8104  
to the tobacco master settlement agreement fund annually shall be 8105  
transferred to Ohio's public health priorities trust fund, created 8106  
in section 183.18 of the Revised Code: 8107

YEAR	PERCENTAGE	
2000	5.41	8109
2001	6.68	8110
2002	6.79	8111
2003	6.90	8112
2004	7.82	8113
2005	8.18	8114
2006	8.56	8115
2007	19.83	8116
2008	19.66	8117
2009	20.48	8118
2010	21.30	8119
2011	22.12	8120
2012	10.47	8121

~~(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to Ohio's public health priorities trust fund the amount not transferred to Ohio's public health priorities trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2014, the director shall transfer to Ohio's public health priorities trust fund the amount not transferred to Ohio's public health priorities trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly.~~

(E) The following percentages of the net amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the biomedical research and technology transfer trust fund, created in section 183.19 of the Revised Code:

YEAR	PERCENTAGE	
2000	2.71	8140
2001	14.03	8141
2002	13.29	8142
2003	12.73	8143
2004	13.78	8144
2005	14.31	8145
2006	14.66	8146
2007	49.57	8147
2008 to 2011	45.06	8148
2012	18.77	8149

(F) Of the amounts credited to the tobacco master settlement agreement fund annually, the following amounts shall be transferred to the education facilities trust fund, created in section 183.26 of the Revised Code:

YEAR	AMOUNT	
2000	\$133,062,504.95	8155
2001	128,938,732.73	8156
2002	185,804,475.78	8157
2003	180,561,673.11	8158
2004	122,778,219.49	8159
2005	121,389,325.80	8160
2006	120,463,396.67	8161
2007	246,389,369.01	8162
2008 to 2011	267,531,291.85	8163
2012	110,954,545.28	8164

(G) Of the amounts credited to the tobacco master settlement agreement fund annually, from 2000 to 2012 five million dollars per year shall be transferred to the education facilities endowment fund, created in section 183.27 of the Revised Code. From 2013 to 2025, the following percentages of the amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the endowment fund:

YEAR	PERCENTAGE	
2013	30.22	8173
2014	33.36	8174
2015 to 2025	40.90	8175

(H) The following percentages of the net amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the education technology trust fund, created in section 183.28 of the Revised Code:

YEAR	PERCENTAGE	
2000	7.44	8181
2001	6.01	8182
2002	9.33	8183
2003	8.22	8184
2004	3.91	8185

2005	3.48	8186
2006	3.05	8187
2007	13.21	8188
2008	18.03	8189
2009	17.21	8190
2010	16.39	8191
2011	15.57	8192
2012	14.75	8193

(I) In each year from 2003 to 2025, after the transfers made 8194  
under divisions (F) and (G) of this section but prior to the 8195  
transfers made under divisions (A) to (E) of this section, the 8196  
director of budget and management shall transfer to the tobacco 8197  
settlement oversight, administration, and enforcement fund created 8198  
in section 183.34 of the Revised Code such amount as the director 8199  
determines necessary to pay the costs incurred by the attorney 8200  
general in tobacco settlement oversight, administration, and 8201  
enforcement. 8202

(J) In each year from 2003 to 2025, after the transfers made 8203  
under divisions (F) and (G) of this section but prior to the 8204  
transfers made under divisions (A) to (E) of this section, the 8205  
director of budget and management shall transfer to the tobacco 8206  
settlement enforcement fund created in section 183.35 of the 8207  
Revised Code such amount as the director determines necessary to 8208  
pay the costs incurred by the tax commissioner in the enforcement 8209  
of divisions (F) and (G) of section 5743.03 of the Revised Code. 8210

(K) If in any year from 2001 to 2012 the payments and 8211  
interest credited to the tobacco master settlement agreement fund 8212  
during the year amount to less than the amounts required to be 8213  
transferred to the education facilities trust fund and the 8214  
education facilities endowment fund that year, the director of 8215  
budget and management shall make none of the transfers required by 8216  
divisions (A) to (J) of this section. 8217

(L) If in any year from 2000 to 2025 the payments credited to the tobacco master settlement agreement fund during the year exceed the following amounts, the director of budget and management shall transfer the excess to the income tax reduction fund, created in section 131.44 of the Revised Code:

YEAR	AMOUNT	
2000	\$443,892,767.51	8223
2001	348,780,049.22	8224
2002	418,783,038.09	8225
2003	422,746,368.61	8226
2004	352,827,184.57	8227
2005	352,827,184.57	8228
2006	352,827,184.57	8229
2007	352,827,184.57	8230
2008 to 2017	383,779,323.15	8231
2018 to 2025	403,202,282.16	8232

**Sec. 306.35.** Upon the creation of a regional transit authority as provided by section 306.32 of the Revised Code, and upon the qualifying of its board of trustees and the election of a president and a vice-president, the authority shall exercise in its own name all the rights, powers, and duties vested in and conferred upon it by sections 306.30 to 306.53 of the Revised Code. Subject to any reservations, limitations, and qualifications that are set forth in those sections, the regional transit authority:

(A) May sue or be sued in its corporate name;

(B) May make contracts in the exercise of the rights, powers, and duties conferred upon it;

(C) May adopt and at will alter a seal and use such seal by causing it to be impressed, affixed, reproduced, or otherwise used, but failure to affix the seal shall not affect the validity

of any instrument; 8249

(D)(1) May adopt, amend, and repeal bylaws for the 8250  
administration of its affairs and rules for the control of the 8251  
administration and operation of transit facilities under its 8252  
jurisdiction, and for the exercise of all of its rights of 8253  
ownership in those transit facilities; 8254

(2) The regional transit authority also may adopt bylaws and 8255  
rules for the following purposes: 8256

(a) To prohibit selling, giving away, or using any beer or 8257  
intoxicating liquor on transit vehicles or transit property; 8258

(b) For the preservation of good order within or on transit 8259  
vehicles or transit property; 8260

(c) To provide for the protection and preservation of all 8261  
property and life within or on transit vehicles or transit 8262  
property; 8263

(d) To regulate and enforce the collection of fares. 8264

(3) Before a bylaw or rule adopted under division (D)(2) of 8265  
this section takes effect, the regional transit authority shall 8266  
provide for a notice of its adoption to be published once a week 8267  
for two consecutive weeks in a newspaper of general circulation 8268  
within the territorial boundaries of the regional transit 8269  
authority. 8270

(4) No person shall violate any bylaw or rule of a regional 8271  
transit authority adopted under division (D)(2) of this section. 8272

(E) May fix, alter, and collect fares, rates, and rentals and 8273  
other charges for the use of transit facilities under its 8274  
jurisdiction to be determined exclusively by it for the purpose of 8275  
providing for the payment of the expenses of the regional transit 8276  
authority, the acquisition, construction, improvement, extension, 8277  
repair, maintenance, and operation of transit facilities under its 8278

jurisdiction, the payment of principal and interest on its 8279  
obligations, and to fulfill the terms of any agreements made with 8280  
purchasers or holders of any such obligations, or with any person 8281  
or political subdivision; 8282

(F) Shall have jurisdiction, control, possession, and 8283  
supervision of all property, rights, easements, licenses, moneys, 8284  
contracts, accounts, liens, books, records, maps, or other 8285  
property rights and interests conveyed, delivered, transferred, or 8286  
assigned to it; 8287

(G) May acquire, construct, improve, extend, repair, lease, 8288  
operate, maintain, or manage transit facilities within or without 8289  
its territorial boundaries, considered necessary to accomplish the 8290  
purposes of its organization and make charges for the use of 8291  
transit facilities; 8292

(H) May levy and collect taxes as provided in sections 306.40 8293  
and 306.49 of the Revised Code; 8294

(I) May issue bonds secured by its general credit as provided 8295  
in section 306.40 of the Revised Code; 8296

(J) May hold, encumber, control, acquire by donation, by 8297  
purchase for cash or by installment payments, by lease-purchase 8298  
agreement, by lease with option to purchase, or by condemnation, 8299  
and may construct, own, lease as lessee or lessor, use, and sell, 8300  
real and personal property, or any interest or right in real and 8301  
personal property, within or without its territorial boundaries, 8302  
for the location or protection of transit facilities and 8303  
improvements and access to transit facilities and improvements, 8304  
the relocation of buildings, structures, and improvements situated 8305  
on lands acquired by the regional transit authority, or for any 8306  
other necessary purpose, or for obtaining or storing materials to 8307  
be used in constructing, maintaining, and improving transit 8308  
facilities under its jurisdiction; 8309

(K) May exercise the power of eminent domain to acquire 8310  
property or any interest in property, within or without its 8311  
territorial boundaries, that is necessary or proper for the 8312  
construction or efficient operation of any transit facility or 8313  
access to any transit facility under its jurisdiction in 8314  
accordance with section 306.36 of the Revised Code; 8315

(L) May provide by agreement with any county, including the 8316  
counties within its territorial boundaries, or any municipal 8317  
corporation or any combination of counties or municipal 8318  
corporations for the making of necessary surveys, appraisals, and 8319  
examinations preliminary to the acquisition or construction of any 8320  
transit facility and the amount of the expense for the surveys, 8321  
appraisals, and examinations to be paid by each such county or 8322  
municipal corporation; 8323

(M) May provide by agreement with any county, including the 8324  
counties within its territorial boundaries, or any municipal 8325  
corporation or any combination of those counties or municipal 8326  
corporations for the acquisition, construction, improvement, 8327  
extension, maintenance, or operation of any transit facility owned 8328  
or to be owned and operated by it or owned or to be owned and 8329  
operated by any such county or municipal corporation and the terms 8330  
on which it shall be acquired, leased, constructed, maintained, or 8331  
operated, and the amount of the cost and expense of the 8332  
acquisition, lease, construction, maintenance, or operation to be 8333  
paid by each such county or municipal corporation; 8334

(N) May issue revenue bonds for the purpose of acquiring, 8335  
replacing, improving, extending, enlarging, or constructing any 8336  
facility or permanent improvement that it is authorized to 8337  
acquire, replace, improve, extend, enlarge, or construct, 8338  
including all costs in connection with and incidental to the 8339  
acquisition, replacement, improvement, extension, enlargement, or 8340  
construction, and their financing, as provided by section 306.37 8341

of the Revised Code; 8342

(O) May enter into and supervise franchise agreements for the 8343  
operation of a transit system; 8344

(P) May accept the assignment of and supervise an existing 8345  
franchise agreement for the operation of a transit system; 8346

(Q) May exercise a right to purchase a transit system in 8347  
accordance with the acquisition terms of an existing franchise 8348  
agreement; and in connection with the purchase the regional 8349  
transit authority may issue revenue bonds as provided by section 8350  
306.37 of the Revised Code or issue bonds secured by its general 8351  
credit as provided in section 306.40 of the Revised Code; 8352

(R) May apply for and accept grants or loans from the United 8353  
States, the state, or any other public body for the purpose of 8354  
providing for the development or improvement of transit 8355  
facilities, mass transportation facilities, equipment, techniques, 8356  
methods, or services, and grants or loans needed to exercise a 8357  
right to purchase a transit system pursuant to agreement with the 8358  
owner of those transit facilities, or for providing lawful 8359  
financial assistance to existing transit systems; and may provide 8360  
any consideration that may be required in order to obtain those 8361  
grants or loans from the United States, the state, or other public 8362  
body, either of which grants or loans may be evidenced by the 8363  
issuance of revenue bonds as provided by section 306.37 of the 8364  
Revised Code or general obligation bonds as provided by section 8365  
306.40 of the Revised Code; 8366

(S) May employ and fix the compensation of consulting 8367  
engineers, superintendents, managers, and such other engineering, 8368  
construction, accounting and financial experts, attorneys, and 8369  
other employees and agents necessary for the accomplishment of its 8370  
purposes; 8371

(T) May procure insurance against loss to it by reason of 8372

damages to its properties resulting from fire, theft, accident, or 8373  
other casualties or by reason of its liability for any damages to 8374  
persons or property occurring in the construction or operation of 8375  
transit facilities under its jurisdiction or the conduct of its 8376  
activities; 8377

(U) May maintain funds that it considers necessary for the 8378  
efficient performance of its duties; 8379

(V) May direct its agents or employees, when properly 8380  
identified in writing, after at least five days' written notice, 8381  
to enter upon lands within or without its territorial boundaries 8382  
in order to make surveys and examinations preliminary to the 8383  
location and construction of transit facilities, without liability 8384  
to it or its agents or employees except for actual damage done; 8385

(W) On its own motion, may request the appropriate zoning 8386  
board, as defined in section 4563.03 of the Revised Code, to 8387  
establish and enforce zoning regulations pertaining to any transit 8388  
facility under its jurisdiction in the manner prescribed by 8389  
sections 4563.01 to 4563.21 of the Revised Code; 8390

(X) If it acquires any existing transit system, shall assume 8391  
all the employer's obligations under any existing labor contract 8392  
between the employees and management of the system. If the board 8393  
acquires, constructs, controls, or operates any such facilities, 8394  
it shall negotiate arrangements to protect the interests of 8395  
employees affected by the acquisition, construction, control, or 8396  
operation. The arrangements shall include, but are not limited to: 8397

(1) The preservation of rights, privileges, and benefits 8398  
under existing collective bargaining agreements or otherwise, the 8399  
preservation of rights and benefits under any existing pension 8400  
plans covering prior service, and continued participation in 8401  
social security in addition to participation in the public 8402  
employees retirement system as required in Chapter 145. of the 8403

Revised Code;	8404
(2) The continuation of collective bargaining rights;	8405
(3) The protection of individual employees against a worsening of their positions with respect to their employment;	8406 8407
(4) Assurances of employment to employees of those transit systems and priority reemployment of employees terminated or laid off;	8408 8409 8410
(5) Paid training or retraining programs;	8411
(6) Signed written labor agreements.	8412
The arrangements may include provisions for the submission of labor disputes to final and binding arbitration.	8413 8414
(Y) May provide for and maintain security operations, including a transit police department, subject to section 306.352 of the Revised Code. Regional transit authority police officers shall have the power and duty to act as peace officers within transit facilities owned, operated, or leased by the transit authority to protect the transit authority's property and the person and property of passengers, to preserve the peace, and to enforce all laws of the state and ordinances and regulations of political subdivisions in which the transit authority operates. Regional transit authority police officers also shall have the power and duty to act as peace officers when they render emergency assistance outside their jurisdiction to any other peace officer who is not a regional transit authority police officer and who has arrest authority under section 2935.03 of the Revised Code. Regional transit authority police officers may render emergency assistance if there is a threat of imminent physical danger to the peace officer, a threat of physical harm to another person, or any other serious emergency situation and if either the peace officer who is assisted requests emergency assistance or it appears that the peace officer who is assisted is unable to request emergency	8415 8416 8417 8418 8419 8420 8421 8422 8423 8424 8425 8426 8427 8428 8429 8430 8431 8432 8433 8434

assistance and the circumstances observed by the regional transit 8435  
authority police officer reasonably indicate that emergency 8436  
assistance is appropriate. 8437

Before exercising powers of arrest and the other powers and 8438  
duties of a peace officer, each regional transit authority police 8439  
officer shall take an oath and give bond to the state in a sum 8440  
that the board of trustees prescribes for the proper performance 8441  
of the officer's duties. 8442

Persons employed as regional transit authority police 8443  
officers shall complete training for the position to which they 8444  
have been appointed as required by the Ohio peace officer training 8445  
commission as authorized in section 109.77 of the Revised Code, or 8446  
be otherwise qualified. The cost of the training shall be provided 8447  
by the regional transit authority. 8448

(Z) May procure a policy or policies insuring members of its 8449  
board of trustees against liability on account of damages or 8450  
injury to persons and property resulting from any act or omission 8451  
of a member in the member's official capacity as a member of the 8452  
board or resulting solely out of the member's membership on the 8453  
board; 8454

(AA) May enter into any agreement for the sale and leaseback 8455  
or lease and leaseback of transit facilities, which agreement may 8456  
contain all necessary covenants for the security and protection of 8457  
any lessor or the regional transit authority including, but not 8458  
limited to, indemnification of the lessor against the loss of 8459  
anticipated tax benefits arising from acts, omissions, or 8460  
misrepresentations of the regional transit authority. In 8461  
connection with that transaction, the regional transit authority 8462  
may contract for insurance and letters of credit and pay any 8463  
premiums or other charges for the insurance and letters of credit. 8464  
The fiscal officer shall not be required to furnish any 8465  
certificate under section 5705.41 of the Revised Code in 8466

connection with the execution of any such agreement. 8467

(BB) In regard to any contract entered into on or after March 8468  
19, 1993, for the rendering of services or the supplying of 8469  
materials or for the construction, demolition, alteration, repair, 8470  
or reconstruction of transit facilities in which a bond is 8471  
required for the faithful performance of the contract, may permit 8472  
the person awarded the contract to utilize a letter of credit 8473  
issued by a bank or other financial institution in lieu of the 8474  
bond; 8475

(CC) May enter into agreements with municipal corporations 8476  
located within the territorial jurisdiction of the regional 8477  
transit authority permitting regional transit authority police 8478  
officers employed under division (Y) of this section to exercise 8479  
full arrest powers, as provided in section 2935.03 of the Revised 8480  
Code, for the purpose of preserving the peace and enforcing all 8481  
laws of the state and ordinances and regulations of the municipal 8482  
corporation within the areas that may be agreed to by the regional 8483  
transit authority and the municipal corporation. 8484

**Sec. 306.99.** (A) No person shall violate any rule or 8485  
regulation adopted pursuant to division (N) of section 306.04 of 8486  
the Revised Code and whoever violates such a rule or regulation 8487  
shall be fined not more than one thousand dollars or imprisoned 8488  
not more than ninety days or both. 8489

(B) Whoever violates division (D)(4) of section 306.35 of the 8490  
Revised Code shall be fined not more than one hundred dollars on a 8491  
first offense and not more than five hundred dollars on each 8492  
subsequent offense. 8493

Fines levied and collected for such violations shall be paid 8494  
into the treasury of the regional transit authority. The regional 8495  
transit authority may use such fine money for any purpose that is 8496  
not inconsistent with sections 306.30 to 306.54 of the Revised 8497

Code. 8498

Sec. 307.676. (A) As used in this section: 8499

(1) "Food and beverages" means any raw, cooked, or processed 8500  
edible substance used or intended for use in whole or in part for 8501  
human consumption, including ice, water, spirituous liquors, wine, 8502  
mixed beverages, beer, soft drinks, soda, and other beverages. 8503

(2) "Convention facilities authority" has the same meaning as 8504  
in section 351.01 of the Revised Code. 8505

(3) "Convention center" has the same meaning as in section 8506  
307.695 of the Revised Code. 8507

(B) The legislative authority of a county with a population 8508  
of one million or more according to the most recent federal 8509  
decennial census may, by resolution adopted on or before August 8510  
30, 2004, by a majority of the members of the legislative 8511  
authority and with the subsequent approval of a majority of the 8512  
electors of the county voting upon it, levy a tax of not more than 8513  
two per cent on every retail sale in the county of food and 8514  
beverages to be consumed on the premises where sold to pay the 8515  
expenses of administering the tax and to provide revenues for the 8516  
county general fund. Such resolution shall direct the board of 8517  
elections to submit the question of levying the tax to the 8518  
electors of the county at the next primary or general election in 8519  
the county occurring not less than seventy-five days after the 8520  
resolution is certified to the board of elections, and such 8521  
resolution may further direct the board of elections to include 8522  
upon the ballot submitted to the electors any specific purposes 8523  
for which the tax will be used. The legislative authority shall 8524  
establish all regulations necessary to provide for the 8525  
administration and allocation of the tax. The regulations may 8526  
prescribe the time for payment of the tax and may provide for 8527  
imposition of a penalty, interest, or both for late payments, 8528

provided that any such penalty may not exceed ten per cent of the 8529  
amount of tax due and the rate at which interest accrues may not 8530  
exceed the rate per annum required under section 5703.47 of the 8531  
Revised Code. 8532

(C) A tax levied under this section shall remain in effect 8533  
for the period of time specified in the resolution or ordinance 8534  
levying the tax, but in no case for a longer period than forty 8535  
years. 8536

(D) A tax levied under this section is in addition to any 8537  
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 8538  
or any other chapter of the Revised Code. "Price," as defined in 8539  
sections 5739.01 and 5741.01 of the Revised Code, does not include 8540  
any tax levied under this section and any tax levied under this 8541  
section does not include any tax imposed under Chapter 5739. or 8542  
5741. of the Revised Code. 8543

(E)(1) No amount collected from a tax levied under this 8544  
section shall be contributed to a convention facilities authority, 8545  
corporation, or other entity created after July 1, 2003, for the 8546  
principal purpose of constructing, improving, expanding, 8547  
equipping, financing, or operating a convention center unless the 8548  
mayor of the municipal corporation in which the convention center 8549  
is to be operated by that convention facilities authority, 8550  
corporation, or other entity has consented to the creation of that 8551  
convention facilities authority, corporation, or entity. 8552  
Notwithstanding any contrary provision of section 351.04 of the 8553  
Revised Code, if a tax is levied by a county under this section, 8554  
the board of county commissioners of that county may determine the 8555  
manner of selection, the qualifications, the number, and terms of 8556  
office of the members of the board of directors of any convention 8557  
facilities authority, corporation, or other entity described in 8558  
division (E)(1) of this section. 8559

(2)(a) No amount collected from a tax levied under this 8560

section may be used for any purpose other than paying the direct 8561  
and indirect costs of constructing, improving, expanding, 8562  
equipping, financing, or operating a convention center and for the 8563  
real and actual costs of administering the tax, unless, prior to 8564  
the adoption of the resolution of the legislative authority of the 8565  
county directing the board of elections to submit the question of 8566  
the levy, extension, or increase to the electors of the county, 8567  
the county and the mayor of the most populous municipal 8568  
corporation in that county have entered into an agreement as to 8569  
the use of such amounts, provided that such agreement has been 8570  
approved by a majority of the mayors of the other municipal 8571  
corporations in that county. The agreement shall provide that the 8572  
amounts to be used for purposes other than paying the convention 8573  
center or administrative costs described in division (E)(2)(a) of 8574  
this section be used only for the direct and indirect costs of 8575  
capital improvements in accordance with the agreement, including 8576  
the financing of capital improvements. Immediately following the 8577  
execution of the agreement, the county shall: 8578

(i) In accordance with section 7.12 of the Revised Code, 8579  
cause the agreement to be published at least once in a newspaper 8580  
of general circulation in that county; or 8581

(ii) Post the agreement in at least five public places in the 8582  
county, as determined by the legislative authority, for a period 8583  
not less than fifteen days. 8584

(b) If the county in which the tax is levied has an 8585  
association of mayors and city managers, the approval of that 8586  
association of an agreement described in division (E)(2)(a) of 8587  
this section shall be considered to be the approval of the 8588  
majority of the mayors of the other municipal corporations for 8589  
purposes of that division. 8590

(F) Each year, the auditor of state shall conduct an audit of 8591  
the uses of any amounts collected from taxes levied under this 8592

section and shall prepare a report of the auditor of state's 8593  
findings. The auditor of state shall submit the report to the 8594  
legislative authority of the county that has levied the tax, the 8595  
speaker of the house of representatives, the president of the 8596  
senate, and the leaders of the minority parties of the house of 8597  
representatives and the senate. 8598

(G) The levy of any taxes under Chapter 5739. of the Revised 8599  
Code on the same transactions subject to a tax under this section 8600  
does not prevent the levy of a tax under this section. 8601

**Sec. 307.86.** Anything to be purchased, leased, leased with an 8602  
option or agreement to purchase, or constructed, including, but 8603  
not limited to, any product, structure, construction, 8604  
reconstruction, improvement, maintenance, repair, or service, 8605  
except the services of an accountant, architect, attorney at law, 8606  
physician, professional engineer, construction project manager, 8607  
consultant, surveyor, or appraiser, by or on behalf of the county 8608  
or contracting authority, as defined in section 307.92 of the 8609  
Revised Code, at a cost in excess of ~~fifteen~~ twenty-five thousand 8610  
dollars, except as otherwise provided in division (D) of section 8611  
713.23 and in sections 125.04, 307.022, 307.041, 307.861, 339.05, 8612  
340.03, 340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 8613  
5713.01, and 6137.05 of the Revised Code, shall be obtained 8614  
through competitive bidding. However, competitive bidding is not 8615  
required when any of the following applies: 8616

(A) The board of county commissioners, by a unanimous vote of 8617  
its members, makes a determination that a real and present 8618  
emergency exists, and that determination and the reasons for it 8619  
are entered in the minutes of the proceedings of the board, when 8620  
either of the following applies: 8621

(1) The estimated cost is less than fifty thousand dollars. 8622

(2) There is actual physical disaster to structures, radio 8623

communications equipment, or computers. 8624

For purposes of this division, "unanimous vote" means all 8625  
three members of a board of county commissioners when all three 8626  
members are present, or two members of the board if only two 8627  
members, constituting a quorum, are present. 8628

Whenever a contract of purchase, lease, or construction is 8629  
exempted from competitive bidding under division (A)(1) of this 8630  
section because the estimated cost is less than fifty thousand 8631  
dollars, but the estimated cost is ~~fifteen~~ twenty-five thousand 8632  
dollars or more, the county or contracting authority shall solicit 8633  
informal estimates from no fewer than three persons who could 8634  
perform the contract, before awarding the contract. With regard to 8635  
each such contract, the county or contracting authority shall 8636  
maintain a record of such estimates, including the name of each 8637  
person from whom an estimate is solicited. The county or 8638  
contracting authority shall maintain the record for the longer of 8639  
at least one year after the contract is awarded or the amount of 8640  
time the federal government requires. 8641

(B)(1) The purchase consists of supplies or a replacement or 8642  
supplemental part or parts for a product or equipment owned or 8643  
leased by the county, and the only source of supply for the 8644  
supplies, part, or parts is limited to a single supplier. 8645

(2) The purchase consists of services related to information 8646  
technology, such as programming services, that are proprietary or 8647  
limited to a single source. 8648

(C) The purchase is from the federal government, the state, 8649  
another county or contracting authority of another county, or a 8650  
board of education, township, or municipal corporation. 8651

(D) ~~Public~~ The purchase is made by a county department of job 8652  
and family services under section 329.04 of the Revised Code and 8653  
consists of family services duties or workforce development 8654

~~activities are purchased for provision by the county department of 8655  
job and family services under section 329.04 of the Revised Code, 8656  
or is made by a county board of mental retardation and 8657  
developmental disabilities under section 5126.05 of the Revised 8658  
Code and consists of program services, such as direct and 8659  
ancillary client services, child day-care, case management 8660  
services, residential services, and family resource services, ~~are 8661  
purchased for provision by a county board of mental retardation 8662  
and developmental disabilities under section 5126.05 of the 8663  
Revised Code. 8664~~~~

(E) The purchase consists of criminal justice services, 8665  
social services programs, family services, or workforce 8666  
development activities by the board of county commissioners from 8667  
nonprofit corporations or associations under programs funded by 8668  
the federal government or by state grants. 8669

(F) The purchase consists of any form of an insurance policy 8670  
or contract authorized to be issued under Title XXXIX of the 8671  
Revised Code or any form of health care plan authorized to be 8672  
issued under Chapter 1751. of the Revised Code, or any combination 8673  
of such policies, contracts, or plans that the contracting 8674  
authority is authorized to purchase, and the contracting authority 8675  
does all of the following: 8676

(1) Determines that compliance with the requirements of this 8677  
section would increase, rather than decrease, the cost of the 8678  
purchase; 8679

(2) Employs a competent consultant to assist the contracting 8680  
authority in procuring appropriate coverages at the best and 8681  
lowest prices; 8682

(3) Requests issuers of the policies, contracts, or plans to 8683  
submit proposals to the contracting authority, in a form 8684  
prescribed by the contracting authority, setting forth the 8685

coverage and cost of the policies, contracts, or plans as the 8686  
contracting authority desires to purchase; 8687

(4) Negotiates with the issuers for the purpose of purchasing 8688  
the policies, contracts, or plans at the best and lowest price 8689  
reasonably possible. 8690

(G) The purchase consists of computer hardware, software, or 8691  
consulting services that are necessary to implement a computerized 8692  
case management automation project administered by the Ohio 8693  
prosecuting attorneys association and funded by a grant from the 8694  
federal government. 8695

(H) Child day-care services are purchased for provision to 8696  
county employees. 8697

(I)(1) Property, including land, buildings, and other real 8698  
property, is leased for offices, storage, parking, or other 8699  
purposes, and all of the following apply: 8700

(a) The contracting authority is authorized by the Revised 8701  
Code to lease the property. 8702

(b) The contracting authority develops requests for proposals 8703  
for leasing the property, specifying the criteria that will be 8704  
considered prior to leasing the property, including the desired 8705  
size and geographic location of the property. 8706

(c) The contracting authority receives responses from 8707  
prospective lessors with property meeting the criteria specified 8708  
in the requests for proposals by giving notice in a manner 8709  
substantially similar to the procedures established for giving 8710  
notice under section 307.87 of the Revised Code. 8711

(d) The contracting authority negotiates with the prospective 8712  
lessors to obtain a lease at the best and lowest price reasonably 8713  
possible considering the fair market value of the property and any 8714  
relocation and operational costs that may be incurred during the 8715

period the lease is in effect. 8716

(2) The contracting authority may use the services of a real 8717  
estate appraiser to obtain advice, consultations, or other 8718  
recommendations regarding the lease of property under this 8719  
division. 8720

(J) The purchase is made pursuant to section 5139.34 or 8721  
sections 5139.41 to 5139.46 of the Revised Code and is of programs 8722  
or services that provide case management, treatment, or prevention 8723  
services to any felony or misdemeanor delinquent, unruly youth, 8724  
or status offender under the supervision of the juvenile court, 8725  
including, but not limited to, community residential care, day 8726  
treatment, services to children in their home, or electronic 8727  
monitoring. 8728

(K) The purchase is made by a public children services agency 8729  
pursuant to section 307.92 or 5153.16 of the Revised Code and 8730  
consists of family services, programs, or ancillary services that 8731  
provide case management, prevention, or treatment services for 8732  
children at risk of being or alleged to be abused, neglected, or 8733  
dependent children. 8734

Any issuer of policies, contracts, or plans listed in 8735  
division (F) of this section and any prospective lessor under 8736  
division (I) of this section may have the issuer's or prospective 8737  
lessor's name and address, or the name and address of an agent, 8738  
placed on a special notification list to be kept by the 8739  
contracting authority, by sending the contracting authority that 8740  
name and address. The contracting authority shall send notice to 8741  
all persons listed on the special notification list. Notices shall 8742  
state the deadline and place for submitting proposals. The 8743  
contracting authority shall mail the notices at least six weeks 8744  
prior to the deadline set by the contracting authority for 8745  
submitting proposals. Every five years the contracting authority 8746  
may review this list and remove any person from the list after 8747

mailing the person notification of that action. 8748

Any contracting authority that negotiates a contract under 8749  
division (F) of this section shall request proposals and 8750  
renegotiate with issuers in accordance with that division at least 8751  
every three years from the date of the signing of such a contract. 8752

Any consultant employed pursuant to division (F) of this 8753  
section and any real estate appraiser employed pursuant to 8754  
division (I) of this section shall disclose any fees or 8755  
compensation received from any source in connection with that 8756  
employment. 8757

**Sec. 307.87.** Where competitive bidding is required by section 8758  
307.86 of the Revised Code, notice thereof shall be given in the 8759  
following manner: 8760

(A) Notice shall be published once a week for not less than 8761  
two consecutive weeks preceding the day of the opening of bids in 8762  
a newspaper of general circulation within the county for any 8763  
purchase, lease, lease with option or agreement to purchase, or 8764  
construction contract in excess of ~~ten~~ twenty-five thousand 8765  
dollars. The contracting authority may also cause notice to be 8766  
inserted in trade papers or other publications designated by it or 8767  
to be distributed by electronic means, including posting the 8768  
notice on the contracting authority's internet site on the world 8769  
wide web. If the contracting authority posts the notice on that 8770  
location on the world wide web, it may eliminate the second notice 8771  
otherwise required to be published in a newspaper of general 8772  
circulation within the county, provided that the first notice 8773  
published in such a newspaper meets all of the following 8774  
requirements: 8775

(1) It is published at least two weeks before the opening of 8776  
bids. 8777

(2) It includes a statement that the notice is posted on the contracting authority's internet site on the world wide web. 8778  
8779

(3) It includes the internet address of the contracting authority's internet site on the world wide web. 8780  
8781

(4) It includes instructions describing how the notice may be accessed on the contracting authority's internet site on the world wide web. 8782  
8783  
8784

(B) Notices shall state all of the following: 8785

(1) A general description of the subject of the proposed contract and the time and place where the plans and specifications or itemized list of supplies, facilities, or equipment and estimated quantities can be obtained or examined; 8786  
8787  
8788  
8789

(2) The time and place where bids will be opened; 8790

(3) The time and place for filing bids; 8791

(4) The terms of the proposed purchase; 8792

(5) Conditions under which bids will be received; 8793

(6) The existence of a system of preference, if any, for products mined and produced in Ohio and the United States adopted pursuant to section 307.90 of the Revised Code. 8794  
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~~(B)~~(C) The contracting authority shall also maintain in a public place in its office or other suitable public place a bulletin board upon which it shall post and maintain a copy of such notice for at least two weeks preceding the day of the opening of the bids. 8797  
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**Sec. 307.93.** (A) The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center, and the board of county commissioners of a county or the boards of two or more counties may contract with any municipal corporation or municipal 8802  
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corporations located in that county or those counties for the 8807  
joint establishment of a municipal-county or multicounty-municipal 8808  
correctional center. The center shall augment county and, where 8809  
applicable, municipal jail programs and facilities by providing 8810  
custody and rehabilitative programs for those persons under the 8811  
charge of the sheriff of any of the contracting counties or of the 8812  
officer or officers of the contracting municipal corporation or 8813  
municipal corporations having charge of persons incarcerated in 8814  
the municipal jail, workhouse, or other correctional facility who, 8815  
in the opinion of the sentencing court, need programs of custody 8816  
and rehabilitation not available at the county or municipal jail 8817  
and by providing custody and rehabilitative programs in accordance 8818  
with division (C) of this section, if applicable. The contract may 8819  
include, but need not be limited to, provisions regarding the 8820  
acquisition, construction, maintenance, repair, termination of 8821  
operations, and administration of the center. The contract shall 8822  
prescribe the manner of funding of, and debt assumption for, the 8823  
center and the standards and procedures to be followed in the 8824  
operation of the center. Except as provided in division (H) of 8825  
this section, the contracting counties and municipal corporations 8826  
shall form a corrections commission to oversee the administration 8827  
of the center. Members of the commission shall consist of the 8828  
sheriff of each participating county, the president of the board 8829  
of county commissioners of each participating county, the 8830  
presiding judge of the court of common pleas of each participating 8831  
county, or, if the court of common pleas of a participating county 8832  
has only one judge, then that judge, the chief of police of each 8833  
participating municipal corporation, the mayor or city manager of 8834  
each participating municipal corporation, and the presiding judge 8835  
or the sole judge of the municipal court of each participating 8836  
municipal corporation. Any of the foregoing officers may appoint a 8837  
designee to serve in the officer's place on the corrections 8838  
commission. The standards and procedures shall be formulated and 8839

agreed to by the commission and may be amended at any time during 8840  
the life of the contract by agreement of the parties to the 8841  
contract upon the advice of the commission. The standards and 8842  
procedures formulated by the commission shall include, but need 8843  
not be limited to, designation of the person in charge of the 8844  
center, the categories of employees to be employed at the center, 8845  
the appointing authority of the center, and the standards of 8846  
treatment and security to be maintained at the center. The person 8847  
in charge of, and all persons employed to work at, the center 8848  
shall have all the powers of police officers that are necessary 8849  
for the proper performance of the duties relating to their 8850  
positions at the center. 8851

(B) Each board of county commissioners that enters a contract 8852  
under division (A) of this section may appoint a building 8853  
commission pursuant to section 153.21 of the Revised Code. If any 8854  
commissions are appointed, they shall function jointly in the 8855  
construction of a multicounty or multicounty-municipal 8856  
correctional center with all the powers and duties authorized by 8857  
law. 8858

(C) Prior to the acceptance for custody and rehabilitation 8859  
into a center established under this section of any persons who 8860  
are designated by the department of rehabilitation and correction, 8861  
who plead guilty to or are convicted of a felony of the fourth or 8862  
fifth degree, and who satisfy the other requirements listed in 8863  
section 5120.161 of the Revised Code, the corrections commission 8864  
of a center established under this section shall enter into an 8865  
agreement with the department of rehabilitation and correction 8866  
under section 5120.161 of the Revised Code for the custody and 8867  
rehabilitation in the center of persons who are designated by the 8868  
department, who plead guilty to or are convicted of a felony of 8869  
the fourth or fifth degree, and who satisfy the other requirements 8870  
listed in that section, in exchange for a per diem fee per person. 8871

Persons incarcerated in the center pursuant to an agreement 8872  
entered into under this division shall be subject to supervision 8873  
and control in the manner described in section 5120.161 of the 8874  
Revised Code. This division does not affect the authority of a 8875  
court to directly sentence a person who is convicted of or pleads 8876  
guilty to a felony to the center in accordance with section 8877  
2929.16 of the Revised Code. 8878

(D) Pursuant to section 2929.37 of the Revised Code, each 8879  
board of county commissioners and the legislative authority of 8880  
each municipal corporation that enters into a contract under 8881  
division (A) of this section may require a person who was 8882  
convicted of an offense, who is under the charge of the sheriff of 8883  
their county or of the officer or officers of the contracting 8884  
municipal corporation or municipal corporations having charge of 8885  
persons incarcerated in the municipal jail, workhouse, or other 8886  
correctional facility, and who is confined in the multicounty, 8887  
municipal-county, or multicounty-municipal correctional center as 8888  
provided in that division, to reimburse the applicable county or 8889  
municipal corporation for its expenses incurred by reason of the 8890  
person's confinement in the center. 8891

(E) Notwithstanding any contrary provision in this section or 8892  
section 2929.18, 2929.21, 2929.36, or 2929.37 of the Revised Code, 8893  
the corrections commission of a center may establish a policy that 8894  
complies with section 2929.38 of the Revised Code and that 8895  
requires any person who is not indigent and who is confined in the 8896  
multicounty, municipal-county, or multicounty-municipal 8897  
correctional center to pay a reception fee, a fee for medical 8898  
treatment or service requested by and provided to that person, or 8899  
the fee for a random drug test assessed under division (E) of 8900  
section 341.26 of the Revised Code. 8901

(F)(1) The corrections commission of a center established 8902  
under this section may establish a commissary for the center. The 8903

commissary may be established either in-house or by another 8904  
arrangement. If a commissary is established, all persons 8905  
incarcerated in the center shall receive commissary privileges. A 8906  
person's purchases from the commissary shall be deducted from the 8907  
person's account record in the center's business office. The 8908  
commissary shall provide for the distribution to indigent persons 8909  
incarcerated in the center of necessary hygiene articles and 8910  
writing materials. 8911

(2) If a commissary is established, the corrections 8912  
commission of a center established under this section shall 8913  
establish a commissary fund for the center. The management of 8914  
funds in the commissary fund shall be strictly controlled in 8915  
accordance with procedures adopted by the auditor of state. 8916  
Commissary fund revenue over and above operating costs and reserve 8917  
shall be considered profits. All profits from the commissary fund 8918  
shall be used to purchase supplies and equipment for the benefit 8919  
of persons incarcerated in the center and to pay salary and 8920  
benefits for employees of the center, or for any other persons, 8921  
who work in or are employed for the sole purpose of providing 8922  
service to the commissary. The corrections commission shall adopt 8923  
rules and regulations for the operation of any commissary fund it 8924  
establishes. 8925

(G) In lieu of forming a corrections commission to administer 8926  
a multicounty correctional center or a municipal-county or 8927  
multicounty-municipal correctional center, the boards of county 8928  
commissioners and the legislative authorities of the municipal 8929  
corporations contracting to establish the center may also agree to 8930  
contract for the private operation and management of the center as 8931  
provided in section 9.06 of the Revised Code, but only if the 8932  
center houses only misdemeanor inmates. In order to enter into a 8933  
contract under section 9.06 of the Revised Code, all the boards 8934  
and legislative authorities establishing the center shall approve 8935

and be parties to the contract. 8936

(H) If a person who is convicted of or pleads guilty to an 8937  
offense is sentenced to a term in a multicounty correctional 8938  
center or a municipal-county or multicounty-municipal correctional 8939  
center or is incarcerated in the center in the manner described in 8940  
division (C) of this section, or if a person who is arrested for 8941  
an offense, and who has been denied bail or has had bail set and 8942  
has not been released on bail is confined in a multicounty 8943  
correctional center or a municipal-county or multicounty-municipal 8944  
correctional center pending trial, at the time of reception and at 8945  
other times the officer, officers, or other person in charge of 8946  
the operation of the center determines to be appropriate, the 8947  
officer, officers, or other person in charge of the operation of 8948  
the center may cause the convicted or accused offender to be 8949  
examined and tested for tuberculosis, HIV infection, hepatitis, 8950  
including but not limited to hepatitis A, B, and C, and other 8951  
contagious diseases. The officer, officers, or other person in 8952  
charge of the operation of the center may cause a convicted or 8953  
accused offender in the center who refuses to be tested or treated 8954  
for tuberculosis, HIV infection, hepatitis, including but not 8955  
limited to hepatitis A, B, and C, or another contagious disease to 8956  
be tested and treated involuntarily. 8957

(I) As used in this section, "multicounty-municipal" means 8958  
more than one county and a municipal corporation, or more than one 8959  
municipal corporation and a county, or more than one municipal 8960  
corporation and more than one county. 8961

**Sec. 307.98.** ~~Each board~~ Boards of county commissioners ~~shall~~ 8962  
~~may~~ enter into a one or more written ~~partnership agreement~~ fiscal 8963  
agreements with the director of job and family services in 8964  
accordance with section 5101.21 of the Revised Code. ~~Prior to~~ 8965  
~~entering into or substantially amending the agreement, the board~~ 8966

~~shall conduct a public hearing and consult with the county family services planning committee established under section 329.06 of the Revised Code. Through the hearing and consultation, the board shall obtain comments and recommendations concerning what would be the county's obligations and responsibilities under the agreement or amendment. As evidence that the board consulted with the county family services planning committee, the committee's chair shall sign a letter confirming that the consultation occurred, which shall be attached to the partnership agreement and any substantial amendments to the agreement. If a board enters into a fiscal agreement, the board shall enter into the agreement on behalf of the county family services agencies, other than a county family services agency that is a county signer as defined in section 5101.21 of the Revised Code.~~

**Sec. 307.981.** (A)(1) As used in the Revised Code: 8981

(a) "County family services agency" means all of the following: 8982  
8983

- (i) A child support enforcement agency; 8984
- (ii) A county department of job and family services; 8985
- (iii) A public children services agency. 8986

(b) "Family services duty" means a duty state law requires or allows a county family services agency to assume, including financial and general administrative duties. "Family services duty" does not include a duty funded by the United States department of labor.

(2) As used in sections 307.981 to 307.989 of the Revised Code, "private entity" means an entity other than a government entity. 8992  
8993  
8994

(B) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any 8995  
8996

limitations established by the Revised Code, including division 8997  
(H) of this section, a board of county commissioners may designate 8998  
any private or government entity within this state to serve as any 8999  
of the following: 9000

(1) A child support enforcement agency; 9001

(2) A county department of job and family services; 9002

(3) A public children services agency; 9003

(4) A county department of job and family services and one 9004  
other of those county family services agencies; 9005

(5) All three of those county family services agencies; 9006

~~(6) A workforce development agency; 9007~~

~~(7) A workforce development agency and a county department of 9008  
job and family services; 9009~~

~~(8) A workforce development agency and a county department of 9010  
job and family services and one or two of the other county family 9011  
services agencies. 9012~~

(C) To the extent permitted by federal law, including, when 9013  
applicable, subpart F of 5 C.F.R. part 900, and subject to any 9014  
limitations of the Revised Code, including division (H) of this 9015  
section, a board of county commissioners may change the 9016  
designation it makes under division (B) of this section by 9017  
designating another private or government entity. 9018

(D) ~~If the director of job and family services determines 9019  
that a designation under division (B) or (C) of this section 9020  
constitutes a ~~substantial~~ change from ~~what is~~ the designation in 9021  
~~the current partnership~~ a fiscal agreement between the director of 9022  
job and family services and the board of ~~county commissioners~~ 9023  
~~under section 5101.21 of the Revised Code,~~ the director may 9024  
require that the director and board amend the ~~partnership~~ fiscal 9025  
agreement and that the board provide the director written 9026~~

assurances that the newly designated private or government entity 9027  
will meet or exceed all requirements of the family services duties 9028  
~~or workforce development activities~~ the entity is to assume. 9029

(E) Not less than sixty days before a board of county 9030  
commissioners designates an entity under division (B) or (C) of 9031  
this section, the board shall notify the director of job and 9032  
family services and publish notice in a newspaper of general 9033  
circulation in the county of the board's intention to make the 9034  
designation and reasons for the designation. 9035

(F) A board of county commissioners shall enter into a 9036  
written contract with each entity it designates under division (B) 9037  
or (C) of this section specifying the entity's responsibilities 9038  
and standards the entity is required to meet. 9039

(G) This section does not require a board of county 9040  
commissioners to abolish the child support enforcement agency, 9041  
county department of job and family services, or public children 9042  
services agency serving the county on October 1, 1997, and 9043  
designate a different private or government entity to serve as the 9044  
county's child support enforcement agency, county department of 9045  
job and family services, or public children services agency. 9046

(H) If a county children services board appointed under 9047  
section 5153.03 of the Revised Code serves as a public children 9048  
services agency for a county, the board of county commissioners 9049  
may not redesignate the public children services agency unless the 9050  
board of county commissioners does all of the following: 9051

(1) Notifies the county children services board of its intent 9052  
to redesignate the public children services agency. In its 9053  
notification, the board of county commissioners shall provide the 9054  
county children services board a written explanation of the 9055  
administrative, fiscal, or performance considerations causing the 9056  
board of county commissioners to seek to redesignate the public 9057

children services agency. 9058

(2) Provides the county children services board an 9059  
opportunity to comment on the proposed redesignation before the 9060  
redesignation occurs; 9061

(3) If the county children services board, not more than 9062  
sixty days after receiving the notice under division (H)(1) of 9063  
this section, notifies the board of county commissioners that the 9064  
county children services board has voted to oppose the 9065  
redesignation, votes unanimously to proceed with the 9066  
redesignation. 9067

**Sec. 307.987.** To the extent federal ~~statutes and regulations~~ 9068  
and state law permit, ~~a partnership agreement entered into under~~ 9069  
~~section 307.98~~, a contract entered into under section 307.981 or 9070  
307.982, a plan of cooperation entered into under section 307.983, 9071  
a regional plan of cooperation entered into under section 307.984, 9072  
a transportation work plan developed under section 307.985, and 9073  
procedures established under section 307.986 of the Revised Code 9074  
shall permit the exchange of information needed to improve 9075  
services and assistance to individuals and families and the 9076  
protection of children. A private or government entity that 9077  
receives information pursuant to ~~an agreement~~, a contract, plan, 9078  
or procedures is bound by the same standards of confidentiality as 9079  
the entity that provides the information. 9080

~~An agreement~~, A contract, plan, or procedures shall: 9081

(A) Be coordinated and not conflict with another ~~agreement~~, 9082  
contract, plan, or procedures or an agreement entered into under 9083  
section 329.05 of the Revised Code; 9084

(B) Prohibit discrimination in hiring and promotion against 9085  
applicants for and participants of the Ohio works first program 9086  
established under Chapter 5107. of the Revised Code and the 9087

prevention, retention, and contingency program established under	9088
Chapter 5108. of the Revised Code;	9089
(C) Comply with federal <del>statutes and regulations</del> and state	9090
law;	9091
(D) Be adopted by resolution of a board of county	9092
commissioners;	9093
(E) Specify how the <del>agreement</del> , contract, plan, or procedures	9094
may be amended.	9095
<b>Sec. 311.17.</b> For the services specified in this section, the	9096
sheriff shall charge the following fees, which the court or <u>its</u>	9097
clerk <del>thereof</del> shall tax in the bill of costs against the judgment	9098
debtor or those legally liable therefor <u>for the judgment</u> :	9099
(A) For the service and return of the following writs and	9100
orders:	9101
(1) Execution:	9102
(a) When money is paid without levy or when no property is	9103
found, <del>five</del> <u>twenty</u> dollars;	9104
(b) When levy is made on real property, for the first tract,	9105
<del>twenty</del> <u>twenty-five</u> dollars, and for each additional tract, <del>five</del>	9106
<u>ten</u> dollars;	9107
(c) When levy is made on goods and chattels, including	9108
inventory, <del>twenty-five</del> <u>fifty</u> dollars <del>;</del> .	9109
(2) Writ of attachment of property, except for purpose of	9110
garnishment, <del>twenty</del> <u>forty</u> dollars;	9111
(3) Writ of attachment for the purpose of garnishment, <del>five</del>	9112
<u>ten</u> dollars;	9113
(4) Writ of replevin, <del>twenty</del> <u>forty</u> dollars;	9114
(5) Warrant to arrest, for each person named in the writ,	9115

<del>five</del> <u>ten</u> dollars;	9116
(6) Attachment for contempt, for each person named in the writ, <del>three</del> <u>six</u> dollars;	9117 9118
(7) Writ of possession or restitution, <del>twenty</del> <u>sixty</u> dollars;	9119
(8) Subpoena, for each person named in the writ, <del>if in either a civil or criminal case three, six</del> dollars, <del>if in a criminal case one dollar</del> ;	9120 9121 9122
(9) Venire, for each person named in the writ, <del>if in either a civil or criminal case three, six</del> dollars, <del>if in a criminal case one dollar</del> ;	9123 9124 9125
(10) Summoning each juror, other than on venire, <del>if in either a civil or criminal case three, six</del> dollars, <del>if in a criminal case one dollar</del> ;	9126 9127 9128
(11) Writ of partition, <del>fifteen</del> <u>twenty-five</u> dollars;	9129
(12) Order of sale on partition, for the first tract, <del>twenty-five</del> <u>fifty</u> dollars, and for each additional tract, <del>five</del> <u>twenty-five</u> dollars;	9130 9131 9132
(13) Other order of sale of real property, for the first tract, <del>twenty</del> <u>fifty</u> dollars, and for each additional tract, <del>five</del> <u>twenty-five</u> dollars;	9133 9134 9135
(14) Administering oath to appraisers, <del>one dollar and fifty cents</del> <u>three dollars</u> each;	9136 9137
(15) Furnishing copies for advertisements, <del>fifty cents</del> <u>one dollar</u> for each hundred words;	9138 9139
(16) Copy of indictment, for each defendant, <del>two</del> <u>five</u> dollars;	9140 9141
(17) All summons, writs, orders, or notices, for the first name, <del>three</del> <u>six</u> dollars, and for each additional name, <del>fifty cents</del> <u>one dollar</u> .	9142 9143 9144

(B) In addition to the fee for service and return, <del>the</del>	9145
<del>sheriff may charge:</del>	9146
(1) On each summons, writ, order, or notice, a fee of <del>fifty</del>	9147
<del>cents</del> <u>one dollar</u> per mile for the first mile, and <del>twenty</del> <u>fifty</u>	9148
cents per mile for each additional mile, going and returning,	9149
actual mileage to be charged on each additional name;	9150
(2) Taking bail bond, <del>one dollar</del> <u>three dollars;</u>	9151
(3) Jail fees, as follows:	9152
(a) For receiving a prisoner, <del>four</del> <u>five</u> dollars <u>each time a</u>	9153
<u>prisoner is received</u> , and for discharging or surrendering a	9154
prisoner, <del>four</del> <u>five</u> dollars; <u>each time a prisoner is discharged or</u>	9155
<u>surrendered. The departure or return of a prisoner from or to a</u>	9156
<u>jail in connection with a program established under section</u>	9157
<u>5147.28 of the Revised Code is not a receipt, discharge, or</u>	9158
<u>surrender of the prisoner for purposes of this division.</u>	9159
(b) Taking a prisoner before a judge or court, per day, <del>three</del>	9160
<u>five</u> dollars;	9161
(c) Calling action, <del>fifty cents</del> <u>one dollar;</u>	9162
(d) Calling jury, <del>one dollar</del> <u>three dollars;</u>	9163
(e) Calling each witness, <del>one dollar</del> <u>three dollars;</u>	9164
(f) Bringing prisoner before court on habeas corpus, <del>four</del> <u>six</u>	9165
dollars;.	9166
(4) Poundage on all moneys actually made and paid to the	9167
sheriff on execution, decree, or sale of real estate, one <u>and</u>	9168
<u>one-half</u> per cent;	9169
(5) Making and executing a deed of land sold on execution,	9170
decree, or order of the court, to be paid by the purchaser,	9171
<del>twenty-five</del> <u>fifty</u> dollars.	9172
When any of the <del>foregoing</del> services <u>described in division (A)</u>	9173

or (B) of this section are rendered by an officer or employee, 9174  
whose salary or per diem compensation is paid by the county, the 9175  
applicable legal fees and any other extraordinary expenses, 9176  
including overtime, provided for ~~such the service in this section~~ 9177  
shall be taxed in the costs in the case, and, when ~~such fees are~~ 9178  
collected ~~they,~~ shall be paid into the general fund of the county. 9179

The sheriff shall charge the same fees for the execution of 9180  
process issued in any other state as ~~he~~ the sheriff charges for 9181  
the execution of process of a substantively similar nature that is 9182  
issued in this state. 9183

**Sec. 317.32.** The county recorder shall charge and collect the 9184  
following fees, to include base fees for the recorder's services 9185  
and housing trust fund fees, collected pursuant to section 317.36 9186  
of the Revised Code: 9187

(A) For recording and indexing an instrument when the 9188  
photocopy or any similar process is employed, a base fee of 9189  
fourteen dollars for the first two pages and a housing trust fund 9190  
fee of fourteen dollars, and a base fee of four dollars and a 9191  
housing trust fund fee of four dollars for each subsequent page, 9192  
size eight and one-half inches by fourteen inches, or fraction of 9193  
a page, including the caption page, of such instrument; 9194

(B) For certifying a photocopy from the record previously 9195  
recorded, a base fee of one dollar and a housing trust fund fee of 9196  
one dollar per page, size eight and one-half inches by fourteen 9197  
inches, or fraction of a page; for each certification where the 9198  
recorder's seal is required, except as to instruments issued by 9199  
the armed forces of the United States, a base fee of fifty cents 9200  
and a housing trust fund fee of fifty cents; 9201

(C) For manual or typewritten recording of assignment or 9202  
satisfaction of mortgage or lease or any other marginal entry, a 9203  
base fee of four dollars and a housing trust fund fee of four 9204

dollars; 9205

(D) For entering any marginal reference by separate recorded 9206  
instrument, a base fee of two dollars and a housing trust fund fee 9207  
of two dollars for each marginal reference set out in that 9208  
instrument, in addition to the ~~recording fee fees~~ set forth in 9209  
division (A) of this section; 9210

(E) For indexing in the real estate mortgage records, 9211  
pursuant to section 1309.519 of the Revised Code, financing 9212  
statements covering crops growing or to be grown, timber to be 9213  
cut, minerals or the like, including oil and gas, accounts subject 9214  
to section 1309.301 of the Revised Code, or fixture filings made 9215  
pursuant to section 1309.334 of the Revised Code, a base fee of 9216  
two dollars and a housing trust fund fee of two dollars for each 9217  
name indexed; 9218

(F) For recording manually any plat not exceeding six lines, 9219  
a base fee of two dollars and a housing trust fund fee of two 9220  
dollars, and for each additional line, a base fee of ten cents and 9221  
a housing trust fund fee of ten cents; 9222

(G) For filing zoning resolutions, including text and maps, 9223  
in the office of the recorder as required under sections 303.11 9224  
and 519.11 of the Revised Code, a base fee of fifty dollars and a 9225  
housing trust fund fee of fifty dollars, regardless of the size or 9226  
length of the resolutions; 9227

(H) For filing zoning amendments, including text and maps, in 9228  
the office of the recorder as required under sections 303.12 and 9229  
519.12 of the Revised Code, a base fee of ten dollars and a 9230  
housing trust fund fee of ten dollars for the first page and a 9231  
base fee of four dollars and a housing trust fund fee of four 9232  
dollars for each additional page; 9233

(I) For photocopying a document, other than at the time of 9234  
recording and indexing as provided for in division (A) of this 9235

section, a base fee of one dollar and a housing trust fund fee of 9236  
one dollar per page, size eight and one-half inches by fourteen 9237  
inches, or fraction thereof; 9238

(J) For local facsimile transmission of a document, a base 9239  
fee of one dollar and a housing trust fund fee of one dollar per 9240  
page, size eight and one-half inches by fourteen inches, or 9241  
fraction thereof; for long distance facsimile transmission of a 9242  
document, a base fee of two dollars and a housing trust fund fee 9243  
of two dollars per page, size eight and one-half inches by 9244  
fourteen inches, or fraction thereof; 9245

(K) For recording a declaration executed pursuant to section 9246  
2133.02 of the Revised Code or a durable power of attorney for 9247  
health care executed pursuant to section 1337.12 of the Revised 9248  
Code, or both a declaration and a durable power of attorney for 9249  
health care, a base fee of at least fourteen dollars but not more 9250  
than twenty dollars and a housing trust fund fee of at least 9251  
fourteen dollars but not more than twenty dollars. 9252

In any county in which the recorder employs the photostatic 9253  
or any similar process for recording maps, plats, or prints the 9254  
recorder shall determine, charge, and collect for the recording or 9255  
rerecording of any map, plat, or print, a base fee of five cents 9256  
and a housing trust fund fee of five cents per square inch, for 9257  
each square inch of the map, plat, or print filed for that 9258  
recording or rerecording, with a minimum base fee of twenty 9259  
dollars and a minimum housing trust fund fee of twenty dollars; 9260  
for certifying a copy from the record, a base fee of two cents and 9261  
a housing trust fund fee of two cents per square inch of the 9262  
record, with a minimum base fee of two dollars and a minimum 9263  
housing trust fund fee of two dollars. 9264

The fees provided in this section shall be paid upon the 9265  
presentation of the instruments for record or upon the application 9266  
for any certified copy of the record, except that the payment of 9267

fees associated with the filing and recording of, or the copying 9268  
of, notices of internal revenue tax liens and notices of other 9269  
liens in favor of the United States as described in division (A) 9270  
of section 317.09 of the Revised Code and certificates of 9271  
discharge or release of those liens, shall be governed by section 9272  
317.09 of the Revised Code, and the payment of fees for providing 9273  
copies of instruments conveying or extinguishing agricultural 9274  
easements to the office of farmland preservation in the department 9275  
of agriculture under division (G) of section 5301.691 of the 9276  
Revised Code shall be governed by that division. 9277

Sec. 317.36. (A) The county recorder shall collect the low- 9278  
and moderate-income housing trust fund fee as specified in 9279  
sections 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 9280  
5111.021, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22, 6101.09, 9281  
and 6115.09 of the Revised Code. The amount of any housing trust 9282  
fund fee the recorder is authorized to collect is equal to the 9283  
amount of any base fee the recorder is authorized to collect for 9284  
services. The housing trust fund fee shall be collected in 9285  
addition to the base fee. 9286

(B) The recorder shall certify the amounts collected as 9287  
housing trust fund fees pursuant to division (A) of this section 9288  
into the county treasury as housing trust fund fees to be paid to 9289  
the treasurer of state pursuant to section 319.63 of the Revised 9290  
Code. 9291

Sec. 319.63. (A) During the first thirty days of each 9292  
calendar quarter, the county auditor shall pay to the treasurer of 9293  
state all amounts that the county recorder collected as housing 9294  
trust fund fees pursuant to section 317.36 of the Revised Code 9295  
during the previous calendar quarter. If payment is made to the 9296  
treasurer of state within the first thirty days of the quarter, 9297  
the county auditor may retain an administrative fee of one per 9298

cent of the amount of the trust fund fees collected during the 9299  
previous calendar quarter. 9300

(B) The treasurer of state shall deposit the first fifty 9301  
million dollars of housing trust fund fees received each year 9302  
pursuant to this section into the low- and moderate-income housing 9303  
trust fund, created under section 175.21 of the Revised Code, and 9304  
shall deposit any amounts received each year in excess of fifty 9305  
million dollars into the state general revenue fund. 9306

(C) The county auditor shall deposit the administrative fee 9307  
that the auditor is permitted to retain pursuant to division (A) 9308  
of this section into the county general fund for the county 9309  
recorder to use in administering the trust fund fee. 9310

**Sec. 321.24.** (A) On or before the fifteenth day of February, 9311  
in each year, the county treasurer shall settle with the county 9312  
auditor for all taxes and assessments that the treasurer has 9313  
collected on the general duplicate of real and public utility 9314  
property at the time of making the settlement. 9315

(B) On or before the thirtieth day of June, in each year, the 9316  
treasurer shall settle with the auditor for all advance payments 9317  
of general personal and classified property taxes that the 9318  
treasurer has received at the time of making the settlement. 9319

(C) On or before the tenth day of August, in each year, the 9320  
treasurer shall settle with the auditor for all taxes and 9321  
assessments that the treasurer has collected on the general 9322  
duplicates of real and public utility property at the time of 9323  
making such settlement, not included in the preceding February 9324  
settlement. 9325

(D) On or before the thirty-first day of October, in each 9326  
year, the treasurer shall settle with the auditor for all taxes 9327  
that the treasurer has collected on the general personal and 9328

classified property duplicates, and for all advance payments of 9329  
general personal and classified property taxes, not included in 9330  
the preceding June settlement, that the treasurer has received at 9331  
the time of making such settlement. 9332

(E) In the event the time for the payment of taxes is 9333  
extended, pursuant to section 323.17 of the Revised Code, the date 9334  
on or before which settlement for the taxes so extended must be 9335  
made, as herein prescribed, shall be deemed to be extended for a 9336  
like period of time. At each such settlement, the auditor shall 9337  
allow to the treasurer, on the moneys received or collected and 9338  
accounted for by the treasurer, the treasurer's fees, at the rate 9339  
or percentage allowed by law, at a full settlement of the 9340  
treasurer. 9341

(F) Within thirty days after the day of each settlement of 9342  
taxes required under divisions (A) and (C) of this section, the 9343  
treasurer shall certify to the tax commissioner any adjustments 9344  
which have been made to the amount certified previously pursuant 9345  
to section 319.302 of the Revised Code and that the settlement has 9346  
been completed. Upon receipt of such certification, the 9347  
commissioner shall provide for payment to the county treasurer 9348  
from the general revenue fund of an amount equal to one-half of 9349  
the amount certified by the treasurer in the preceding tax year 9350  
under section 319.302 of the Revised Code, less one-half of the 9351  
amount computed for all taxing districts in that county for the 9352  
current fiscal year under section 5703.80 of the Revised Code for 9353  
crediting to the property tax administration fund. Such payment 9354  
shall be credited upon receipt to the county's undivided income 9355  
tax fund, and the county auditor shall transfer to the county 9356  
general fund from the amount thereof the total amount of all fees 9357  
and charges which the auditor and treasurer would have been 9358  
authorized to receive had such section not been in effect and that 9359  
amount had been levied and collected as taxes. The county auditor 9360

shall distribute the amount remaining among the various taxing 9361  
districts in the county as if it had been levied, collected, and 9362  
settled as real property taxes. The amount distributed to each 9363  
taxing district shall be reduced by the total of the amounts 9364  
computed for the district under divisions (A), (B), and (C) of 9365  
section 5703.80 of the Revised Code, but the reduction shall not 9366  
exceed the amount that otherwise would be distributed to the 9367  
taxing district under this division. The tax commissioner shall 9368  
make available to taxing districts such information as is 9369  
sufficient for a taxing district to be able to determine the 9370  
amount of the reduction in its distribution under this section. 9371

(G)(1) Within thirty days after the day of the settlement 9372  
required in division (D) of this section, the county treasurer 9373  
shall ~~certify to~~ notify the tax commissioner that the settlement 9374  
has been completed. Upon receipt of that ~~certification~~ 9375  
~~notification~~, the commissioner shall provide for payment to the 9376  
county treasurer from the general revenue fund of an amount equal 9377  
to the amount certified under former section 319.311 of the 9378  
Revised Code ~~in the current year and paid in the state's fiscal~~ 9379  
~~year 2003 multiplied by the percentage specified in division~~ 9380  
(G)(2) of this section. The payment shall be credited upon receipt 9381  
to the county's undivided income tax fund, and the county auditor 9382  
shall distribute the amount thereof among the various taxing 9383  
districts of the county as if it had been levied, collected, and 9384  
settled as personal property taxes. The amount received by a 9385  
taxing district under this division shall be apportioned among its 9386  
funds in the same proportion as the current year's personal 9387  
property taxes are apportioned. 9388

(2) Payments required under division (G)(1) of this section 9389  
shall be made at the following percentages of the amount certified 9390  
under former section 319.311 of the Revised Code and paid under 9391  
division (G)(1) of this section in the state's fiscal year 2003: 9392

<u>(a) In fiscal year 2004, ninety per cent;</u>	9393
<u>(b) In fiscal year 2005, eighty per cent;</u>	9394
<u>(c) In fiscal year 2006, seventy per cent;</u>	9395
<u>(d) In fiscal year 2007, sixty per cent;</u>	9396
<u>(e) In fiscal year 2008, fifty per cent;</u>	9397
<u>(f) In fiscal year 2009, forty per cent;</u>	9398
<u>(g) In fiscal year 2010, thirty per cent;</u>	9399
<u>(h) In fiscal year 2011, twenty per cent;</u>	9400
<u>(i) In fiscal year 2012, ten per cent.</u>	9401
<u>After fiscal year 2012, no payments shall be made under</u>	9402
<u>division (G)(1) of this section.</u>	9403
(H)(1) On or before the fifteenth day of April each year, the	9404
county treasurer shall settle with the county auditor for all	9405
manufactured home taxes that the county treasurer has collected on	9406
the manufactured home tax duplicate at the time of making the	9407
settlement.	9408
(2) On or before the fifteenth day of September each year,	9409
the county treasurer shall settle with the county auditor for all	9410
remaining manufactured home taxes that the county treasurer has	9411
collected on the manufactured home tax duplicate at the time of	9412
making the settlement.	9413
(3) If the time for payment of such taxes is extended under	9414
section 4503.06 of the Revised Code, the time for making the	9415
settlement as prescribed by divisions (H)(1) and (2) of this	9416
section is extended for a like period of time.	9417
<b>Sec. 323.01.</b> Except as otherwise provided, as used in Chapter	9418
323. of the Revised Code:	9419
(A) "Subdivision" means any county, township, school	9420

district, or municipal corporation. 9421

(B) "Municipal corporation" includes charter municipalities. 9422

(C) "Taxes" means the total amount of all charges against an 9423  
entry appearing on a tax list and the duplicate thereof that was 9424  
prepared and certified in accordance with section 319.28 of the 9425  
Revised Code, including taxes levied against real estate; taxes on 9426  
property whose value is certified pursuant to section 5727.23 of 9427  
the Revised Code; recoupment charges applied pursuant to section 9428  
5713.35 of the Revised Code; all assessments; penalties and 9429  
interest charged pursuant to section 323.121 of the Revised Code; 9430  
charges added pursuant to section 319.35 of the Revised Code; and 9431  
all of such charges which remain unpaid from any previous tax 9432  
year. 9433

(D) "Current taxes" means all taxes charged against an entry 9434  
on the general tax list and duplicate of real and public utility 9435  
property that have not appeared on such list and duplicate for any 9436  
prior tax year and any penalty thereon charged by division (A) of 9437  
section 323.121 of the Revised Code. Current taxes, whether or not 9438  
they have been certified delinquent, become delinquent taxes if 9439  
they remain unpaid after the last day prescribed for payment of 9440  
the second installment of current taxes without penalty. 9441

(E) "Delinquent taxes" means: 9442

(1) Any taxes charged against an entry on the general tax 9443  
list and duplicate of real and public utility property that were 9444  
charged against an entry on such list and duplicate for a prior 9445  
tax year and any penalties and interest charged against such 9446  
taxes. 9447

(2) Any current taxes charged on the general tax list and 9448  
duplicate of real and public utility property that remain unpaid 9449  
after the last day prescribed for payment of the second 9450  
installment of such taxes without penalty, whether or not they 9451

have been certified delinquent, and any penalties and interest 9452  
charged against such taxes. 9453

(F) "Current tax year" means, with respect to particular 9454  
taxes, the calendar year in which the first installment of taxes 9455  
is due prior to any extension granted under section 323.17 of the 9456  
Revised Code. 9457

(G) "Liquidated claim" means: 9458

(1) Any sum of money due and payable, upon a written 9459  
contractual obligation executed between the subdivision and the 9460  
taxpayer, but excluding any amount due on general and special 9461  
assessment bonds and notes; 9462

(2) Any sum of money due and payable, for disability 9463  
financial assistance or disability medical assistance provided 9464  
under Chapter 5115. of the Revised Code that is furnished to or in 9465  
behalf of a subdivision, provided that such claim is recognized by 9466  
a resolution or ordinance of the legislative body of such 9467  
subdivision; 9468

(3) Any sum of money advanced and paid to or received and 9469  
used by a subdivision, pursuant to a resolution or ordinance of 9470  
such subdivision or its predecessor in interest, and the moral 9471  
obligation to repay which sum, when in funds, shall be recognized 9472  
by resolution or ordinance by the subdivision. 9473

**Sec. 323.13.** Except as provided in section 323.134 of the 9474  
Revised Code, immediately upon receipt of any tax duplicate from 9475  
the county auditor, but not less than twenty days prior to the 9476  
last date on which the first one-half taxes may be paid without 9477  
penalty as prescribed in section 323.12 or 323.17 of the Revised 9478  
Code, the county treasurer shall cause to be prepared and mailed 9479  
or delivered to each person charged on such duplicate with taxes 9480  
or to an agent designated by such person, the tax bill prescribed 9481

by the commissioner of tax equalization under section 323.131 of 9482  
the Revised Code. When taxes are paid by installments, the county 9483  
treasurer shall mail or deliver to each person charged on such 9484  
duplicate or the agent designated by such person, a second tax 9485  
bill showing the amount due at the time of the second tax 9486  
collection. The second half tax bill shall be mailed or delivered 9487  
at least twenty days prior to the close of the second half tax 9488  
collection period. 9489

After delivery of the delinquent land duplicate as prescribed 9490  
in section 5721.011 of the Revised Code, the county treasurer may 9491  
prepare and mail to each person in whose name property therein is 9492  
listed an additional tax bill showing the total amount of 9493  
delinquent taxes appearing on such duplicate against such 9494  
property. The tax bill shall include a notice that the interest 9495  
charge prescribed by division (B) of section 323.121 of the 9496  
Revised Code has begun to accrue. 9497

A change in the mailing address of any tax bill shall be made 9498  
in writing to the county treasurer. 9499

Upon certification by the county auditor of the apportionment 9500  
of taxes following the transfer of a part of a tract or lot of 9501  
real estate, and upon request by the owner of any transferred or 9502  
remaining part of such tract or parcel, the treasurer shall cause 9503  
to be prepared and mailed or delivered to such owner a tax bill 9504  
for the taxes allocated to ~~his~~ the owner's part, together with the 9505  
penalties, interest, and other charges. 9506

Failure to receive any bill required by this section does not 9507  
excuse failure or delay to pay any taxes shown on such bill or, 9508  
except as provided in division ~~(A)~~(B)(1) of section 5715.39 of the 9509  
Revised Code, avoid any penalty, interest, or charge for such 9510  
delay. 9511

**Sec. 325.31.** (A) On the first business day of each month, and 9512

at the end of the officer's term of office, each officer named in 9513  
section 325.27 of the Revised Code shall pay into the county 9514  
treasury, to the credit of the general county fund, on the warrant 9515  
of the county auditor, all fees, costs, penalties, percentages, 9516  
allowances, and perquisites collected by the officer's office 9517  
during the preceding month or part thereof for official services, 9518  
except the fees allowed the county auditor by division (B) of 9519  
section 319.54 of the Revised Code, which shall be paid into the 9520  
county treasury to the credit of the real estate assessment fund 9521  
hereby created. 9522

(B) Moneys to the credit of the real estate assessment fund 9523  
may be expended, upon appropriation by the board of county 9524  
commissioners, for the purpose of defraying the one or more of the 9525  
following: 9526

(1) The cost incurred by the county auditor in assessing real 9527  
estate pursuant to Chapter 5713. of the Revised Code and 9528  
manufactured and mobile homes pursuant to Chapter 4503. of the 9529  
Revised Code, ~~and, at~~ 9530

(2) At the county auditor's discretion, costs and expenses 9531  
incurred by the county auditor in preparing the list of real and 9532  
public utility property, in administering laws related to the 9533  
taxation of real property and the levying of special assessments 9534  
on real property, including administering reductions under 9535  
Chapters 319. and 323. and section 4503.065 of the Revised Code, 9536  
and to support assessments of real property in any administrative 9537  
or judicial proceeding; 9538

(3) At the county auditor's discretion, the expenses incurred 9539  
by the county board of revision under Chapter 5715. of the Revised 9540  
Code. ~~Any~~ 9541

(4) At the county auditor's discretion, the expenses incurred 9542  
by the county auditor for geographic information systems, mapping 9543

programs, and technological advances in those or similar systems 9544  
or programs; 9545

(5) At the county auditor's discretion, expenses incurred by 9546  
the county auditor in compiling the general tax list of tangible 9547  
personal property and administering tangible personal property 9548  
taxes under Chapters 5711. and 5719. of the Revised Code; 9549

(6) At the county auditor's discretion, costs, expenses, and 9550  
fees incurred by the county auditor in the administration of 9551  
estate taxes under Chapter 5731. of the Revised Code. 9552

Any expenditures made from the real estate assessment fund 9553  
shall comply with rules that the tax commissioner adopts under 9554  
division (0) of section 5703.05 of the Revised Code. Those rules 9555  
shall include a requirement that a copy of any appraisal plans, 9556  
progress of work reports, contracts, or other documents required 9557  
to be filed with the tax commissioner shall be filed also with the 9558  
board of county commissioners. 9559

The board of county commissioners shall not transfer moneys 9560  
required to be deposited in the real estate assessment fund to any 9561  
other fund. Following an assessment of real property pursuant to 9562  
Chapter 5713. of the Revised Code, or an assessment of a 9563  
manufactured or mobile home pursuant to Chapter 4503. of the 9564  
Revised Code, any moneys not expended for the purpose of defraying 9565  
the cost incurred in assessing real estate or manufactured or 9566  
mobile homes or for the purpose of defraying the expenses ~~of the~~ 9567  
~~county board of revision~~ described in divisions (B)(2), (3), (4), 9568  
(5), and (6) of this section, and thereby remaining to the credit 9569  
of the real estate assessment fund, shall be apportioned ratably 9570  
and distributed to those taxing authorities that contributed to 9571  
the fund. However, no such distribution shall be made if the 9572  
amount of such unexpended moneys remaining to the credit of the 9573  
real estate assessment fund does not exceed five thousand dollars. 9574

(C) None of the officers named in section 325.27 of the Revised Code shall collect any fees from the county. Each of such officers shall, at the end of each calendar year, make and file a sworn statement with the board of county commissioners of all such fees, costs, penalties, percentages, allowances, and perquisites which have been due in the officer's office and unpaid for more than one year prior to the date such statement is required to be made.

**Sec. 329.03.** (A) As used in this section:

(1) "Applicant" or "recipient" means an applicant for or participant in the Ohio works first program established under Chapter 5107. of the Revised Code or an applicant for or recipient of disability financial assistance under Chapter 5115. of the Revised Code.

(2) "Voluntary direct deposit" means a system established pursuant to this section under which cash assistance payments to recipients who agree to direct deposit are made by direct deposit by electronic transfer to an account in a financial institution designated under this section.

(3) "Mandatory direct deposit" means a system established pursuant to this section under which cash assistance payments to all participants in the Ohio works first program or recipients of disability financial assistance, other than those exempt under division (E) of this section, are made by direct deposit by electronic transfer to an account in a financial institution designated under this section.

(B) A board of county commissioners may by adoption of a resolution require the county department of job and family services to establish a direct deposit system for distributing cash assistance payments under Ohio works first, disability financial assistance, or both, unless the director of job and

family services has provided for those payments to be made by 9606  
electronic benefit transfer pursuant to section 5101.33 of the 9607  
Revised Code. Voluntary or mandatory direct deposit may be applied 9608  
to either of the programs. The resolution shall specify for each 9609  
program for which direct deposit is to be established whether 9610  
direct deposit is voluntary or mandatory. The board may require 9611  
the department to change or terminate direct deposit by adopting a 9612  
resolution to change or terminate it. Within ninety days after 9613  
adopting a resolution under this division, the board shall certify 9614  
one copy of the resolution to the director of job and family 9615  
services and one copy to the office of budget and management. The 9616  
director of job and family services may adopt rules governing 9617  
establishment of direct deposit by county departments of job and 9618  
family services. 9619

The county department of job and family services shall 9620  
determine what type of account will be used for direct deposit and 9621  
negotiate with financial institutions to determine the charges, if 9622  
any, to be imposed by a financial institution for establishing and 9623  
maintaining such accounts. Under voluntary direct deposit, the 9624  
county department of job and family services may pay all charges 9625  
imposed by a financial institution for establishing and 9626  
maintaining an account in which direct deposits are made for a 9627  
recipient. Under mandatory direct deposit, the county department 9628  
of job and family services shall pay all charges imposed by a 9629  
financial institution for establishing and maintaining such an 9630  
account. No financial institution shall impose any charge for such 9631  
an account that the institution does not impose on its other 9632  
customers for the same type of account. Direct deposit does not 9633  
affect the exemption of Ohio works first and disability financial 9634  
assistance from attachment, garnishment, or other like process 9635  
afforded by sections 5107.75 and ~~5115.07~~ 5115.06 of the Revised 9636  
Code. 9637

(C) The county department of job and family services shall, 9638  
within sixty days after a resolution requiring the establishment 9639  
of direct deposit is adopted, establish procedures governing 9640  
direct deposit. 9641

Within one hundred eighty days after the resolution is 9642  
adopted, the county department shall: 9643

(1) Inform each applicant or recipient of the procedures 9644  
governing direct deposit, including in the case of voluntary 9645  
direct deposit those that prescribe the conditions under which a 9646  
recipient may change from one method of payment to another; 9647

(2) Obtain from each applicant or recipient an authorization 9648  
form to designate a financial institution equipped for and 9649  
authorized by law to accept direct deposits by electronic transfer 9650  
and the account into which the applicant or recipient wishes the 9651  
payments to be made, or in the case of voluntary direct deposit 9652  
states the applicant's or recipient's election to receive such 9653  
payments in the form of a paper warrant. 9654

The department may require a recipient to complete a new 9655  
authorization form whenever the department considers it necessary. 9656

A recipient's designation of a financial institution and 9657  
account shall remain in effect until withdrawn in writing or 9658  
dishonored by the financial institution, except that no change may 9659  
be made in the authorization form until the next eligibility 9660  
redetermination of the recipient unless the department feels that 9661  
good grounds exist for an earlier change. 9662

(D) An applicant or recipient without an account who either 9663  
agrees or is required to receive payments by direct deposit shall 9664  
have ten days after receiving the authorization form to designate 9665  
an account suitable for direct deposit. If within the required 9666  
time the applicant or recipient does not make the designation or 9667  
requests that the department make the designation, the department 9668

shall designate a financial institution and help the recipient to 9669  
open an account. 9670

(E) At the time of giving an applicant or recipient the 9671  
authorization form, the county department of job and family 9672  
services of a county with mandatory direct deposit shall inform 9673  
each applicant or recipient of the basis for exemption and the 9674  
right to request exemption from direct deposit. 9675

Under mandatory direct deposit, an applicant or recipient who 9676  
wishes to receive payments in the form of a paper warrant shall 9677  
record on the authorization form a request for exemption under 9678  
this division and the basis for the exemption. 9679

The department shall exempt from mandatory direct deposit any 9680  
recipient who requests exemption and is any of the following: 9681

(1) Over age sixty-five; 9682

(2) Blind or disabled; 9683

(3) Likely, in the judgment of the department, to be caused 9684  
personal hardship by direct deposit. 9685

A recipient granted an exemption under this division shall 9686  
receive payments for which the recipient is eligible in the form 9687  
of paper warrants. 9688

(F) The county department of job and family services shall 9689  
bear the full cost of the amount of any replacement warrant issued 9690  
to a recipient for whom an authorization form as provided in this 9691  
section has not been obtained within one hundred eighty days after 9692  
the later of the date the board of county commissioners adopts a 9693  
resolution requiring payments of financial assistance by direct 9694  
deposit to accounts of recipients of Ohio works first or 9695  
disability financial assistance or the date the recipient made 9696  
application for assistance, and shall not be reimbursed by the 9697  
state for any part of the cost. Thereafter, the county department 9698

of job and family services shall continue to bear the full cost of 9699  
each replacement warrant issued until the board of county 9700  
commissioners requires the county department of job and family 9701  
services to obtain from each such recipient the authorization 9702  
forms as provided in this section. 9703

**Sec. 329.04.** (A) The county department of job and family 9704  
services shall have, exercise, and perform the following powers 9705  
and duties: 9706

(1) Perform any duties assigned by the state department of 9707  
job and family services regarding the provision of public family 9708  
services, including the provision of the following services to 9709  
prevent or reduce economic or personal dependency and to 9710  
strengthen family life: 9711

(a) Services authorized by a Title IV-A program, as defined 9712  
in section 5101.80 of the Revised Code; 9713

(b) Social services authorized by Title XX of the "Social 9714  
Security Act" and provided for by section 5101.46 of the Revised 9715  
Code; 9716

(c) If the county department is designated as the child 9717  
support enforcement agency, services authorized by Title IV-D of 9718  
the "Social Security Act" and provided for by Chapter 3125. of the 9719  
Revised Code. The county department may perform the services 9720  
itself or contract with other government entities, and, pursuant 9721  
to division (C) of section 2301.35 and section 2301.42 of the 9722  
Revised Code, private entities, to perform the Title IV-D 9723  
services. 9724

(2) Administer disability financial assistance ~~under Chapter~~ 9725  
~~5115. of the Revised Code,~~ as required by the state department of 9726  
job and family services under section 5115.03 of the Revised Code; 9727

(3) Administer disability medical assistance, as required by 9728

<u>the state department of job and family services under section</u>	9729
<u>5115.13 of the Revised Code;</u>	9730
<del>(3)</del> <u>(4)</u> Administer burials insofar as the administration of	9731
burials was, prior to September 12, 1947, imposed upon the board	9732
of county commissioners and if otherwise required by state law;	9733
<del>(4)</del> <u>(5)</u> Cooperate with state and federal authorities in any	9734
matter relating to family services and to act as the agent of such	9735
authorities;	9736
<del>(5)</del> <u>(6)</u> Submit an annual account of its work and expenses to	9737
the board of county commissioners and to the state department of	9738
job and family services at the close of each fiscal year;	9739
<del>(6)</del> <u>(7)</u> Exercise any powers and duties relating to family	9740
services <u>duties</u> or workforce development activities imposed upon	9741
the county department of job and family services by law, by	9742
resolution of the board of county commissioners, or by order of	9743
the governor, when authorized by law, to meet emergencies during	9744
war or peace;	9745
<del>(7)</del> <u>(8)</u> Determine the eligibility for medical assistance of	9746
recipients of aid under Title XVI of the "Social Security Act";	9747
<del>(8)</del> <u>(9)</u> If assigned by the state director of job and family	9748
services under section 5101.515 of the Revised Code, determine	9749
applicants' eligibility for health assistance under the children's	9750
health insurance program part II;	9751
<del>(9)</del> <u>(10)</u> Enter into a plan of cooperation with the board of	9752
county commissioners under section 307.983, consult with the board	9753
in the development of the transportation work plan developed under	9754
section 307.985, establish with the board procedures under section	9755
307.986 for providing services to children whose families relocate	9756
frequently, and comply with the contracts the board enters into	9757
under sections 307.981 and 307.982 of the Revised Code that affect	9758
the county department;	9759

~~(10)~~(11) For the purpose of complying with a ~~partnership~~ 9760  
fiscal agreement the board of county commissioners enters into 9761  
under section 307.98 of the Revised Code, exercise the powers and 9762  
perform the duties the ~~partnership~~ fiscal agreement assigns to the 9763  
county department; 9764

~~(11)~~(12) If the county department is designated as the 9765  
workforce development agency, provide the workforce development 9766  
activities specified in the contract required by section 330.05 of 9767  
the Revised Code. 9768

(B) The powers and duties of a county department of job and 9769  
family services are, and shall be exercised and performed, under 9770  
the control and direction of the board of county commissioners. 9771  
The board may assign to the county department any power or duty of 9772  
the board regarding family services duties and workforce 9773  
development activities. If the new power or duty necessitates the 9774  
state department of job and family services changing its federal 9775  
cost allocation plan, the county department may not implement the 9776  
power or duty unless the United States department of health and 9777  
human services approves the changes. 9778

**Sec. 329.05.** The county department of job and family services 9779  
may administer or assist in administering any state or local 9780  
family services ~~activity~~ duty in addition to those mentioned in 9781  
section 329.04 of the Revised Code, supported wholly or in part by 9782  
public funds from any source provided by agreement between the 9783  
board of county commissioners and the officer, department, board, 9784  
or agency in which the administration of such activity is vested. 9785  
Such officer, department, board, or agency may enter into such 9786  
agreement and confer upon the county department of job and family 9787  
services, to the extent and in particulars specified in the 9788  
agreement, the performance of any duties and the exercise of any 9789  
powers imposed upon or vested in such officer, board, department, 9790

or agency, with respect to the administration of such activity. 9791  
Such agreement shall be in the form of a resolution of the board 9792  
of county commissioners, accepted in writing by the other party to 9793  
the agreement, and filed in the office of the county auditor, and 9794  
when so filed, shall have the effect of transferring the exercise 9795  
of the powers and duties to which the agreement relates and shall 9796  
exempt the other party from all further responsibility for the 9797  
exercise of the powers and duties so transferred, during the life 9798  
of the agreement. 9799

Such agreement shall be coordinated and not conflict with a 9800  
~~partnership~~ fiscal agreement entered into under section 307.98, a 9801  
contract entered into under section 307.981 or 307.982, a plan of 9802  
cooperation entered into under section 307.983, a regional plan of 9803  
cooperation entered into under section 307.984, a transportation 9804  
work plan developed under section 307.985, or procedures for 9805  
providing services to children whose families relocate frequently 9806  
established under section 307.986 of the Revised Code. It may be 9807  
revoked at the option of either party, by a resolution or order of 9808  
the revoking party filed in the office of the auditor. Such 9809  
revocation shall become effective at the end of the fiscal year 9810  
occurring at least six months following the filing of the 9811  
resolution or order. In the absence of such an express revocation 9812  
so filed, the agreement shall continue indefinitely. 9813

This section does not permit a county department of job and 9814  
family services to manage or control hospitals, humane societies, 9815  
detention facilities, jails or probation departments of courts, or 9816  
veterans service commissions. 9817

**Sec. 329.051.** The county department of job and family 9818  
services shall make voter registration applications as prescribed 9819  
by the secretary of state under section 3503.10 of the Revised 9820  
Code available to persons who are applying for, receiving 9821

assistance from, or participating in any of the following:	9822
(A) The disability <u>financial</u> assistance program established under Chapter 5115. of the Revised Code;	9823 9824
(B) <u>The disability medical assistance program established under Chapter 5115. of the Revised Code;</u>	9825 9826
(C) The medical assistance program established under Chapter 5111. of the Revised Code;	9827 9828
<del>(C)</del> (D) The Ohio works first program established under Chapter 5107. of the Revised Code;	9829 9830
<del>(D)</del> (E) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.	9831 9832
<b>Sec. 329.06.</b> (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:	9833 9834 9835 9836 9837 9838 9839 9840 9841 9842 9843 9844 9845 9846 9847
(1) Consumers of family services;	9848
(2) The public children services agency;	9849
(3) The child support enforcement agency;	9850

(4) The county family and children first council;	9851
(5) Public and private colleges and universities;	9852
(6) Public entities that provide family services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;	9853 9854 9855 9856 9857
(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	9858 9859 9860 9861
(8) Labor organizations;	9862
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	9863 9864 9865 9866
(B) The county family services planning committee shall do all of the following:	9867 9868
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child day-care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	9869 9870 9871 9872 9873 9874
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	9875 9876 9877 9878 9879
(a) Return of assistance groups to participation in either	9880

program after ceasing to participate; 9881

(b) Teen pregnancy rates among the programs' participants; 9882

(c) The other types of assistance the programs' participants receive, including medical assistance under Chapter 5111. of the Revised Code, publicly funded child day-care under Chapter 5104. of the Revised Code, food stamp benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code; 9883  
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(d) Other issues the committee considers appropriate. 9889

The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings. 9890  
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~~(3) Provide comments and recommendations to the board prior to the board's entering into or substantially amending a partnership agreement with the director of job and family services under section 307.98 of the Revised Code;~~ 9893  
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~~(4)~~ Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code; 9897  
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~~(5)~~(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county; 9900  
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~~(6)~~(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following: 9903  
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(a) Implementation and administration of family service programs; 9907  
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(b) Use of federal, state, and local funds available for family service programs; 9909  
9910

(c) Establishment of goals to be achieved by family service programs;	9911 9912
(d) Evaluation of the outcomes of family service programs;	9913
(e) Any other matter the board considers relevant to the provision of family services.	9914 9915
(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity.	9916 9917 9918 9919 9920 9921
<b>Sec. 340.021.</b> (A) In an alcohol, drug addiction, and mental health service district comprised of a county with a population of two hundred fifty thousand or more on <del>the effective date of this section</del> <u>October 10, 1989</u> , the board of county commissioners shall, within thirty days of <del>the effective date of this section</del> <u>October 10, 1989</u> , establish an alcohol and drug addiction services board as the entity responsible for providing alcohol and drug addiction services in the county, unless, prior to that date, the board adopts a resolution providing that the entity responsible for providing the services is a board of alcohol, drug addiction, and mental health services. If the board of county commissioners establishes an alcohol and drug addiction services board, the community mental health board established under former section 340.02 of the Revised Code shall serve as the entity responsible for providing mental health services in the county. A community mental health board has all the powers, duties, and obligations of a board of alcohol, drug addiction, and mental health services with regard to mental health services. An alcohol and drug addiction services board has all the powers, duties, and obligations of a board of alcohol, drug addiction, and mental	9922 9923 9924 9925 9926 9927 9928 9929 9930 9931 9932 9933 9934 9935 9936 9937 9938 9939 9940 9941

health services with regard to alcohol and drug addiction 9942  
services. Any provision of the Revised Code that refers to a board 9943  
of alcohol, drug addiction, and mental health services with regard 9944  
to mental health services also refers to a community mental health 9945  
board and any provision that refers to a board of alcohol, drug 9946  
addiction, and mental health services with regard to alcohol and 9947  
drug addiction services also refers to an alcohol and drug 9948  
addiction services board. 9949

An alcohol and drug addiction services board shall consist of 9950  
eighteen members, six of whom shall be appointed by the director 9951  
of alcohol and drug addiction services and twelve of whom shall be 9952  
appointed by the board of county commissioners. Of the members 9953  
appointed by the director, one shall be a person who has received 9954  
or is receiving services for alcohol or drug addiction, one shall 9955  
be a parent or relative of such a person, one shall be a 9956  
professional in the field of alcohol or drug addiction services, 9957  
and one shall be an advocate for persons receiving treatment for 9958  
alcohol or drug addiction. The membership of the board shall, as 9959  
nearly as possible, reflect the composition of the population of 9960  
the service district as to race and sex. Members shall be 9961  
residents of the service district and shall be interested in 9962  
alcohol and drug addiction services. Requirements for membership, 9963  
including prohibitions against certain family and business 9964  
relationships, and terms of office shall be the same as those for 9965  
members of boards of alcohol, drug addiction, and mental health 9966  
services. 9967

~~(B)~~ A community mental health board shall consist of eighteen 9968  
members, six of whom shall be appointed by the director of mental 9969  
health and twelve of whom shall be appointed by the board of 9970  
county commissioners. Of the members appointed by the director, 9971  
one shall be a person who has received or is receiving mental 9972  
health services, one shall be a parent or relative of such a 9973

person, one shall be a psychiatrist or a physician, and one shall 9974  
be a mental health professional. The membership of the board as 9975  
nearly as possible shall reflect the composition of the population 9976  
of the service district as to race and sex. Members shall be 9977  
residents of the service district and shall be interested in 9978  
mental health services. Requirements for membership, including 9979  
prohibitions against certain family and business relationships, 9980  
and terms of office shall be the same as those for members of 9981  
boards of alcohol, drug addiction, and mental health services. 9982

(B) If a board of county commissioners subject to division 9983  
(A) of this section did not adopt a resolution providing for a 9984  
board of alcohol, drug addiction, and mental health services, the 9985  
board of county commissioners may adopt a resolution providing for 9986  
such a board, subject to both of the following: 9987

(1) The resolution shall be adopted not later than January 1, 9988  
2004. 9989

(2) Before adopting the resolution, the board of county 9990  
commissioners shall provide notice of the proposed resolution to 9991  
the alcohol and drug services board and the community mental 9992  
health board and shall provide both boards an opportunity to 9993  
comment on the proposed resolution. 9994

**Sec. 340.03.** (A) Subject to rules issued by the director of 9995  
mental health after consultation with relevant constituencies as 9996  
required by division (A)(11) of section 5119.06 of the Revised 9997  
Code, with regard to mental health services, the board of alcohol, 9998  
drug addiction, and mental health services shall: 9999

(1) Serve as the community mental health planning agency for 10000  
the county or counties under its jurisdiction, and in so doing it 10001  
shall: 10002

(a) Evaluate the need for facilities and community mental 10003

health services; 10004

(b) In cooperation with other local and regional planning and 10005  
funding bodies and with relevant ethnic organizations, assess the 10006  
community mental health needs, set priorities, and develop plans 10007  
for the operation of facilities and community mental health 10008  
services; 10009

(c) In accordance with guidelines issued by the director of 10010  
mental health after consultation with board representatives, 10011  
develop and submit to the department of mental health, no later 10012  
than six months prior to the conclusion of the fiscal year in 10013  
which the board's current plan is scheduled to expire, a community 10014  
mental health plan listing community mental health needs, 10015  
including the needs of all residents of the district now residing 10016  
in state mental institutions and severely mentally disabled 10017  
adults, children, and adolescents; all children subject to a 10018  
determination made pursuant to section 121.38 of the Revised Code; 10019  
and all the facilities and community mental health services that 10020  
are or will be in operation or provided during the period for 10021  
which the plan will be in operation in the service district to 10022  
meet such needs. 10023

The plan shall include, but not be limited to, a statement of 10024  
which of the services listed in section 340.09 of the Revised Code 10025  
the board intends to provide or purchase, an explanation of how 10026  
the board intends to make any payments that it may be required to 10027  
pay under section 5119.62 of the Revised Code, a statement of the 10028  
inpatient and community-based services the board proposes that the 10029  
department operate, an assessment of the number and types of 10030  
residential facilities needed, and such other information as the 10031  
department requests, and a budget for moneys the board expects to 10032  
receive. The board shall also submit an allocation request for 10033  
state and federal funds. Within sixty days after the department's 10034  
determination that the plan and allocation request are complete, 10035

the department shall approve or disapprove the plan and request, 10036  
in whole or in part, according to the criteria developed pursuant 10037  
to section 5119.61 of the Revised Code. The department's statement 10038  
of approval or disapproval shall specify the inpatient and the 10039  
community-based services that the department will operate for the 10040  
board. Eligibility for financial support shall be contingent upon 10041  
an approved plan or relevant part of a plan. 10042

If the director disapproves all or part of any plan, the 10043  
director shall inform the board of the reasons for the disapproval 10044  
and of the criteria that must be met before the plan may be 10045  
approved. The director shall provide the board an opportunity to 10046  
present its case on behalf of the plan. The director shall give 10047  
the board a reasonable time in which to meet the criteria, and 10048  
shall offer the board technical assistance to help it meet the 10049  
criteria. 10050

If the approval of a plan remains in dispute thirty days 10051  
prior to the conclusion of the fiscal year in which the board's 10052  
current plan is scheduled to expire, the board or the director may 10053  
request that the dispute be submitted to a mutually agreed upon 10054  
third-party mediator with the cost to be shared by the board and 10055  
the department. The mediator shall issue to the board and the 10056  
department recommendations for resolution of the dispute. Prior to 10057  
the conclusion of the fiscal year in which the current plan is 10058  
scheduled to expire, the director, taking into consideration the 10059  
recommendations of the mediator, shall make a final determination 10060  
and approve or disapprove the plan, in whole or in part. 10061

If a board determines that it is necessary to amend a plan or 10062  
an allocation request that has been approved under division 10063  
(A)(1)(c) of this section, the board shall submit a proposed 10064  
amendment to the director. The director may approve or disapprove 10065  
all or part of the amendment. If the director does not approve all 10066  
or part of the amendment within thirty days after it is submitted, 10067

the amendment or part of it shall be considered to have been 10068  
approved. The director shall inform the board of the reasons for 10069  
disapproval of all or part of an amendment and of the criteria 10070  
that must be met before the amendment may be approved. The 10071  
director shall provide the board an opportunity to present its 10072  
case on behalf of the amendment. The director shall give the board 10073  
a reasonable time in which to meet the criteria, and shall offer 10074  
the board technical assistance to help it meet the criteria. 10075

The board shall implement the plan approved by the 10076  
department. 10077

(d) Receive, compile, and transmit to the department of 10078  
mental health applications for state reimbursement; 10079

(e) Promote, arrange, and implement working agreements with 10080  
social agencies, both public and private, and with judicial 10081  
agencies. 10082

(2) Investigate, or request another agency to investigate, 10083  
any complaint alleging abuse or neglect of any person receiving 10084  
services from a community mental health agency as defined in 10085  
section 5122.01 of the Revised Code, or from a residential 10086  
facility licensed under section 5119.22 of the Revised Code. If 10087  
the investigation substantiates the charge of abuse or neglect, 10088  
the board shall take whatever action it determines is necessary to 10089  
correct the situation, including notification of the appropriate 10090  
authorities. Upon request, the board shall provide information 10091  
about such investigations to the department. 10092

(3) For the purpose of section 5119.611 of the Revised Code, 10093  
cooperate with the director of mental health in visiting and 10094  
evaluating whether the services of a community mental health 10095  
agency satisfy the certification standards established by rules 10096  
adopted under that section; 10097

(4) In accordance with criteria established under division 10098

(G) of section 5119.61 of the Revised Code, review and evaluate 10099  
the quality, effectiveness, and efficiency of services provided 10100  
through its community mental health plan and submit its findings 10101  
and recommendations to the department of mental health; 10102

(5) In accordance with section 5119.22 of the Revised Code, 10103  
review applications for residential facility licenses and 10104  
recommend to the department of mental health approval or 10105  
disapproval of applications; 10106

(6) Audit, in accordance with rules adopted by the auditor of 10107  
state pursuant to section 117.20 of the Revised Code, at least 10108  
annually all programs and services provided under contract with 10109  
the board. In so doing, the board may contract for or employ the 10110  
services of private auditors. A copy of the fiscal audit report 10111  
shall be provided to the director of mental health, the auditor of 10112  
state, and the county auditor of each county in the board's 10113  
district. 10114

(7) Recruit and promote local financial support for mental 10115  
health programs from private and public sources; 10116

(8)(a) Enter into contracts with public and private 10117  
facilities for the operation of facility services included in the 10118  
board's community mental health plan and enter into contracts with 10119  
public and private community mental health agencies for the 10120  
provision of community mental health services listed in section 10121  
340.09 of the Revised Code and included in the board's community 10122  
mental health plan. Contracts with community mental health 10123  
agencies are subject to section 5119.611 of the Revised Code. 10124  
Section 307.86 of the Revised Code does not apply to contracts 10125  
entered into under this division. In contracting with a community 10126  
mental health agency, a board shall consider the cost 10127  
effectiveness of services provided by that agency and the quality 10128  
and continuity of care, and may review cost elements, including 10129  
salary costs, of the services to be provided. A utilization review 10130

process shall be established as part of the contract for services 10131  
entered into between a board and a community mental health agency. 10132  
The board may establish this process in a way that is most 10133  
effective and efficient in meeting local needs. In the case of a 10134  
contract with a community mental health facility ~~described, as~~ 10135  
defined in ~~division (B) of~~ section 5111.022 of the Revised Code, 10136  
to provide services ~~established by~~ listed in division ~~(A)(B)~~ of 10137  
that section, the contract shall provide for the facility to be 10138  
paid in accordance with the contract entered into between the 10139  
departments of job and family services and mental health under 10140  
~~division (E) of that~~ section 5111.91 of the Revised Code and any 10141  
rules adopted under division (A) of section 5119.61 of the Revised 10142  
Code. 10143

If either the board or a facility or community mental health 10144  
agency with which the board contracts under division (A)(8)(a) of 10145  
this section proposes not to renew the contract or proposes 10146  
substantial changes in contract terms, the other party shall be 10147  
given written notice at least one hundred twenty days before the 10148  
expiration date of the contract. During the first sixty days of 10149  
this one hundred twenty-day period, both parties shall attempt to 10150  
resolve any dispute through good faith collaboration and 10151  
negotiation in order to continue to provide services to persons in 10152  
need. If the dispute has not been resolved sixty days before the 10153  
expiration date of the contract, either party may notify the 10154  
department of mental health of the unresolved dispute. The 10155  
director may require both parties to submit the dispute to a third 10156  
party with the cost to be shared by the board and the facility or 10157  
community mental health agency. The third party shall issue to the 10158  
board, the facility or agency, and the department recommendations 10159  
on how the dispute may be resolved twenty days prior to the 10160  
expiration date of the contract, unless both parties agree to a 10161  
time extension. The director shall adopt rules establishing the 10162  
procedures of this dispute resolution process. 10163

(b) With the prior approval of the director of mental health, 10164  
a board may operate a facility or provide a community mental 10165  
health service as follows, if there is no other qualified private 10166  
or public facility or community mental health agency that is 10167  
immediately available and willing to operate such a facility or 10168  
provide the service: 10169

(i) In an emergency situation, any board may operate a 10170  
facility or provide a community mental health service in order to 10171  
provide essential services for the duration of the emergency; 10172

(ii) In a service district with a population of at least one 10173  
hundred thousand but less than five hundred thousand, a board may 10174  
operate a facility or provide a community mental health service 10175  
for no longer than one year; 10176

(iii) In a service district with a population of less than 10177  
one hundred thousand, a board may operate a facility or provide a 10178  
community mental health service for no longer than one year, 10179  
except that such a board may operate a facility or provide a 10180  
community mental health service for more than one year with the 10181  
prior approval of the director and the prior approval of the board 10182  
of county commissioners, or of a majority of the boards of county 10183  
commissioners if the district is a joint-county district. 10184

The director shall not give a board approval to operate a 10185  
facility or provide a community mental health service under 10186  
division (A)(8)(b)(ii) or (iii) of this section unless the 10187  
director determines that it is not feasible to have the department 10188  
operate the facility or provide the service. 10189

The director shall not give a board approval to operate a 10190  
facility or provide a community mental health service under 10191  
division (A)(8)(b)(iii) of this section unless the director 10192  
determines that the board will provide greater administrative 10193  
efficiency and more or better services than would be available if 10194

the board contracted with a private or public facility or 10195  
community mental health agency. 10196

The director shall not give a board approval to operate a 10197  
facility previously operated by a person or other government 10198  
entity unless the board has established to the director's 10199  
satisfaction that the person or other government entity cannot 10200  
effectively operate the facility or that the person or other 10201  
government entity has requested the board to take over operation 10202  
of the facility. The director shall not give a board approval to 10203  
provide a community mental health service previously provided by a 10204  
community mental health agency unless the board has established to 10205  
the director's satisfaction that the agency cannot effectively 10206  
provide the service or that the agency has requested the board 10207  
take over providing the service. 10208

The director shall review and evaluate a board's operation of 10209  
a facility and provision of community mental health service under 10210  
division (A)(8)(b) of this section. 10211

Nothing in division (A)(8)(b) of this section authorizes a 10212  
board to administer or direct the daily operation of any facility 10213  
or community mental health agency, but a facility or agency may 10214  
contract with a board to receive administrative services or staff 10215  
direction from the board under the direction of the governing body 10216  
of the facility or agency. 10217

(9) Approve fee schedules and related charges or adopt a unit 10218  
cost schedule or other methods of payment for contract services 10219  
provided by community mental health agencies in accordance with 10220  
guidelines issued by the department as necessary to comply with 10221  
state and federal laws pertaining to financial assistance; 10222

(10) Submit to the director and the county commissioners of 10223  
the county or counties served by the board, and make available to 10224  
the public, an annual report of the programs under the 10225

jurisdiction of the board, including a fiscal accounting;	10226
(11) Establish, to the extent resources are available, a	10227
community support system, which provides for treatment, support,	10228
and rehabilitation services and opportunities. The essential	10229
elements of the system include, but are not limited to, the	10230
following components in accordance with section 5119.06 of the	10231
Revised Code:	10232
(a) To locate persons in need of mental health services to	10233
inform them of available services and benefits mechanisms;	10234
(b) Assistance for clients to obtain services necessary to	10235
meet basic human needs for food, clothing, shelter, medical care,	10236
personal safety, and income;	10237
(c) Mental health care, including, but not limited to,	10238
outpatient, partial hospitalization, and, where appropriate,	10239
inpatient care;	10240
(d) Emergency services and crisis intervention;	10241
(e) Assistance for clients to obtain vocational services and	10242
opportunities for jobs;	10243
(f) The provision of services designed to develop social,	10244
community, and personal living skills;	10245
(g) Access to a wide range of housing and the provision of	10246
residential treatment and support;	10247
(h) Support, assistance, consultation, and education for	10248
families, friends, consumers of mental health services, and	10249
others;	10250
(i) Recognition and encouragement of families, friends,	10251
neighborhood networks, especially networks that include racial and	10252
ethnic minorities, churches, community organizations, and	10253
meaningful employment as natural supports for consumers of mental	10254
health services;	10255

(j) Grievance procedures and protection of the rights of consumers of mental health services;	10256 10257
(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.	10258 10259 10260
(12) Designate the treatment program, agency, or facility for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code and authorize payment for such treatment. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the services listed in section 340.09 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in appropriate circumstances. The board may provide for services directly to a severely mentally disabled person when life or safety is endangered and when no community mental health agency is available to provide the service.	10261 10262 10263 10264 10265 10266 10267 10268 10269 10270 10271 10272 10273 10274
(13) Establish a method for evaluating referrals for involuntary commitment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to involuntary hospitalization and what alternative treatment is available and appropriate, if any;	10275 10276 10277 10278 10279 10280 10281
(14) Ensure that apartments or rooms built, subsidized, renovated, rented, owned, or leased by the board or a community mental health agency have been approved as meeting minimum fire safety standards and that persons residing in the rooms or apartments are receiving appropriate and necessary services, including culturally relevant services, from a community mental	10282 10283 10284 10285 10286 10287

health agency. This division does not apply to residential 10288  
facilities licensed pursuant to section 5119.22 of the Revised 10289  
Code. 10290

(15) Establish a mechanism for involvement of consumer 10291  
recommendation and advice on matters pertaining to mental health 10292  
services in the alcohol, drug addiction, and mental health service 10293  
district; 10294

(16) Perform the duties under section 3722.18 of the Revised 10295  
Code required by rules adopted under section 5119.61 of the 10296  
Revised Code regarding referrals by the board or mental health 10297  
agencies under contract with the board of individuals with mental 10298  
illness or severe mental disability to adult care facilities and 10299  
effective arrangements for ongoing mental health services for the 10300  
individuals. The board is accountable in the manner specified in 10301  
the rules for ensuring that the ongoing mental health services are 10302  
effectively arranged for the individuals. 10303

(B) The board shall establish such rules, operating 10304  
procedures, standards, and bylaws, and perform such other duties 10305  
as may be necessary or proper to carry out the purposes of this 10306  
chapter. 10307

(C) A board of alcohol, drug addiction, and mental health 10308  
services may receive by gift, grant, devise, or bequest any 10309  
moneys, lands, or property for the benefit of the purposes for 10310  
which the board is established, and may hold and apply it 10311  
according to the terms of the gift, grant, or bequest. All money 10312  
received, including accrued interest, by gift, grant, or bequest 10313  
shall be deposited in the treasury of the county, the treasurer of 10314  
which is custodian of the alcohol, drug addiction, and mental 10315  
health services funds to the credit of the board and shall be 10316  
available for use by the board for purposes stated by the donor or 10317  
grantor. 10318

(D) No board member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the board member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section, section 340.033, or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a board member or employee of a board taken within the scope of the board member's official duties or employee's employment. For the purposes of this division, the conduct of a board member or employee shall not be considered willful or wanton misconduct if the board member or employee acted in good faith and in a manner that the board member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code.

**Sec. 341.05.** (A) The sheriff shall assign sufficient staff to ensure the safe and secure operation of the county jail, but staff shall be assigned only to the extent such staff can be provided with funds appropriated to the sheriff at the discretion of the board of county commissioners. The staff may include any of the following:

(1) An administrator for the jail;

(2) Jail officers, including civilian jail officers who are not sheriff's deputies, to conduct security duties;

(3) Other necessary employees to assist in the operation of 10350  
the county jail. 10351

(B) The sheriff shall employ a sufficient number of female 10352  
staff to be available to perform all reception and release 10353  
procedures for female prisoners. These female employees shall be 10354  
on duty for the duration of the confinement of the female 10355  
prisoners. 10356

(C) The jail administrator and civilian jail officers 10357  
appointed by the sheriff shall have all the powers of police 10358  
officers on the jail grounds as are necessary for the proper 10359  
performance of the duties relating to their positions at the jail 10360  
and as are consistent with their level of training. 10361

(D) The sheriff may authorize civilian jail officers to wear 10362  
a standard uniform consistent with their prescribed authority, in 10363  
accordance with section 311.281 of the Revised Code. Civilian jail 10364  
officer uniforms shall be differentiated clearly from the uniforms 10365  
worn by sheriff's deputies. 10366

(E) ~~The~~ Except as provided in division (B) of section 341.25 10367  
of the Revised Code, the compensation of jail staff shall be 10368  
payable from the general fund of the county, upon the warrant of 10369  
the auditor, in accordance with standard county payroll 10370  
procedures. 10371

**Sec. 341.25.** (A) The sheriff may establish a commissary for 10372  
the jail. The commissary may be established either in-house or by 10373  
another arrangement. If a commissary is established, all persons 10374  
incarcerated in the jail shall receive commissary privileges. A 10375  
person's purchases from the commissary shall be deducted from the 10376  
person's account record in the jail's business office. The 10377  
commissary shall provide for the distribution to indigent persons 10378  
incarcerated in the jail necessary hygiene articles and writing 10379  
materials. 10380

(B) If a commissary is established, the sheriff shall 10381  
establish a commissary fund for the jail. The management of funds 10382  
in the commissary fund shall be strictly controlled in accordance 10383  
with procedures adopted by the auditor of state. Commissary fund 10384  
revenue over and above operating costs and reserve shall be 10385  
considered profits. All profits from the commissary fund shall be 10386  
used to purchase supplies and equipment, and to provide life 10387  
skills training and education or treatment services, or both, for 10388  
the benefit of persons incarcerated in the jail, and to pay salary 10389  
and benefits for employees of the sheriff who work in or are 10390  
employed for the purpose of providing service to the commissary. 10391  
The sheriff shall adopt rules for the operation of any commissary 10392  
fund the sheriff establishes. 10393

**Sec. 504.03.** (A)(1) If a limited home rule government is 10394  
adopted pursuant to section 504.02 of the Revised Code, it shall 10395  
remain in effect for at least three years except as otherwise 10396  
provided in division (B) of this section. At the end of that 10397  
period, if the board of township trustees determines that that 10398  
government is not in the best interests of the township, it may 10399  
adopt a resolution causing the board of elections to submit to the 10400  
electors of the unincorporated area of the township the question 10401  
of whether the township should continue the limited home rule 10402  
government. The question shall be voted upon at the next general 10403  
election occurring at least seventy-five days after the 10404  
certification of the resolution to the board of elections. After 10405  
certification of the resolution, the board of elections shall 10406  
submit the question to the electors of the unincorporated area of 10407  
the township, and the ballot language shall be substantially as 10408  
follows: 10409

"Shall the township of ..... (name) continue the 10410  
limited home rule government under which it is operating? 10411

..... For continuation of the limited home rule government	10412
..... Against continuation of the limited home rule government"	10413
(2) At least forty-five days before the election on the	10414
question of continuing the limited home rule government, the board	10415
of township trustees shall have notice of the election published	10416
in a newspaper of general circulation in the township for three	10417
consecutive weeks and have the notice posted in five conspicuous	10418
places in the unincorporated area of the township.	10419
(B) The electors of a township that has adopted a limited	10420
home rule government may propose at any time by initiative	10421
petition, in accordance with section 504.14 of the Revised Code, a	10422
resolution submitting to the electors in the unincorporated area	10423
of the township, in an election, the question set forth in	10424
division (A)(1) of this section.	10425
(C) If a majority of the votes cast under division (A) or (B)	10426
of this section on the proposition of continuing the limited home	10427
rule government is in the negative, that government is terminated	10428
effective on the first day of January immediately following the	10429
election, and a limited home rule government shall not be adopted	10430
in the unincorporated area of the township pursuant to section	10431
504.02 of the Revised Code for at least three years after that	10432
date.	10433
(D) If a limited home rule government is terminated under	10434
this section, the board of township trustees immediately shall	10435
adopt a resolution repealing all resolutions adopted pursuant to	10436
this chapter that are not authorized by any other section of the	10437
Revised Code outside this chapter, effective on the first day of	10438
January immediately following the election described in division	10439
(A) or (B) of this section. However, no resolution adopted under	10440
this division shall affect or impair the obligations of the	10441
township under any security issued or contracts entered into by	10442
the township in connection with the financing of any water supply	10443

facility or sewer improvement under sections 504.18 to 504.20 of 10444  
the Revised Code or the authority of the township to collect or 10445  
enforce any assessments or other revenues constituting security 10446  
for or source of payments of debt service charges of those 10447  
securities. 10448

(E) Upon the termination of a limited home rule government 10449  
under this section, if the township had converted its board of 10450  
township trustees to a five-member board ~~under section 504.21 of~~ 10451  
~~the Revised Code before the effective date of this amendment,~~ the 10452  
current board member who received the lowest number of votes of 10453  
the current board members who were elected at the most recent 10454  
election for township trustees, and the current board member who 10455  
received the lowest number of votes of the current board members 10456  
who were elected at the second most recent election for township 10457  
trustees, shall cease to be township trustees on the date that the 10458  
limited home rule government terminates. Their offices likewise 10459  
shall cease to exist at that time, and the board shall continue as 10460  
a three-member board as provided in section 505.01 of the Revised 10461  
Code. 10462

**Sec. 504.04.** (A) A township that adopts a limited home rule 10463  
government may do all of the following by resolution, provided 10464  
that any of these resolutions, other than a resolution to supply 10465  
water or sewer services in accordance with sections 504.18 to 10466  
504.20 of the Revised Code, may be enforced only by the imposition 10467  
of civil fines as authorized in this chapter: 10468

(1) Exercise all powers of local self-government within the 10469  
unincorporated area of the township, other than powers that are in 10470  
conflict with general laws, except that the township shall comply 10471  
with the requirements and prohibitions of this chapter, and shall 10472  
enact no taxes other than those authorized by general law, and 10473  
except that no resolution adopted pursuant to this chapter shall 10474

encroach upon the powers, duties, and privileges of elected township officers or change, alter, combine, eliminate, or otherwise modify the form or structure of the township government unless the change is required or permitted by this chapter;	10475 10476 10477 10478
(2) Adopt and enforce within the unincorporated area of the township local police, sanitary, and other similar regulations that are not in conflict with general laws or otherwise prohibited by division (B) of this section;	10479 10480 10481 10482
(3) Supply water and sewer services to users within the unincorporated area of the township in accordance with sections 504.18 to 504.20 of the Revised Code.	10483 10484 10485
(B) No resolution adopted pursuant to this chapter shall do any of the following:	10486 10487
(1) Create a criminal offense or impose criminal penalties, except as authorized by division (A) of this section;	10488 10489
(2) Impose civil fines other than as authorized by this chapter;	10490 10491
(3) Establish or revise subdivision regulations, road construction standards, urban sediment rules, or storm water and drainage regulations;	10492 10493 10494
(4) Establish or revise building standards, building codes, and other standard codes except as provided in section 504.13 of the Revised Code;	10495 10496 10497
(5) Increase, decrease, or otherwise alter the powers or duties of a township under any other chapter of the Revised Code pertaining to agriculture or the conservation or development of natural resources;	10498 10499 10500 10501
(6) Establish regulations affecting hunting, trapping, fishing, or the possession, use, or sale of firearms;	10502 10503
(7) Establish or revise water or sewer regulations, except in	10504

accordance with sections 504.18 and 504.19 of the Revised Code. 10505

Nothing in this chapter shall be construed as affecting the 10506  
powers of counties with regard to the subjects listed in divisions 10507  
(B)(3) to (5) of this section. 10508

(C) Under a limited home rule government, all officers shall 10509  
have the qualifications, and be nominated, elected, or appointed, 10510  
as provided in Chapter 505. of the Revised Code, except that the 10511  
board of township trustees shall appoint a full-time or part-time 10512  
law director pursuant to section 504.15 of the Revised Code, and 10513  
except that ~~section 504.21 of the Revised Code also shall apply if~~ 10514  
a five-member board of township trustees ~~is~~ approved for the 10515  
township before the effective date of this amendment shall 10516  
continue to serve as the legislative authority with successive 10517  
members serving for four-year terms of office until a termination 10518  
of a limited home rule government under section 504.03 of the 10519  
Revised Code. 10520

(D) In case of conflict between resolutions enacted by a 10521  
board of township trustees and municipal ordinances or 10522  
resolutions, the ordinance or resolution enacted by the municipal 10523  
corporation prevails. In case of conflict between resolutions 10524  
enacted by a board of township trustees and any county resolution, 10525  
the resolution enacted by the board of township trustees prevails. 10526

**Sec. 505.376.** When any expenditure of a fire and ambulance 10527  
district, other than for the compensation of district employees, 10528  
exceeds ~~ten~~ twenty-five thousand dollars, the contract for the 10529  
expenditure shall be in writing and made with the lowest and best 10530  
bidder after advertising for not less than two nor more than four 10531  
consecutive weeks in a newspaper of general circulation within the 10532  
district. The bids shall be opened and shall be publicly read by 10533  
the clerk of the district, or the clerk's designee, at the time, 10534  
date, and place specified in the advertisement to bidders or the 10535

specifications. The time, date, and place of bid openings may be 10536  
extended to a later date by the board of trustees of the district, 10537  
provided that written or oral notice of the change shall be given 10538  
to all persons who have received or requested specifications no 10539  
later than ninety-six hours prior to the original time and date 10540  
fixed for the opening. 10541

Each bid on any contract shall contain the full name of every 10542  
person interested in the bid. If the bid is for a contract for the 10543  
construction, demolition, alteration, repair, or reconstruction of 10544  
an improvement, it shall meet the requirements of section 153.54 10545  
of the Revised Code. If the bid is for any other contract, it 10546  
shall be accompanied by a sufficient bond or certified check, 10547  
cashier's check, or money order on a solvent bank or savings and 10548  
loan association that, if the bid is accepted, a contract will be 10549  
entered into and the performance of it will be properly secured. 10550  
If the bid for work embraces both labor and material, it shall be 10551  
separately stated, with the price ~~thereof~~ of the labor and the 10552  
material. The board may reject any and all bids. The contract 10553  
shall be between the district and the bidder, and the district 10554  
shall pay the contract price in cash. When a bonus is offered for 10555  
completion of a contract prior to a specified date, the board may 10556  
exact a prorated penalty in like sum for each day of delay beyond 10557  
the specified date. When there is reason to believe there is 10558  
collusion or combination among bidders, the bids of those 10559  
concerned ~~therein~~ shall be rejected. 10560

**Sec. 507.09.** (A) Except as otherwise provided in division (D) 10561  
of this section, the township clerk shall be entitled to 10562  
compensation as follows: 10563

(1) In townships having a budget of fifty thousand dollars or 10564  
less, three thousand five hundred dollars; 10565

(2) In townships having a budget of more than fifty thousand 10566

but not more than one hundred thousand dollars, five thousand five hundred dollars; 10567  
10568

(3) In townships having a budget of more than one hundred thousand but not more than two hundred fifty thousand dollars, seven thousand seven hundred dollars; 10569  
10570  
10571

(4) In townships having a budget of more than two hundred fifty thousand but not more than five hundred thousand dollars, nine thousand nine hundred dollars; 10572  
10573  
10574

(5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, eleven thousand dollars; 10575  
10576  
10577

(6) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, thirteen thousand two hundred dollars; 10578  
10579  
10580

(7) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, fifteen thousand four hundred dollars; 10581  
10582  
10583

(8) In townships having a budget of more than three million five hundred thousand dollars but not more than six million dollars, sixteen thousand five hundred dollars; 10584  
10585  
10586

(9) In townships having a budget of more than six million dollars, seventeen thousand six hundred dollars. 10587  
10588

(B) Any township clerk may elect to receive less than the compensation the clerk is entitled to under division (A) of this section. Any clerk electing to do this shall so notify the board of township trustees in writing, and the board shall include this notice in the minutes of its next board meeting. 10589  
10590  
10591  
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10593

(C) The compensation of the township clerk shall be paid in equal monthly payments. If the office of clerk is held by more than one person during any calendar year, each person holding the 10594  
10595  
10596

office shall receive payments for only those months, and any 10597  
fractions of those months, during which the person holds the 10598  
office. 10599

(D) Beginning in calendar year 1999, the township clerk shall 10600  
be entitled to compensation as follows: 10601

(1) In calendar year 1999, the compensation specified in 10602  
division (A) of this section increased by three per cent; 10603

(2) In calendar year 2000, the compensation determined under 10604  
division (D)(1) of this section increased by three per cent; 10605

(3) In calendar year 2001, the compensation determined under 10606  
division (D)(2) of this section increased by three per cent; 10607

(4) In calendar year 2002, except in townships having a 10608  
budget of more than six million dollars, the compensation 10609  
determined under division (D)(3) of this section increased by 10610  
three per cent; in townships having a budget of more than six 10611  
million but not more than ten million dollars, nineteen thousand 10612  
eight hundred ten dollars; and in townships having a budget of 10613  
more than ten million dollars, twenty thousand nine hundred 10614  
dollars; 10615

(5) In calendar year 2003, the compensation determined under 10616  
division (D)(4) of this section increased by three per cent or the 10617  
percentage increase in the consumer price index as described in 10618  
division (D)(7)(b) of this section, whichever percentage is lower; 10619

(6) In calendar year 2004, except in townships having a 10620  
budget of more than six million dollars, the compensation 10621  
determined under division (D)(5) of this section for the calendar 10622  
year 2003 increased by three per cent or the percentage increase 10623  
in the consumer price index as described in division (D)(7)(b) of 10624  
this section, whichever percentage is lower; in townships having a 10625  
budget of more than six million but not more than ten million 10626  
dollars, twenty-two thousand eighty-seven dollars; and in 10627

townships having a budget of more than ten million dollars, 10628  
twenty-five thousand five hundred fifty-three dollars; 10629

(7) In calendar years ~~2003~~ 2005 through 2008, the 10630  
compensation determined under division (D) of this section for the 10631  
immediately preceding calendar year increased by the lesser of the 10632  
following: 10633

(a) Three per cent; 10634

(b) The percentage increase, if any, in the consumer price 10635  
index over the twelve-month period that ends on the thirtieth day 10636  
of September of the immediately preceding calendar year, rounded 10637  
to the nearest one-tenth of one per cent; 10638

~~(6)~~(8) In calendar year 2009 and thereafter, the amount 10639  
determined under division (D) of this section for calendar year 10640  
2008. 10641

As used in this division, "consumer price index" has the same 10642  
meaning as in section 325.18 of the Revised Code. 10643

**Sec. 511.12.** The board of township trustees may prepare plans 10644  
and specifications and make contracts for the construction and 10645  
erection of a memorial building, monument, statue, or memorial, 10646  
for the purposes specified and within the amount authorized by 10647  
section 511.08 of the Revised Code. If the total estimated cost of 10648  
the construction and erection exceeds ~~fifteen~~ twenty-five thousand 10649  
dollars, the contract shall be let by competitive bidding. If the 10650  
estimated cost is ~~fifteen~~ twenty-five thousand dollars or less, 10651  
competitive bidding may be required at the board's discretion. In 10652  
making contracts under this section, the board shall be governed 10653  
as follows: 10654

(A) Contracts for construction when competitive bidding is 10655  
required shall be based upon detailed plans, specifications, forms 10656  
of bids, and estimates of cost, adopted by the board. 10657

(B) Contracts shall be made in writing upon concurrence of a majority of the members of the board, and shall be signed by at least two of ~~such~~ the members and by the contractor. If competitive bidding is required, no contract shall be made or signed until an advertisement has been placed in two newspapers, published or of general circulation in the township, for a period of thirty days.

(C) No contract shall be let by competitive bidding except to the lowest and best bidder, who shall meet the requirements of section 153.54 of the Revised Code.

(D) When, in the opinion of the board, it becomes necessary in the prosecution of such work to make alterations or modifications in any contract, ~~such~~ the alterations or modifications shall be made only by order of the board, and ~~such~~ that order shall be of no effect until the price to be paid for the work or materials under ~~such~~ the altered or modified contract has been agreed upon in writing and signed by the contractor and at least two members of the board.

(E) No contract or alteration or modification ~~thereof~~ of it shall be valid unless made in the manner provided in this section.

**Sec. 511.181.** If the board of park commissioners of a township park district created before 1955 is appointed by the board of township trustees, the board of township trustees may adopt a resolution to convert the parks owned and operated by the park district into parks owned and operated by the township if the township has a population of less than thirty-five thousand and a geographical area of less than fifteen square miles. Upon the adoption of that resolution, the township park district shall cease to exist, all real and personal property owned by the park district shall be transferred to the township, and the township shall assume liability with respect to all contracts and debts of

the park district. All employees of the township park district 10689  
whose parks are so converted into township parks shall become 10690  
township employees, and the board of township trustees may retain 10691  
the former park commissioners, on the terms that the trustees 10692  
consider appropriate, to operate the property formerly owned by 10693  
the township park district. 10694

The township shall continue to collect any taxes levied 10695  
within the former township park district, and the taxes shall be 10696  
deposited into the township treasury as funds to be used for the 10697  
park purposes for which they were levied. 10698

Within fifteen days after the adoption of a township park 10699  
district conversion resolution under this section, the clerk of 10700  
the board of township trustees shall certify a copy of that 10701  
resolution to the county auditor. 10702

**Sec. 515.01.** The board of township trustees may provide 10703  
artificial lights for any road, highway, public place, or building 10704  
under its supervision or control, or for any territory within the 10705  
township and outside the boundaries of any municipal corporation, 10706  
when the board determines that the public safety or welfare 10707  
requires that ~~such~~ the road, highway, public place, building, or 10708  
territory shall be lighted. ~~Such~~ The lighting may be procured 10709  
either by the township installing a lighting system or by 10710  
contracting with any person or corporation to furnish lights. 10711

If lights are furnished under contract, ~~such~~ the contract may 10712  
provide that the equipment employed may be owned by the township 10713  
or by the person or corporation supplying it. 10714

If the board determines to procure ~~such~~ lighting by contract 10715  
and the total estimated cost of the contract exceeds ~~fifteen~~ 10716  
twenty-five thousand dollars, the board shall prepare plans and 10717  
specifications for the lighting equipment and shall, for two 10718

weeks, advertise for bids for furnishing ~~such~~ the lighting 10719  
equipment, either by posting ~~such~~ the advertisement in three 10720  
conspicuous places in the township or by publication ~~thereof~~ of 10721  
the advertisement once a week, for two consecutive weeks, in a 10722  
newspaper of general circulation in the township. Any such 10723  
contract for lighting shall be made with the lowest and best 10724  
bidder. 10725

No lighting contract awarded by the board shall be made to 10726  
cover a period of more than ten years. The cost of installing and 10727  
operating any lighting system or any light furnished under 10728  
contract shall be paid from the general fund of the township 10729  
treasury. 10730

**Sec. 515.07.** If the total estimated cost of any lighting 10731  
improvement provided for in section 515.06 of the Revised Code is 10732  
~~fifteen~~ twenty-five thousand dollars or less, the contract may be 10733  
let without competitive bidding. When competitive bidding is 10734  
required, the board of township trustees shall post, in three of 10735  
the most conspicuous public places in the district, a notice 10736  
specifying the number, candle power, and location of lights, and 10737  
the kind of supports ~~therefore~~ for the lights as provided by 10738  
section 515.06 of the Revised Code, as well as the time, which 10739  
shall not be less than thirty days from the posting of the 10740  
notices, and the place the board will receive bids to furnish ~~such~~ 10741  
the lights. The board shall accept the lowest and best bid, if the 10742  
successful bidder meets the requirements of section 153.54 of the 10743  
Revised Code. The board may reject all bids. 10744

**Sec. 521.05.** (A) If the total estimated cost of any 10745  
improvement provided for in section 521.04 of the Revised Code is 10746  
~~ten~~ twenty-five thousand dollars or less, the contract may be let 10747  
without competitive bidding. When competitive bidding is required, 10748  
the board of township trustees shall post, in three of the most 10749

conspicuous public places in the township, a notice specifying the 10750  
improvement to be made and the time, which shall be at least 10751  
thirty days after the posting of the notices, and the place the 10752  
board will receive bids to make the improvement. The board shall 10753  
accept the lowest and best bid, if the successful bidder meets the 10754  
requirements of section 153.54 of the Revised Code. The board may 10755  
reject all bids. 10756

(B) On accepting a bid, the board shall enter into a contract 10757  
with the successful bidder for making the improvement according to 10758  
specifications. The contract shall not be for a term longer than 10759  
ten years. 10760

**Sec. 715.013.** (A) Except as otherwise expressly authorized by 10761  
the Revised Code, no municipal corporation shall levy a tax that 10762  
is the same as or similar to a tax levied under Chapter 322., 10763  
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 10764  
5707., 5725., 5727., 5728., 5729., 5731., 5735., 5737., 5739., 10765  
5741., 5743., or 5749. of the Revised Code. 10766

(B) This section does not prohibit a municipal corporation 10767  
from levying a tax on ~~amounts~~ any of the following: 10768

(1) Amounts received for admission to any place ~~or, on and~~ 10769  
~~after January 1, 2002, on the;~~ 10770

(2) The income of an electric company or combined company, as 10771  
defined in section 5727.01 of the Revised Code; 10772

(3) On and after January 1, 2004, the income of a telephone 10773  
company, as defined in section 5727.01 of the Revised Code. 10774

**Sec. 718.01.** (A) As used in this chapter: 10775

(1) "Adjusted federal taxable income" means a C corporation's 10776  
federal taxable income before net operating losses and special 10777  
deductions as determined under the Internal Revenue Code, adjusted 10778

as follows: 10779

(a) Deduct intangible income to the extent included in 10780  
federal taxable income. The deduction shall be allowed regardless 10781  
of whether the intangible income relates to assets used in a trade 10782  
or business or assets held for the production of income. 10783

(b) Add an amount equal to five per cent of intangible income 10784  
deducted under division (A)(1)(a) of this section, but excluding 10785  
that portion of intangible income directly related to the sale, 10786  
exchange, or other disposition of property described in section 10787  
1221 of the Internal Revenue Code; 10788

(c) Add any losses allowed as a deduction in the computation 10789  
of federal taxable income if the losses directly relate to the 10790  
sale, exchange, or other disposition of an asset described in 10791  
section 1221 or 1231 of the Internal Revenue Code; 10792

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 10793  
section, deduct income and gain included in federal taxable income 10794  
to the extent the income and gain directly relate to the sale, 10795  
exchange, or other disposition of an asset described in section 10796  
1221 or 1231 of the Internal Revenue Code; 10797

(ii) Division (A)(1)(d)(i) of this section does not apply to 10798  
the extent the income or gain is income or gain described in 10799  
section 1245 or 1250 of the Internal Revenue Code. 10800

(e) Add taxes on or measured by net income allowed as a 10801  
deduction in the computation of federal taxable income; 10802

(f) In the case of a real estate investment trust and 10803  
regulated investment company, add all amounts with respect to 10804  
dividends to, distributions to, or amounts set aside for or 10805  
credited to the benefit of investors and allowed as a deduction in 10806  
the computation of federal taxable income; 10807

(g) If the taxpayer is not a C corporation and is not an 10808

individual, the taxpayer shall compute adjusted federal taxable 10809  
income as if the taxpayer were a C corporation, except: 10810

(i) Guaranteed payments and other similar amounts paid or 10811  
accrued to a partner, former partner, member, or former member 10812  
shall not be allowed as a deductible expense; and 10813

(ii) Amounts paid or accrued to a qualified self-employed 10814  
retirement plan with respect to an owner or owner-employee of the 10815  
taxpayer, amounts paid or accrued to or for health insurance for 10816  
an owner or owner-employee, and amounts paid or accrued to or for 10817  
life insurance for an owner or owner-employee shall not be allowed 10818  
as a deduction. 10819

Nothing in division (A)(1) of this section shall be construed 10820  
as allowing the taxpayer to add or deduct any amount more than 10821  
once or shall be construed as allowing any taxpayer to deduct any 10822  
amount paid to or accrued for purposes of federal self-employment 10823  
tax. 10824

Nothing in this chapter shall be construed as limiting or 10825  
removing the ability of any municipal corporation to administer, 10826  
audit, and enforce the provisions of its municipal income tax. 10827

(2) "Internal Revenue Code" means the Internal Revenue Code 10828  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 10829

~~(2)~~(3) "Schedule C" means internal revenue service schedule C 10830  
filed by a taxpayer pursuant to the Internal Revenue Code. 10831

~~(3)~~(4) "Form 2106" means internal revenue service form 2106 10832  
filed by a taxpayer pursuant to the Internal Revenue Code. 10833

~~(4)~~(5) "Intangible income" means income of any of the 10834  
following types: income yield, interest, capital gains, dividends, 10835  
or other income arising from the ownership, sale, exchange, or 10836  
other disposition of intangible property including, but not 10837  
limited to, investments, deposits, money, or credits as those 10838

terms are defined in Chapter 5701. of the Revised Code, and 10839  
patents, copyrights, trademarks, tradenames, investments in real 10840  
estate investment trusts, investments in regulated investment 10841  
companies, and appreciation on deferred compensation. "Intangible 10842  
income" does not include prizes, awards, or other income 10843  
associated with any lottery winnings or other similar games of 10844  
chance. 10845

(5)(6) "S corporation" means a corporation that has made an 10846  
election under subchapter S of Chapter 1 of Subtitle A of the 10847  
Internal Revenue Code for its taxable year. 10848

(7) For taxable years beginning on or after January 1, 2004, 10849  
"net profit" for a taxpayer other than an individual means 10850  
adjusted federal taxable income and "net profit" for a taxpayer 10851  
who is an individual means the individual's profit, other than 10852  
amounts described in division (F) of this section, required to be 10853  
reported on schedule C, schedule E, or schedule F. 10854

(8) "Taxpayer" means a person subject to a tax on income 10855  
levied by a municipal corporation. "Taxpayer" does not include any 10856  
person that is a disregarded entity or a qualifying subchapter S 10857  
subsidiary for federal income tax purposes, but "taxpayer" 10858  
includes any other person who owns the disregarded entity or 10859  
qualifying subchapter S subsidiary. 10860

(9) "Taxable year" means the corresponding tax reporting 10861  
period as prescribed for the taxpayer under the Internal Revenue 10862  
Code. 10863

(10) "Tax administrator" means the individual charged with 10864  
direct responsibility for administration of a tax on income levied 10865  
by a municipal corporation and includes: 10866

(a) The central collection agency and the regional income tax 10867  
agency and their successors in interest, and other entities 10868  
organized to perform functions similar to those performed by the 10869

central collection agency and the regional income tax agency; 10870

(b) A municipal corporation acting as the agent of another 10871  
municipal corporation; and 10872

(c) Persons retained by a municipal corporation to administer 10873  
a tax levied by the municipal corporation, but only if the 10874  
municipal corporation does not compensate the person in whole or 10875  
in part on a contingency basis. 10876

(11) "Person" includes individuals, firms, companies, 10877  
business trusts, estates, trusts, partnerships, limited liability 10878  
companies, associations, corporations, governmental entities, and 10879  
any other entity. 10880

(12) "Schedule E" means internal revenue service schedule E 10881  
filed by a taxpayer pursuant to the Internal Revenue Code. 10882

(13) "Schedule F" means internal revenue service schedule F 10883  
filed by a taxpayer pursuant to the Internal Revenue Code. 10884

(B) No municipal corporation ~~with respect to that income that~~ 10885  
~~it may tax~~ shall tax ~~such~~ income at other than a uniform rate. 10886

(C) No municipal corporation shall levy a tax on income at a 10887  
rate in excess of one per cent without having obtained the 10888  
approval of the excess by a majority of the electors of the 10889  
municipality voting on the question at a general, primary, or 10890  
special election. The legislative authority of the municipal 10891  
corporation shall file with the board of elections at least 10892  
seventy-five days before the day of the election a copy of the 10893  
ordinance together with a resolution specifying the date the 10894  
election is to be held and directing the board of elections to 10895  
conduct the election. The ballot shall be in the following form: 10896  
"Shall the Ordinance providing for a ... per cent levy on income 10897  
for (Brief description of the purpose of the proposed levy) be 10898  
passed? 10899

FOR THE INCOME TAX 10900

AGAINST THE INCOME TAX" 10901

In the event of an affirmative vote, the proceeds of the levy 10902  
may be used only for the specified purpose. 10903

(D)(1) Except as ~~otherwise~~ provided in division ~~(D)(2) or~~ 10904  
~~(F)(9)(E) or (F)~~ of this section, no municipal corporation shall 10905  
exempt from a tax on income, compensation for personal services of 10906  
individuals over eighteen years of age or the net profit from a 10907  
business or profession. 10908

~~(2) The legislative authority of a municipal corporation may,~~ 10909  
~~by ordinance or resolution, exempt from a tax on income any~~ 10910  
~~compensation arising from the grant, sale, exchange, or other~~ 10911  
~~disposition of a stock option; the exercise of a stock option; or~~ 10912  
~~the sale, exchange, or other disposition of stock purchased under~~ 10913  
~~a stock option. (a) For taxable years beginning on or after~~ 10914  
January 1, 2004, no municipal corporation shall tax the net profit 10915  
from a business or profession using any base other than the 10916  
taxpayer's adjusted federal taxable income. 10917

(b) Division (D)(2)(a) of this section does not apply to any 10918  
taxpayer required to file a return under section 5745.03 of the 10919  
Revised Code or to the net profit from a sole proprietorship. 10920

~~(E) Nothing in this section shall prevent a municipal~~ 10921  
~~corporation from permitting lawful deductions as prescribed by~~ 10922  
~~ordinance. If a taxpayer's~~ The legislative authority of a 10923  
municipal corporation may, by ordinance or resolution, exempt from 10924  
withholding and from a tax on income the following: 10925

(1) Compensation arising from the sale, exchange, or other 10926  
disposition of a stock option, the exercise of a stock option, or 10927  
the sale, exchange, or other disposition of stock purchased under 10928  
a stock option; or 10929

(2) Compensation attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code. 10930  
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If an individual's taxable income includes income against which the taxpayer has taken a deduction for federal income tax purposes as reportable on the taxpayer's form 2106, and against which a like deduction has not been allowed by the municipal corporation, the municipal corporation shall deduct from the taxpayer's taxable income an amount equal to the deduction shown on such form allowable against such income, to the extent not otherwise so allowed as a deduction by the municipal corporation. 10933  
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~~In~~ 10941

In the case of a taxpayer who has a net profit from a business or profession that is operated as a sole proprietorship, no municipal corporation may tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the municipal corporation, ~~a greater amount than the net profit reported by the taxpayer on schedule C filed in reference to the year in question as taxable income from such sole proprietorship, except as otherwise specifically provided by ordinance or regulation~~ an amount other than the net profit required to be reported by the taxpayer on schedule C or F from such sole proprietorship for the taxable year. 10942  
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In the case of a taxpayer who has a net profit from rental activity required to be reported on schedule E, no municipal corporation may tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the municipal corporation, an amount other than the net profit from rental activities required to be reported by the taxpayer on schedule E for the taxable year. 10953  
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(F) A municipal corporation shall not tax any of the following: 10960  
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(1) The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio national guard;	10962 10963 10964
(2) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities;	10965 10966 10967 10968 10969
(3) Except as otherwise provided in division (G) of this section, intangible income;	10970 10971
(4) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually. Such compensation in excess of one thousand dollars may be subjected to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.	10972 10973 10974 10975 10976 10977 10978
(5) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306. of the Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the municipal corporation, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such a tax by reason of residence or domicile in the municipal corporation, or the headquarters of the authority or commission is located within the municipal corporation;	10979 10980 10981 10982 10983 10984 10985 10986 10987
(6) The income of a public utility, when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code, <del>except starting January 1, 2002, the income of an electric company or combined company, as defined in section 5727.01 of the Revised Code, may be taxed by a municipal</del>	10988 10989 10990 10991 10992

corporation may tax the following, subject to Chapter 5745. of the Revised Code; 10993  
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(a) Beginning January 1, 2002, the income of an electric company or combined company; 10995  
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(b) Beginning January 1, 2004, the income of a telephone company. 10997  
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As used in division (F)(6) of this section, "combined company," "electric company," and "telephone company" have the same meanings as in section 5727.01 of the Revised Code. 10999  
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(7) On and after January 1, 2003, items excluded from federal gross income pursuant to section 107 of the Internal Revenue Code; 11002  
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(8) On and after January 1, 2001, compensation paid to a nonresident individual to the extent prohibited under section 718.011 of the Revised Code; 11004  
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(9) Except as provided in division (H) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code, to the extent such distributive share would not be allocated or apportioned to this state under division (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to the taxes imposed under Chapter 5733. of the Revised Code; 11007  
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(10) Employee compensation that is not "qualifying wages" as defined in section 718.03 of the Revised Code. 11018  
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(G) Any municipal corporation that taxes any type of intangible income on March 29, 1988, pursuant to Section 3 of Amended Substitute Senate Bill No. 238 of the 116th general 11020  
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assembly, may continue to tax that type of income after 1988 if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 vote in favor thereof at an election held on November 8, 1988.

(H) Any municipal corporation that, on December 6, 2002, taxes an S corporation shareholder's distributive share of net profits of the S corporation to any greater extent than that permitted under division (F)(9) of this section may continue after 2002 to tax such distributive shares to such greater extent only if a majority of the electors of the municipal corporation voting on the question of such continuation vote in favor thereof at an election held on November 4, 2003. ~~If a majority of electors vote in favor of that question, then, for purposes of section 718.14 of the Revised Code, "pass through entity" includes S corporations, "income from a pass through entity" includes distributive shares from an S corporation, and "owner" includes a shareholder of an S corporation, notwithstanding that section to the contrary.~~

(I) Nothing in this section or section 718.02 of the Revised Code shall authorize the levy of any tax on income that a municipal corporation is not authorized to levy under existing laws or shall require a municipal corporation to allow a deduction from taxable income for losses incurred from a sole proprietorship or partnership.

(J)(1) Nothing in this chapter prohibits a municipal corporation from allowing, by resolution or ordinance, a net operating loss carryforward.

(2) Nothing in this chapter requires a municipal corporation to allow a net operating loss carryforward.

**Sec. 718.02.** This section does not apply to ~~electric companies or combined companies, or to electric light companies~~

~~for which an election made under section 5745.031 taxpayers that~~ 11054  
~~are subject to and required to file reports under Chapter 5745. of~~ 11055  
~~the Revised Code is in effect.~~ 11056

(A) ~~In the taxation of income that is subject to municipal~~ 11057  
~~income taxes, if the books and records of a taxpayer conducting a~~ 11058  
~~business or profession both within and without the boundaries of a~~ 11059  
~~municipal corporation disclose with reasonable accuracy what~~ 11060  
~~portion of its net profit is attributable to that part of the~~ 11061  
~~business or profession conducted within the boundaries of the~~ 11062  
~~municipal corporation, then only such portion shall be considered~~ 11063  
~~as having a taxable situs in such municipal corporation for~~ 11064  
~~purposes of municipal income taxation. In the absence of such~~ 11065  
~~records~~ Except as otherwise provided in division (D) of this 11066  
section, net profit from a business or profession conducted both 11067  
within and without the boundaries of a municipal corporation shall 11068  
be considered as having a taxable situs in such municipal 11069  
corporation for purposes of municipal income taxation in the same 11070  
proportion as the average ratio of the following: 11071

(1) The average ~~net book value~~ original cost of the real and 11072  
tangible personal property owned or used by the taxpayer in the 11073  
business or profession in such municipal corporation during the 11074  
taxable period to the average ~~net book value~~ original cost of all 11075  
of the real and tangible personal property owned or used by the 11076  
taxpayer in the business or profession during the same period, 11077  
wherever situated. 11078

As used in the preceding paragraph, real property shall 11079  
include property rented or leased by the taxpayer and the value of 11080  
such property shall be determined by multiplying the annual rental 11081  
thereon by eight; 11082

(2) Wages, salaries, and other compensation paid during the 11083  
taxable period to persons employed in the business or profession 11084  
for services performed in such municipal corporation to wages, 11085

salaries, and other compensation paid during the same period to 11086  
persons employed in the business or profession, wherever their 11087  
services are performed, excluding compensation that is not taxable 11088  
by the municipal corporation under section 718.011 of the Revised 11089  
Code; 11090

(3) Gross receipts of the business or profession from sales 11091  
made and services performed during the taxable period in such 11092  
municipal corporation to gross receipts of the business or 11093  
profession during the same period from sales and services, 11094  
wherever made or performed. 11095

If the foregoing ~~allocation~~ apportionment formula does not 11096  
produce an equitable result, another basis may be substituted, 11097  
under uniform regulations, so as to produce an equitable result. 11098

(B) As used in division (A) of this section, "sales made in a 11099  
municipal corporation" mean: 11100

(1) All sales of tangible personal property delivered within 11101  
such municipal corporation regardless of where title passes if 11102  
shipped or delivered from a stock of goods within such municipal 11103  
corporation; 11104

(2) All sales of tangible personal property delivered within 11105  
such municipal corporation regardless of where title passes even 11106  
though transported from a point outside such municipal corporation 11107  
if the taxpayer is regularly engaged through its own employees in 11108  
the solicitation or promotion of sales within such municipal 11109  
corporation and the sales result from such solicitation or 11110  
promotion; 11111

(3) All sales of tangible personal property shipped from a 11112  
place within such municipal corporation to purchasers outside such 11113  
municipal corporation regardless of where title passes if the 11114  
taxpayer is not, through its own employees, regularly engaged in 11115  
the solicitation or promotion of sales at the place where delivery 11116

is made. 11117

(C) Except as otherwise provided in division (D) of this 11118  
section, net profit from rental activity not constituting a 11119  
business or profession shall be subject to tax only by the 11120  
municipal corporation in which the property generating the net 11121  
profit is located. 11122

(D) This section does not apply to individuals who are 11123  
residents of the municipal corporation and, except as otherwise 11124  
provided in section 718.01 of the Revised Code, a municipal 11125  
corporation may impose a tax on all income earned by residents of 11126  
the municipal corporation to the extent allowed by the United 11127  
States Constitution. 11128

**Sec. 718.021.** (A) As used in this section: 11129

(1) "Nonqualified deferred compensation plan" means a 11130  
compensation plan described in section 3121(v)(2)(C) of the 11131  
Internal Revenue Code. 11132

(2)(a) Except as provided in division (A)(2)(b) of this 11133  
section, "qualifying loss" means the excess, if any, of the total 11134  
amount of compensation the payment of which is deferred pursuant 11135  
to a nonqualified deferred compensation plan over the total amount 11136  
of income the taxpayer has recognized for federal income tax 11137  
purposes for all taxable years on a cumulative basis as 11138  
compensation with respect to the taxpayer's receipt of money and 11139  
property attributable to distributions in connection with the 11140  
nonqualified deferred compensation plan. 11141

(b) If, for one or more taxable years, the taxpayer has not 11142  
paid to one or more municipal corporations income tax imposed on 11143  
the entire amount of compensation the payment of which is deferred 11144  
pursuant to a nonqualified deferred compensation plan, then the 11145  
"qualifying loss" is the product of the amount resulting from the 11146

calculation described in division (A)(2)(a) of this section 11147  
computed without regard to division (A)(2)(b) of this section and 11148  
a fraction the numerator of which is the portion of such 11149  
compensation on which the taxpayer has paid income tax to one or 11150  
more municipal corporations and the denominator of which is the 11151  
total amount of compensation the payment of which is deferred 11152  
pursuant to a nonqualified deferred compensation plan. 11153

(c) With respect to a nonqualified deferred compensation 11154  
plan, the taxpayer sustains a qualifying loss only in the taxable 11155  
year in which the taxpayer receives the final distribution of 11156  
money and property pursuant to that nonqualified deferred 11157  
compensation plan. 11158

(3) "Qualifying tax rate" means the applicable tax rate for 11159  
the taxable year for the which the taxpayer paid income tax to a 11160  
municipal corporation with respect to any portion of the total 11161  
amount of compensation the payment of which is deferred pursuant 11162  
to a nonqualified deferred compensation plan. If different tax 11163  
rates applied for different taxable years, then the "qualifying 11164  
tax rate" is a weighted average of those different tax rates. The 11165  
weighted average shall be based upon the tax paid to the municipal 11166  
corporation each year with respect to the nonqualified deferred 11167  
compensation plan. 11168

(B)(1) Except as provided in division (D) of this section, a 11169  
refundable credit shall be allowed against the income tax imposed 11170  
by a municipal corporation for each qualifying loss sustained by a 11171  
taxpayer during the taxable year. The amount of the credit shall 11172  
be equal to the product of the qualifying loss and the qualifying 11173  
tax rate. 11174

(2) A taxpayer shall claim the credit allowed under this 11175  
section from each municipal corporation to which the taxpayer paid 11176  
municipal income tax with respect to the nonqualified deferred 11177  
compensation plan in one or more taxable years. 11178

(3) If a taxpayer has paid tax to more than one municipal corporation with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan. 11179  
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(4) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to a municipal corporation for all taxable years with respect to the nonqualified deferred compensation plan. 11187  
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(C)(1) For purposes of this section, municipal corporation income tax that has been withheld with respect to a nonqualified deferred compensation plan shall be considered to have been paid by the taxpayer with respect to the nonqualified deferred compensation plan. 11191  
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(2) Any municipal income tax that has been refunded or otherwise credited for the benefit of the taxpayer with respect to a nonqualified deferred compensation plan shall not be considered to have been paid to the municipal corporation by the taxpayer. 11196  
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(D) The credit allowed under this section is allowed only to the extent the taxpayer's qualifying loss is attributable to: 11200  
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(1) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or 11202  
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(2) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation. 11204  
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**Sec. 718.03. (A) As used in this section:** 11207

(1) "Other payer" means any person, other than an 11208

individual's employer or the employer's agent, that pays an 11209  
individual any amount included in the federal gross income of the 11210  
individual. 11211

(2) "Qualifying wages" means wages, as defined in section 11212  
3121(a) of the Internal Revenue Code, without regard to any wage 11213  
limitations, adjusted as follows: 11214

(a) Deduct any amount included in wages if the amount 11215  
constitutes compensation attributable to a plan or program 11216  
described in section 125 of the Internal Revenue Code. 11217

(b) Add the following amounts: 11218

(i) Any amount not included in wages solely because the 11219  
employee was employed by the employer prior to April 1, 1986; 11220

(ii) Any amount not included in wages because the amount 11221  
arises from the sale, exchange, or other disposition of a stock 11222  
option, the exercise of a stock option, or the sale, exchange, or 11223  
other disposition of stock purchased under a stock option and the 11224  
municipal corporation has not, by resolution or ordinance, 11225  
exempted the amount from withholding and tax. Division 11226  
(A)(2)(b)(ii) of this section applies only to those amounts 11227  
constituting ordinary income. 11228

(iii) Any amount not included in wages if the amount is an 11229  
amount described in section 401(k) or 457 of the Internal Revenue 11230  
Code. Division (A)(2)(b)(iii) of this section applies only to 11231  
employee contributions and employee deferrals. 11232

(iv) Any amount that is supplemental unemployment 11233  
compensation benefits described in section 3402(o)(2) of the 11234  
Internal Revenue Code and not included in wages. 11235

(c) Deduct any amount attributable to a nonqualified deferred 11236  
compensation plan or program described in section 3121(v)(2)(C) of 11237  
the Internal Revenue Code if the compensation is included in wages 11238

and has, by resolution or ordinance, been exempted from taxation 11239  
by the municipal corporation. 11240

(d) Deduct any amount included in wages if the amount arises 11241  
from the sale, exchange, or other disposition of a stock option, 11242  
the exercise of a stock option, or the sale, exchange, or other 11243  
disposition of stock purchased under a stock option and the 11244  
municipal corporation has, by resolution or ordinance, exempted 11245  
the amount from withholding and tax. 11246

(B) For taxable years beginning after 2003, no municipal 11247  
corporation shall require any employer or any agent of any 11248  
employer or any other payer, to withhold tax with respect to any 11249  
amount other than qualifying wages. Nothing in this section 11250  
prohibits an employer from withholding tax on a basis greater than 11251  
qualifying wages. 11252

(C) An employer is not required to make any withholding with 11253  
respect to an individual's disqualifying disposition of an 11254  
incentive stock option if, at the time of the disqualifying 11255  
disposition, the individual is not an employee of the corporation 11256  
with respect to whose stock the option has been issued. 11257

(D)(1) An employee is not relieved from liability for a tax 11258  
by the failure of the employer to withhold the tax as required by 11259  
a municipal corporation or by the employer's exemption from the 11260  
requirement to withhold the tax. 11261

(2) The failure of an employer to remit to the municipal 11262  
corporation the tax withheld relieves the employee from liability 11263  
for that tax unless the employee colluded with the employer in 11264  
connection with the failure to remit the tax withheld. 11265

(E) Compensation deferred before the effective date of this 11266  
amendment is not subject to any municipal corporation income tax 11267  
or municipal income tax withholding requirement to the extent the 11268  
deferred compensation does not constitute qualifying wages at the 11269

time the deferred compensation is paid or distributed. 11270

**Sec. 718.05.** (A) As used in this section: 11271

(1) "Generic form" means an electronic or paper form designed 11272  
for reporting estimated municipal income taxes and annual 11273  
municipal income tax liability or for filing a refund claim that 11274  
is not prescribed by a particular municipal corporation for the 11275  
reporting of that municipal corporation's tax on income. 11276

(2) "Return preparer" means any person other than a taxpayer 11277  
that is authorized by a taxpayer to complete or file an income tax 11278  
return, report, or other document for or on behalf of the 11279  
taxpayer. 11280

(B) A municipal corporation shall not require a taxpayer to 11281  
file an annual income tax return or report prior to the filing 11282  
date for the corresponding tax reporting period as prescribed for 11283  
such a taxpayer under the Internal Revenue Code. For taxable years 11284  
beginning after 2003, except as otherwise provided in section 11285  
718.051 of the Revised Code and division (D) of this section, a 11286  
municipal corporation shall not require a taxpayer to file an 11287  
annual income tax return or report on any date other than the 11288  
fifteenth day of the fourth month following the end of the 11289  
taxpayer's taxable year. 11290

(C) On and after January 1, 2001, any municipal corporation 11291  
that requires taxpayers to file income tax returns, reports, or 11292  
other documents shall accept for filing a generic form of such a 11293  
return, report, or document if the generic form, once completed 11294  
and filed, contains all of the information required to be 11295  
submitted with the municipal corporation's prescribed returns, 11296  
reports, or documents, and if the taxpayer or return preparer 11297  
filing the generic form otherwise complies with rules or 11298  
ordinances of the municipal corporation governing the filing of 11299  
returns, reports, or documents. 11300

(D) ~~Beginning~~ Except as otherwise provided in section 718.051 11301  
of the Revised Code, beginning January 1, 2001, any taxpayer that 11302  
has requested an extension for filing a federal income tax return 11303  
may request an extension for the filing of a municipal income tax 11304  
return. The taxpayer shall make the request by filing a copy of 11305  
the taxpayer's request for a federal filing extension with the 11306  
individual or office charged with the administration of the 11307  
municipal income tax. The request for extension shall be filed not 11308  
later than the last day for filing the municipal income tax return 11309  
as prescribed by ordinance or rule of the municipal corporation. A 11310  
municipal corporation shall grant such a request for extension 11311  
filed before January 1, 2004, for a period not less than the 11312  
period of the federal extension request. For taxable years 11313  
beginning after 2003, the extended due date of the municipal 11314  
income tax return shall be the last day of the month following the 11315  
month to which the due date of the federal income tax return has 11316  
been extended. A municipal corporation may deny a taxpayer's 11317  
request for extension only if the taxpayer fails to timely file 11318  
the request, fails to file a copy of the request for the federal 11319  
extension, owes the municipal corporation any delinquent income 11320  
tax or any penalty, interest, assessment, or other charge for the 11321  
late payment or nonpayment of income tax, or has failed to file 11322  
any required income tax return, report, or other related document 11323  
for a prior tax period. The granting of an extension for filing a 11324  
municipal corporation income tax return does not extend the last 11325  
date for paying the tax without penalty unless the municipal 11326  
corporation grants an extension of that date. 11327

**Sec. 718.051.** (A) As used in this section, "Ohio business 11328  
gateway" means the online computer network system, initially 11329  
created by the department of administrative services under section 11330  
125.30 of the Revised Code, that allows private businesses to 11331  
electronically file business reply forms with state agencies and 11332

includes any successor electronic filing and payment system. 11333

(B) Notwithstanding section 718.05 of the Revised Code, on 11334  
and after January 1, 2005, any taxpayer that is subject to any 11335  
municipal corporation's tax on the net profit from a business or 11336  
profession and has received an extension to file the federal 11337  
income tax return shall not be required to notify the municipal 11338  
corporation of the federal extension and shall not be required to 11339  
file any municipal income tax return until the last day of the 11340  
month to which the due date for filing the federal return has been 11341  
extended, provided that, on or before the date for filing the 11342  
municipal income tax return, the person notifies the tax 11343  
commissioner of the federal extension through the Ohio business 11344  
gateway. An extension of time to file is not an extension of the 11345  
time to pay any tax due. 11346

(C) For taxable years beginning on or after January 1, 2005, 11347  
a taxpayer subject to any municipal corporation's tax on the net 11348  
profit from a business or profession may file any municipal income 11349  
tax return or estimated municipal income return, and may make 11350  
payment of amounts shown to be due on such returns, by using the 11351  
Ohio business gateway. 11352

(D)(1) As used in this division, "qualifying wages" has the 11353  
same meaning as in section 718.03 of the Revised Code. 11354

(2) Any employer may report the amount of municipal income 11355  
tax withheld from qualifying wages paid on or after January 1, 11356  
2007, and may make remittance of such amounts, by using the Ohio 11357  
business gateway. 11358

(E) Nothing in this section affects the due dates for filing 11359  
employer withholding tax returns. 11360

(F) No municipal corporation shall be required to pay any fee 11361  
or charge for the operation or maintenance of the Ohio business 11362

gateway. 11363

(G) The use of the Ohio business gateway by municipal corporations, taxpayers, or other persons pursuant to this section does not affect the legal rights of municipalities or taxpayers as otherwise permitted by law. This state shall not be a party to the administration of municipal income taxes or to an appeal of a municipal income tax matter, except as otherwise specifically provided by law. 11364  
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(H)(1) The tax commissioner shall adopt rules establishing: 11371

(a) The format of documents to be used by taxpayers to file returns and make payments through the Ohio business gateway; and 11372  
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(b) The information taxpayers must submit when filing municipal income tax returns through the Ohio business gateway. 11374  
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(2) The commissioner shall consult with the Ohio business gateway steering committee before adopting the rules described in division (H)(1) of this section. 11376  
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(I) Nothing in this section shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax. 11379  
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~~Sec. 718.11. As used in this section, "tax administrator" means the individual charged with direct responsibility for administration of a tax levied by a municipal corporation on income.~~ 11382  
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~~Not later than one hundred eighty days after the effective date of this section, the~~ The legislative authority of each municipal corporation that imposes a tax on income ~~on that effective date shall establish by ordinance~~ maintain a board to hear appeals as provided in this section. The legislative authority of any municipal corporation that does not impose a tax on income on the effective date of this ~~section~~ amendment, but 11386  
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that imposes such a tax after that date, shall establish such a board by ordinance not later than one hundred eighty days after the tax takes effect.

Whenever a tax administrator issues a decision regarding a municipal income tax obligation that is subject to appeal as provided in this section or in an ordinance or regulation of the municipal corporation, the tax administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the decision and of the manner in which the taxpayer may appeal the decision.

Any person who is aggrieved by a decision by the tax administrator and who has filed with the municipal corporation the required returns or other documents pertaining to the municipal income tax obligation at issue in the decision may appeal the decision to the board created pursuant to this section by filing a request with the board. The request shall be in writing, shall state why the decision should be deemed incorrect or unlawful, and shall be filed within thirty days after the tax administrator issues the decision complained of.

The board shall schedule a hearing within forty-five days after receiving the request, unless the taxpayer waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the board and may be represented by an attorney at law, certified public accountant, or other representative.

The board may affirm, reverse, or modify the tax administrator's decision or any part of that decision. The board shall issue a final decision on the appeal within ninety days after the board's final hearing on the appeal, and send ~~notice a~~ copy of its final decision by ordinary mail to ~~the petitioner~~ all of the parties to the appeal within fifteen days after issuing the decision. The taxpayer or the tax administrator may appeal the board's decision as provided in section 5717.011 of the Revised

Code. 11425

Each board of appeal created pursuant to this section shall 11426  
adopt rules governing its procedures and shall keep a record of 11427  
its transactions. Such records are not public records available 11428  
for inspection under section 149.43 of the Revised Code. Hearings 11429  
requested by a taxpayer before a board of appeal created pursuant 11430  
to this section are not meetings of a public body subject to 11431  
section 121.22 of the Revised Code. 11432

Sec. 718.121. (A) Except as provided in division (B) of this 11433  
section, if tax or withholding is paid to a municipal corporation 11434  
on income or wages, and if a second municipal corporation imposes 11435  
a tax on that income or wages after the time period allowed for a 11436  
refund of the tax or withholding paid to the first municipal 11437  
corporation, the second municipal corporation shall allow a 11438  
nonrefundable credit, against the tax or withholding the second 11439  
municipality claims is due with respect to such income or wages, 11440  
equal to the tax or withholding paid to the first municipal 11441  
corporation with respect to such income or wages. 11442

(B) If the tax rate in the second municipal corporation is 11443  
less than the tax rate in the first municipal corporation, then 11444  
the credit described in division (A) of this section shall be 11445  
calculated using the tax rate in effect in the second municipal 11446  
corporation. 11447

(C) Nothing in this section permits any credit carryforward. 11448

**Sec. 718.14. (A) As used in this section:** 11449

(1) "Limited liability company" means a limited liability 11450  
company formed under Chapter 1705. of the Revised Code or under 11451  
the laws of another state. 11452

(2) "Pass-through entity" means a partnership, limited 11453  
liability company, S corporation, or any other class of entity the 11454

income or profits from which are given pass-through treatment 11455  
under the Internal Revenue Code, ~~excluding an S corporation.~~ 11456

(3) "Income from a pass-through entity" means partnership 11457  
income of partners, membership interests of members of a limited 11458  
liability company, distributive shares of shareholders of an S 11459  
corporation, or other distributive or proportionate ownership 11460  
shares of income from other pass-through entities. 11461

(4) "Owner" means a partner of a partnership, a member of a 11462  
limited liability company, a shareholder of an S corporation, or 11463  
other person with an ownership interest in a pass-through entity. 11464

(5) "Owner's proportionate share," with respect to each owner 11465  
of a pass-through entity, means the ratio of (a) the owner's 11466  
income from the pass-through entity that is subject to taxation by 11467  
the municipal corporation, to (b) the total income from that 11468  
entity of all owners whose income from the entity is subject to 11469  
taxation by that municipal corporation. 11470

(B) On and after January 1, 2003, any municipal corporation 11471  
imposing a tax that applies to income from a pass-through entity 11472  
shall grant a credit to each owner who is domiciled in the 11473  
municipal corporation for taxes paid to another municipal 11474  
corporation by a pass-through entity that does not conduct 11475  
business in the municipal corporation. The amount of the credit 11476  
shall equal the lesser of the following amounts, subject to 11477  
division (C) of this section: 11478

(1) The owner's proportionate share of the amount, if any, of 11479  
tax paid by the pass-through entity to another municipal 11480  
corporation in this state; 11481

(2) The owner's proportionate share of the amount of tax that 11482  
would be imposed on the pass-through entity by the municipal 11483  
corporation in which the taxpayer is domiciled if the pass-through 11484  
entity conducted business in the municipal corporation. 11485

(C) If a municipal corporation grants a credit for a percentage, less than one hundred per cent, of the amount of income taxes paid on compensation by an individual who resides or is domiciled in the municipal corporation to another municipal corporation, the amount of credit otherwise required by division (B) of this section shall be multiplied by that percentage.

(D) On and after January 1, 2003, any municipal corporation that imposes a tax on income of or from a pass-through entity shall specify by ordinance or rule whether the tax applies to income of the pass-through entity in the hands of the entity or to income from the pass-through entity in the hands of the owners of the entity. A municipal corporation may specify a different ordinance or rule under this division for each of the classes of pass-through entity enumerated in division (A)(2) of this section.

**Sec. 718.15.** A municipal corporation, by ordinance, may grant a refundable or nonrefundable credit against its tax on income to a taxpayer that also receives a tax credit under section 122.17 of the Revised Code. If a credit is granted under this section, it shall be measured as a percentage of the new income tax revenue the municipal corporation derives from new employees of the taxpayer and shall be for a term not exceeding ~~ten~~ fifteen years. Before the municipal corporation passes an ordinance granting a credit, the municipal corporation and the taxpayer shall enter into an agreement specifying all the conditions of the credit.

**Sec. 718.151.** A municipal corporation, by ordinance, may grant a nonrefundable credit against its tax on income to a taxpayer that also receives a tax credit under section 122.171 of the Revised Code. If a credit is granted under this section, it shall be measured as a percentage of the income tax revenue the municipal corporation derives from the retained employees of the

taxpayer, and shall be for a term not exceeding ~~ten~~ fifteen years. 11517  
Before a municipal corporation passes an ordinance allowing such a 11518  
credit, the municipal corporation and the taxpayer shall enter 11519  
into an agreement specifying all the conditions of the credit. 11520

**Sec. 731.14.** All contracts made by the legislative authority 11521  
of a village shall be executed in the name of the village and 11522  
signed on its behalf by the mayor and clerk. Except where the 11523  
contract is for equipment, services, materials, or supplies to be 11524  
purchased under division (D) of section 713.23 or section 125.04 11525  
or 5513.01 of the Revised Code or available from a qualified 11526  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 11527  
Revised Code, when any expenditure, other than the compensation of 11528  
persons employed ~~therein~~ in the village, exceeds ~~fifteen~~ 11529  
twenty-five thousand dollars, such contracts shall be in writing 11530  
and made with the lowest and best bidder after advertising for not 11531  
less than two nor more than four consecutive weeks in a newspaper 11532  
of general circulation within the village. The bids shall be 11533  
opened and shall be publicly read by the clerk of ~~such~~ the village 11534  
or a person designated by the clerk at the time, date, and place 11535  
specified in the advertisement to bidders or specifications. The 11536  
time, date, and place of bid openings may be extended to a later 11537  
date by the legislative authority of the village, provided that 11538  
written or oral notice of the change shall be given to all persons 11539  
who have received or requested specifications no later than 11540  
ninety-six hours prior to the original time and date fixed for the 11541  
opening. This section does not apply to those villages that have 11542  
provided for the appointment of a village administrator under 11543  
section 735.271 of the Revised Code. 11544

**Sec. 731.141.** In those villages that have established the 11545  
position of village administrator, as provided by section 735.271 11546

of the Revised Code, the village administrator shall make 11547  
contracts, purchase supplies and materials, and provide labor for 11548  
any work under the administrator's supervision involving not more 11549  
than ~~fifteen~~ twenty-five thousand dollars. When an expenditure, 11550  
other than the compensation of persons employed by the village, 11551  
exceeds ~~fifteen~~ twenty-five thousand dollars, ~~such~~ the expenditure 11552  
shall first be authorized and directed by ordinance of the 11553  
legislative authority of the village. When so authorized and 11554  
directed, except where the contract is for equipment, services, 11555  
materials, or supplies to be purchased under division (D) of 11556  
section 713.23 or section 125.04 or 5513.01 of the Revised Code or 11557  
available from a qualified nonprofit agency pursuant to sections 11558  
4115.31 to 4115.35 of the Revised Code, the village administrator 11559  
shall make a written contract with the lowest and best bidder 11560  
after advertisement for not less than two nor more than four 11561  
consecutive weeks in a newspaper of general circulation within the 11562  
village. The bids shall be opened and shall be publicly read by 11563  
the village administrator or a person designated by the village 11564  
administrator at the time, date, and place as specified in the 11565  
advertisement to bidders or specifications. The time, date, and 11566  
place of bid openings may be extended to a later date by the 11567  
village administrator, provided that written or oral notice of the 11568  
change shall be given to all persons who have received or 11569  
requested specifications no later than ninety-six hours prior to 11570  
the original time and date fixed for the opening. All contracts 11571  
shall be executed in the name of the village and signed on its 11572  
behalf by the village administrator and the clerk. 11573

The legislative authority of a village may provide, by 11574  
ordinance, for central purchasing for all offices, departments, 11575  
divisions, boards, and commissions of the village, under the 11576  
direction of the village administrator, who shall make contracts, 11577  
purchase supplies or materials, and provide labor for any work of 11578  
the village in the manner provided by this section. 11579

**Sec. 735.05.** The director of public service may make any 11580  
contract, purchase supplies or material, or provide labor for any 11581  
work under the supervision of the department of public service 11582  
involving not more than ~~fifteen~~ twenty-five thousand dollars. When 11583  
an expenditure within the department, other than the compensation 11584  
of persons employed ~~therein~~ in the department, exceeds ~~fifteen~~ 11585  
twenty-five thousand dollars, ~~such~~ the expenditure shall first be 11586  
authorized and directed by ordinance of the city legislative 11587  
authority. When so authorized and directed, except where the 11588  
contract is for equipment, services, materials, or supplies to be 11589  
purchased under division (D) of section 713.23 or section 125.04 11590  
or 5513.01 of the Revised Code or available from a qualified 11591  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 11592  
Revised Code, the director shall make a written contract with the 11593  
lowest and best bidder after advertisement for not less than two 11594  
nor more than four consecutive weeks in a newspaper of general 11595  
circulation within the city. 11596

**Sec. 737.03.** The director of public safety shall manage<sup>r</sup> and 11597  
make all contracts with reference to ~~the~~ police stations, fire 11598  
houses, reform schools, infirmaries, hospitals, workhouses, farms, 11599  
pesthouses, and all other charitable and reformatory institutions. 11600  
In the control and supervision of those institutions, the director 11601  
shall be governed by the provisions of Title VII of the Revised 11602  
Code relating to those institutions. 11603

The director may make all contracts and expenditures of money 11604  
for acquiring lands for the erection or repairing of station 11605  
houses, police stations, fire department buildings, fire cisterns, 11606  
and plugs, that are required, for the purchase of engines, 11607  
apparatus, and all other supplies necessary for the police and 11608  
fire departments, and for other undertakings and departments under 11609  
the director's supervision, but no obligation involving an 11610

expenditure of more than ~~fifteen~~ twenty-five thousand dollars 11611  
shall be created unless first authorized and directed by 11612  
ordinance. In making, altering, or modifying those contracts, the 11613  
director shall be governed by sections 735.05 to 735.09 of the 11614  
Revised Code, except that all bids shall be filed with and opened 11615  
by the director. The director shall make no sale or disposition of 11616  
any property belonging to the city without first being authorized 11617  
by resolution or ordinance of the city legislative authority. 11618

**Sec. 753.22.** (A) The director of public safety or the joint 11619  
board established pursuant to section 753.15 of the Revised Code 11620  
may establish a commissary for the workhouse. The commissary may 11621  
be established either in-house or by another arrangement. If a 11622  
commissary is established, all persons incarcerated in the 11623  
workhouse shall receive commissary privileges. A person's 11624  
purchases from the commissary shall be deducted from the person's 11625  
account record in the workhouse's business office. The commissary 11626  
shall provide for the distribution to indigent persons 11627  
incarcerated in the workhouse necessary hygiene articles and 11628  
writing materials. 11629

(B) If a commissary is established, the director of public 11630  
safety or the joint board established pursuant to section 753.15 11631  
of the Revised Code shall establish a commissary fund for the 11632  
workhouse. The management of funds in the commissary fund shall be 11633  
strictly controlled in accordance with procedures adopted by the 11634  
auditor of state. Commissary fund revenue over and above operating 11635  
costs and reserve shall be considered profits. All profits from 11636  
the commissary fund shall be used to purchase supplies and 11637  
equipment for the benefit of persons incarcerated in the workhouse 11638  
and to pay salary and benefits for employees of the workhouse, or 11639  
for any other persons, who work in or are employed for the sole 11640  
purpose of providing service to the commissary. The director of 11641  
public safety or the joint board established pursuant to section 11642

753.15 of the Revised Code shall adopt rules and regulations for 11643  
the operation of any commissary fund the director or the joint 11644  
board establishes. 11645

**Sec. 901.17.** ~~(A)~~ The division of markets ~~shall~~ may do all of 11646  
the following: 11647

~~(1)~~(A) Investigate the cost of production and marketing in 11648  
all its phases; 11649

~~(2)~~(B) Gather and disseminate information concerning supply, 11650  
demand, prevailing prices, and commercial movements, including 11651  
common and cold storage of food products, and maintain market news 11652  
service for disseminating such information; 11653

~~(3)~~(C) Promote, assist, and encourage the organization and 11654  
operation of cooperative and other associations and organizations 11655  
for improving the relations and services among producers, 11656  
distributors, and consumers of food products; 11657

~~(4)~~(D) Investigate the practice, methods, and any specific 11658  
transaction of commission merchants and others who receive, 11659  
solicit, buy, or handle on commission or otherwise, food products; 11660

~~(5)~~(E) Act as mediator or arbitrator, when invited, in any 11661  
controversy or issue that arises between producers and 11662  
distributors and that affects the interest of the consumer; 11663

~~(6)~~(F) Act on behalf of the consumers in conserving and 11664  
protecting their interests in every practicable way against 11665  
excessive prices; 11666

~~(7)~~(G) Act as market adviser for producers and distributors, 11667  
assisting them in economical and efficient distribution of good 11668  
products at fair prices; 11669

~~(8)~~(H) Encourage the establishment of retail municipal 11670  
markets and develop direct dealing between producers and 11671  
consumers; 11672

~~(9)(I) Encourage the consumption of Ohio-grown products 11673  
within the state, nationally, and internationally, and inspect and 11674  
determine the grade and condition of farm produce, both at 11675  
collecting and receiving centers within the state; 11676~~

~~(10)(J) Take such means and use such powers, relative to 11677  
shipment, transportation, and storage of foodstuffs of any kind, 11678  
as are necessary, advisable, or desirable in case of an emergency 11679  
creating or threatening to create a scarcity of food within the 11680  
state; 11681~~

(K) Participate in trade missions between states and foreign 11682  
countries in order to encourage the sale and promotion of 11683  
Ohio-grown products. 11684

~~(B)(1) The director of agriculture shall adopt and may amend 11685  
schedules of fees to be charged for inspecting farm produce at 11686  
collecting and receiving centers or such other services as may be 11687  
rendered under this section. All such fees shall be made with a 11688  
view to the minimum cost and to make this branch of the department 11689  
of agriculture self-sustaining. 11690~~

~~The fees shall be deposited in the state treasury and 11691  
credited to the inspection fund, which is hereby created, for use 11692  
in carrying out the purposes of this section. All investment 11693  
earnings of the inspection fund shall be credited to the fund. If, 11694  
in any year, the balance in the inspection fund is not sufficient 11695  
to meet the expenses incurred pursuant to this section, the 11696  
deficit shall be paid from funds appropriated for the use of the 11697  
department. 11698~~

~~(2) The director may adopt a schedule of fees to be charged 11699  
for inspecting any agricultural product for the purposes of the 11700  
issuance of an export certificate, as may be required by the 11701  
United States department of agriculture or foreign purchasers. 11702  
Such fees shall be credited to the general revenue fund. 11703~~

Sec. 901.21. (A) As used in this section and section 901.22 11704  
of the Revised Code: 11705

(1) "Agricultural easement" has the same meaning as in 11706  
section 5301.67 of the Revised Code. 11707

(2) "Agriculture" means those activities occurring on land 11708  
devoted exclusively to agricultural use, as defined in section 11709  
5713.30 of the Revised Code, or on land that constitutes a 11710  
homestead. 11711

(3) "Homestead" means the portion of a farm on which is 11712  
located a dwelling house, yard, or outbuildings such as a barn or 11713  
garage. 11714

(B) The director of agriculture may acquire real property 11715  
used predominantly in agriculture and agricultural easements by 11716  
gift, devise, or bequest if, at the time an easement is granted, 11717  
such an easement is on land that is valued for purposes of real 11718  
property taxation at its current value for agricultural use under 11719  
section 5713.31 of the Revised Code or that constitutes a 11720  
homestead. Any terms may be included in an agricultural easement 11721  
so acquired that are necessary or appropriate to preserve on 11722  
behalf of the grantor of the easement the favorable tax 11723  
consequences of the gift, devise, or bequest under the "Internal 11724  
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 11725  
The director, by any such means or by purchase or lease, may 11726  
acquire, or acquire the use of, stationary personal property or 11727  
equipment that is located on land acquired in fee by the director 11728  
under this section and that is necessary or appropriate for the 11729  
use of the land predominantly in agriculture. 11730

(C) The director may do all things necessary or appropriate 11731  
to retain the use of real property acquired in fee under division 11732  
(B) of this section predominantly in agriculture, including, 11733  
without limitation, performing any of the activities described in 11734

division (A)(1) or (2) of section 5713.30 of the Revised Code or 11735  
entering into contracts to lease or rent the real property so 11736  
acquired to persons or governmental entities that will use the 11737  
land predominantly in agriculture. 11738

(D)(1) When the director considers it to be necessary or 11739  
appropriate, the director may sell real property acquired in fee, 11740  
and stationary personal property or equipment acquired by gift, 11741  
devise, bequest, or purchase, under division (B) of this section 11742  
on such terms as the director considers to be advantageous to this 11743  
state. 11744

(2) An agricultural easement acquired under division (B) of 11745  
this section may be extinguished under the circumstances 11746  
prescribed, and in accordance with the terms and conditions set 11747  
forth, in the instrument conveying the agricultural easement. 11748

(E) There is hereby created in the state treasury the 11749  
agricultural easement purchase fund. The fund shall consist of the 11750  
proceeds received from the sale of real and personal property 11751  
under division (D) of this section; moneys received due to the 11752  
extinguishment of agricultural easements acquired by the director 11753  
under division (B) of this section or section 5301.691 of the 11754  
Revised Code; moneys received due to the extinguishment of 11755  
agricultural easements purchased with the assistance of matching 11756  
grants made under section 901.22 of the Revised Code; gifts, 11757  
bequests, devises, and contributions received by the director for 11758  
the purpose of acquiring agricultural easements; and grants 11759  
received from public or private sources for the purpose of 11760  
purchasing agricultural easements. The fund shall be administered 11761  
by the director, and moneys in the fund shall be used by the 11762  
director exclusively to purchase agricultural easements under 11763  
division (A) of section 5301.691 of the Revised Code and provide 11764  
matching grants under section 901.22 of the Revised Code to 11765  
municipal corporations, counties, townships, and charitable 11766

organizations for the purchase of agricultural easements. Money in 11767  
the fund shall be used only to purchase agricultural easements on 11768  
land that is valued for purposes of real property taxation at its 11769  
current value for agricultural use under section 5713.31 of the 11770  
Revised Code or that constitutes a homestead when the easement is 11771  
purchased. 11772

(F) There is hereby created in the state treasury the clean 11773  
Ohio agricultural easement fund. Twelve and one-half per cent of 11774  
net proceeds of obligations issued and sold pursuant to sections 11775  
151.01 and 151.09 of the Revised Code shall be deposited into the 11776  
fund. The fund shall be used by the director for the purposes of 11777  
sections 901.21 and 901.22 and the provisions of sections 5301.67 11778  
to 5301.70 of the Revised Code governing agricultural easements. 11779  
Investment earnings of the fund shall be credited to the fund. ~~For~~ 11780  
~~two years after the effective date of this amendment, investment~~ 11781  
~~earnings credited to the fund~~ and may be used to pay costs 11782  
incurred by the director in administering those sections and 11783  
provisions. 11784

(G) The term of an agricultural easement purchased wholly or 11785  
in part with money from the clean Ohio agricultural easement fund 11786  
or the agricultural easement purchase fund shall be perpetual and 11787  
shall run with the land. 11788

**Sec. 901.22.** (A) The director of agriculture, in accordance 11789  
with Chapter 119. of the Revised Code, shall adopt rules that do 11790  
all of the following: 11791

(1) Establish procedures and eligibility criteria for making 11792  
matching grants to municipal corporations, counties, townships, 11793  
and charitable organizations described in division (B) of section 11794  
5301.69 of the Revised Code for the purchase of agricultural 11795  
easements. With respect to agricultural easements that are 11796  
purchased or proposed to be purchased with such matching grants 11797

that consist in whole or in part of moneys from the clean Ohio 11798  
agricultural easement fund created in section 901.21 of the 11799  
Revised Code, the rules shall establish all of the following: 11800

(a) Procedures for all of the following: 11801

(i) Soliciting and accepting applications for matching 11802  
grants; 11803

(ii) Participation by local governments and by the public in 11804  
the process of making matching grants to charitable organizations; 11805

(iii) Notifying local governments, charitable organizations, 11806  
and organizations that represent the interests of farmers of the 11807  
ranking system established in rules adopted under division 11808  
(A)(1)(b) of this section. 11809

(b) A ranking system for applications for the matching grants 11810  
that is based on the soil type, proximity of the land or other 11811  
land that is conducive to agriculture as defined by rules adopted 11812  
under this section and that is the subject of an application to 11813  
other agricultural land or other land that is conducive to 11814  
agriculture as defined by rules adopted under this section and 11815  
that is already or is in the process of becoming permanently 11816  
protected from development, farm stewardship, development 11817  
pressure, and, if applicable, a local comprehensive land use plan 11818  
involved with a proposed agricultural easement. The rules shall 11819  
require that preference be given to proposed agricultural 11820  
easements that involve the greatest proportion of all of the 11821  
following: 11822

(i) Prime soils, unique or locally important soils, 11823  
microclimates, or similar features; 11824

(ii) Land that is adjacent to or that is in close proximity 11825  
to other agricultural land or other land that is conducive to 11826  
agriculture as defined by rules adopted under this section and 11827  
that is already or is in the process of becoming permanently 11828

protected from development, by agricultural easement or otherwise, 11829  
so that a buffer would exist between the land involving the 11830  
proposed agricultural easement and areas that have been developed 11831  
or likely will be developed for purposes other than agriculture; 11832

(iii) The use of best management practices, including 11833  
federally or state approved conservation plans, and a history of 11834  
substantial compliance with applicable federal and state laws; 11835

(iv) Development pressure that is imminent, but not a result 11836  
of current location in the direct path of urban development; 11837

(v) Areas identified for agricultural protection in local 11838  
comprehensive land use plans. 11839

(c) Any other criteria that the director determines are 11840  
necessary for selecting applications for matching grants; 11841

(d) Requirements regarding the information that must be 11842  
included in the annual monitoring report that must be prepared for 11843  
an agricultural easement under division (D)(2) of section 5301.691 11844  
of the Revised Code, procedures for submitting a copy of the 11845  
report to the office of farmland preservation in the department of 11846  
agriculture, and requirements and procedures governing corrective 11847  
actions that may be necessary to enforce the terms of the 11848  
agricultural easement. 11849

(2) Establish provisions that shall be included in the 11850  
instrument conveying to a municipal corporation, county, township, 11851  
or charitable organization any agricultural easement purchased 11852  
with matching grant funds provided by the director under this 11853  
section, including, without limitation, all of the following 11854  
provisions: 11855

(a) A provision stating that an easement so purchased may be 11856  
extinguished only if an unexpected change in the conditions of or 11857  
surrounding the land that is subject to the easement makes 11858  
impossible or impractical the continued use of the land for the 11859

purposes described in the easement, or if the requirements of the 11860  
easement are extinguished by judicial proceedings; 11861

(b) A provision requiring that, upon the sale, exchange, or 11862  
involuntary conversion of the land subject to the easement, the 11863  
holder of the easement shall be paid an amount of money that is at 11864  
least equal to the proportionate value of the easement compared to 11865  
the total value of the land at the time the easement was acquired; 11866

(c) A provision requiring that, upon receipt of the portion 11867  
of the proceeds of a sale, exchange, or involuntary conversion 11868  
described in division (A)(2)(b) of this section, the municipal 11869  
corporation, county, township, or charitable organization remit to 11870  
the director an amount of money equal to the percentage of the 11871  
cost of purchasing the easement it received as a matching grant 11872  
under this section. 11873

Moneys received by the director pursuant to rules adopted 11874  
under division (A)(2)(c) of this section shall be credited to the 11875  
agricultural easement purchase fund created in section 901.21 of 11876  
the Revised Code. 11877

(3) Establish a provision that provides a charitable 11878  
organization described in division (B) of section 5301.69 of the 11879  
Revised Code, municipal corporation, township, or county with the 11880  
option of purchasing agricultural easements either in installments 11881  
or with a lump sum payment. The rules shall include a requirement 11882  
that a charitable organization, municipal corporation, township, 11883  
or county negotiate with the seller of the agricultural easement 11884  
concerning any installment payment terms, including the dates and 11885  
amounts of payments and the interest rate on the outstanding 11886  
balance. The rules also shall require the director to approve any 11887  
method of payment that is undertaken in accordance with the rules 11888  
adopted under division (A)(3) of this section. 11889

(4) Establish any other requirements that the director 11890

considers to be necessary or appropriate to implement or 11891  
administer a program to make matching grants under this section 11892  
and monitor those grants. 11893

(B) The director may develop guidelines regarding the 11894  
acquisition of agricultural easements by the department of 11895  
agriculture and the provisions of instruments conveying those 11896  
easements. The director may make the guidelines available to 11897  
public and private entities authorized to acquire and hold 11898  
agricultural easements. 11899

(C) The director may provide technical assistance in 11900  
developing a program for the acquisition and monitoring of 11901  
agricultural easements to public and private entities authorized 11902  
to hold agricultural easements. The technical assistance may 11903  
include, without limitation, reviewing and providing advisory 11904  
recommendations regarding draft instruments conveying agricultural 11905  
easements. 11906

(D) The director may make matching grants from the 11907  
agricultural easement purchase fund and the clean Ohio 11908  
agricultural easement fund to municipal corporations, counties, 11909  
townships, and charitable organizations described in division (B) 11910  
of section 5301.69 of the Revised Code, to assist those political 11911  
subdivisions and charitable organizations in purchasing 11912  
agricultural easements. Application for a matching grant shall be 11913  
made on forms prescribed and provided by the director. The 11914  
matching grants shall be made in compliance with the criteria and 11915  
procedures established in rules adopted under this section. 11916  
Instruments conveying agricultural easements purchased with 11917  
matching grant funds provided under this section, at a minimum, 11918  
shall include the mandatory provisions set forth in those rules. 11919

Matching grants made under this division using moneys from 11920  
the clean Ohio agricultural easement fund created in section 11921  
901.21 of the Revised Code may provide up to seventy-five per cent 11922

of the value of an agricultural easement as determined by a 11923  
general real estate appraiser who is certified under Chapter 4763. 11924  
of the Revised Code. Not less than twenty-five per cent of the 11925  
value of the agricultural easement shall be provided by the 11926  
recipient of the matching grant or donated by the person who is 11927  
transferring the easement to the grant recipient. The amount of 11928  
such a matching grant used for the purchase of a single 11929  
agricultural easement shall not exceed one million dollars. 11930

(E) For any agricultural easement purchased with a matching 11931  
grant that consists in whole or in part of moneys from the clean 11932  
Ohio agricultural easement fund, the director shall be named as a 11933  
grantee on the instrument conveying the easement, as shall the 11934  
municipal corporation, county, township, or charitable 11935  
organization that receives the grant. 11936

(F)(1) The director shall monitor and evaluate the 11937  
effectiveness and efficiency of the agricultural easement program 11938  
as a farmland preservation tool. On or before July 1, 1999, and 11939  
the first day of July of each year thereafter, the director shall 11940  
prepare and submit a report to the chairpersons of the standing 11941  
committees of the senate and the house of representatives that 11942  
consider legislation regarding agriculture. The report shall 11943  
consider and address the following criteria to determine the 11944  
program's effectiveness: 11945

(a) The number of agricultural easements purchased during the 11946  
preceding year; 11947

(b) The location of those easements; 11948

(c) The number of acres of land preserved for agricultural 11949  
use; 11950

(d) The amount of money used by a municipal corporation, 11951  
township, or county from its general fund or special fund to 11952  
purchase the agricultural easements; 11953

(e) The number of state matching grants given to purchase the agricultural easements;	11954 11955
(f) The amount of state matching grant moneys used to purchase the agricultural easements.	11956 11957
(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:	11958 11959 11960
(a) The total number of acres in the county;	11961
(b) The total number of acres in current agricultural use;	11962
(c) The total number of acres preserved for agricultural use in the preceding year;	11963 11964
(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.	11965 11966
<b>Sec. 901.63.</b> (A) The agricultural financing commission shall do both of the following until <del>July 1, 2003</del> <u>October 15, 2005</u> :	11967 11968
(1) Make recommendations to the director of agriculture about financial assistance applications made pursuant to sections 901.80 to 901.83 of the Revised Code. In making its recommendations, the commission shall utilize criteria established by rules adopted under division (A)(8)(b) of section 901.82 of the Revised Code.	11969 11970 11971 11972 11973
(2) Advise the director in the administration of sections 901.80 to 901.83 of the Revised Code.	11974 11975
With respect to sections 901.80 to 901.83 of the Revised Code, the role of the commission is solely advisory. No officer, member, or employee of the commission is liable for damages in a civil action for any injury, death, or loss to person or property that allegedly arises out of purchasing any loan or providing a loan guarantee, failure to purchase a loan or provide a loan guarantee, or failure to take action under sections 901.80 to	11976 11977 11978 11979 11980 11981 11982

901.83 of the Revised Code, or that allegedly arises out of any	11983
act or omission of the department of agriculture that involves	11984
those sections.	11985
(B) The commission may:	11986
(1) Adopt bylaws for the conduct of its business;	11987
(2) Exercise all rights, powers, and duties conferred on the	11988
commission as an issuer under Chapter 902. of the Revised Code;	11989
(3) Contract with, retain, or designate financial	11990
consultants, accountants, and such other consultants and	11991
independent contractors as the commission may determine to be	11992
necessary or appropriate to carry out the purposes of this chapter	11993
and to fix the terms of those contracts;	11994
(4) Undertake and carry out or authorize the completion of	11995
studies and analyses of agricultural conditions and needs within	11996
the state relevant to the purpose of this chapter to the extent	11997
not otherwise undertaken by other departments or agencies of the	11998
state satisfactory for that purpose;	11999
(5) Acquire by gift, purchase, foreclosure, or other means,	12000
and hold, assign, pledge, lease, transfer, or otherwise dispose	12001
of, real and personal property, or any interest in that real and	12002
personal property, in the exercise of its powers and the	12003
performance of its duties under this chapter and Chapter 902. of	12004
the Revised Code;	12005
(6) Receive and accept gifts, grants, loans, or any other	12006
financial or other form of aid from any federal, state, local, or	12007
private agency or fund and enter into any contract with any such	12008
agency or fund in connection therewith, and receive and accept aid	12009
or contributions from any other source of money, property, labor,	12010
or things of value, to be held, used, and applied only for the	12011
purposes for which the grants and contributions are made, all	12012
within the purposes of this chapter and Chapter 902. of the	12013

Revised Code; 12014

(7) Sue and be sued in its own name with respect to its 12015  
contracts or to enforce this chapter or its obligations or 12016  
covenants made under this chapter and Chapter 902. of the Revised 12017  
Code; 12018

(8) Make and enter into all contracts, commitments, and 12019  
agreements, and execute all instruments necessary or incidental to 12020  
the performance of its duties and the execution of its powers 12021  
under this chapter and Chapter 902. of the Revised Code; 12022

(9) Adopt an official seal; 12023

(10) Do any and all things necessary or appropriate to carry 12024  
out the public purposes and exercise the powers granted to the 12025  
commission in this chapter and Chapter 902. of the Revised Code 12026  
and the public purposes of Section 13 of Article VIII, Ohio 12027  
Constitution. 12028

Any instrument by which real property is acquired pursuant to 12029  
this section shall identify the agency of the state that has the 12030  
use and benefit of the real property as specified in section 12031  
5301.012 of the Revised Code. 12032

Sec. 901.85. There is hereby created in the state treasury 12033  
the farm service agency electronic filing fund, which shall 12034  
consist of money reimbursed to the fund by the farm service agency 12035  
in the United States department of agriculture together with any 12036  
money appropriated to the fund by the general assembly. The 12037  
director of agriculture shall use money credited to the fund to 12038  
pay the secretary of state for fees that the secretary of state 12039  
charges in advance for the electronic filing by the farm service 12040  
agency of financing statements related to agricultural loans that 12041  
the farm service agency disburses. 12042

**Sec. 902.11.** (A) Any real or personal property, or both, of 12043

an issuer ~~which~~ that is acquired, constructed, reconstructed, 12044  
enlarged, improved, furnished, or equipped, or any combination 12045  
thereof, and leased or subleased under authority of this chapter 12046  
shall be subject to ad valorem, sales, use, and franchise taxes 12047  
and to zoning, planning, and building regulations and fees, to the 12048  
same extent and in the same manner as if the lessee-user or 12049  
sublessee-user thereof, rather than the issuer, had acquired, 12050  
constructed, reconstructed, enlarged, improved, furnished, or 12051  
equipped, or any combination thereof, such real or personal 12052  
property, and title thereto was in the name of such lessee-user or 12053  
sublessee-user. 12054

The transfer of tangible personal property by lease or 12055  
sublease under authority of this chapter is not a sale as used in 12056  
Chapter 5739. of the Revised Code. The exemptions provided in 12057  
divisions (B)(1) and ~~(14)~~(13) of section 5739.02 of the Revised 12058  
Code shall not be applicable to purchases for a project under this 12059  
chapter. 12060

An issuer shall be exempt from all taxes on its real or 12061  
personal property, or both, which has been acquired, constructed, 12062  
reconstructed, enlarged, improved, furnished, or equipped, or any 12063  
combination thereof, under this chapter so long as such property 12064  
is used by the issuer for purposes which would otherwise exempt 12065  
such property; has ceased to be used by a former lessee-user or 12066  
sublessee-user and is not occupied or used; or has been acquired 12067  
by the issuer but development has not yet commenced. The exemption 12068  
shall be effective as of the date the exempt use begins. All taxes 12069  
on the exempt real or personal property for the year should be 12070  
prorated and the taxes for the exempt portion of the year shall be 12071  
remitted by the county auditor. 12072

(B) Bonds issued under this chapter, the transfer thereof, 12073  
and the interest and other income from the bonds, including any 12074  
profit made on the sale thereof, are free from taxation within the 12075

state. 12076

**Sec. 921.151.** The pesticide program fund is hereby created in 12077  
the state treasury. ~~All~~ The portion of the money in the fund that 12078  
is collected under this chapter shall be used to carry out the 12079  
purposes of this chapter. The portion of the money in the fund 12080  
that is collected under section 927.53 of the Revised Code shall 12081  
be used to carry out the purposes specified in that section, the 12082  
portion of the money in the fund that is collected under section 12083  
927.69 of the Revised Code shall be used to carry out the purposes 12084  
specified in that section, and the portion of the money in the 12085  
fund that is collected under section 927.701 of the Revised Code 12086  
shall be used to carry out the purposes of that section. The fund 12087  
shall consist of fees collected under sections 921.01 to 921.15, 12088  
division (F) of section 927.53, and section 927.69 of the Revised 12089  
Code, money collected under section 927.701 of the Revised Code, 12090  
and all fines, penalties, costs, and damages, except court costs, 12091  
~~which~~ that are collected by either the director of agriculture or 12092  
the attorney general in consequence of any violation of sections 12093  
921.01 to 921.29 of the Revised Code. Not later than the thirtieth 12094  
day of June of each year, the director of budget and management 12095  
shall determine whether the amount credited to the pesticide 12096  
program fund under this chapter is in excess of the amount 12097  
necessary to meet the expenses of the director of agriculture in 12098  
administering this chapter and shall transfer any such excess from 12099  
the pesticide program fund to the general revenue fund. 12100

**Sec. 927.53.** (A) Each collector or dealer who sells, offers, 12101  
or exposes for sale, or distributes nursery stock within this 12102  
state, or ships nursery stock to other states, shall pay an annual 12103  
license fee of fifty dollars to the director of agriculture for 12104  
each place of business ~~he~~ the collector or dealer operates. 12105

(B)(1) Each dealer shall furnish the director, annually, an 12106

affidavit that ~~he~~ the dealer will buy and sell only nursery stock 12107  
which has been inspected and certified by an official state or 12108  
federal inspector. 12109

(2) Each dealer's license expires on the thirty-first day of 12110  
December of each year. Each licensed dealer shall apply for 12111  
renewal of ~~his~~ the dealer's license prior to the first day of 12112  
January of each year and in accordance with the standard renewal 12113  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 12114

(C) Each licensed ~~nurseryman~~ nurseryperson shall post 12115  
conspicuously in ~~his~~ the nurseryperson's principal place of 12116  
business, the certificate which is issued to ~~him~~ the nurseryperson 12117  
in accordance with section 927.61 of the Revised Code. 12118

(D) Each licensed ~~nurseryman~~ nurseryperson, or dealer, shall 12119  
post conspicuously in each place of business, each certificate or 12120  
license which is issued to ~~him~~ the nurseryperson or dealer in 12121  
compliance with this section or section 927.61 of the Revised 12122  
Code. 12123

(E)(1) Each ~~nurseryman~~ nurseryperson who produces, sells, 12124  
offers for sale, or distributes woody nursery stock within the 12125  
state, or ships woody nursery stock to other states, shall pay to 12126  
the director an annual inspection fee of fifty dollars plus four 12127  
dollars per acre, or fraction thereof, of growing nursery stock in 12128  
intensive production areas and two dollars per acre, or fraction 12129  
thereof, of growing nursery stock in nonintensive production 12130  
areas, as applicable. 12131

(2) Each ~~nurseryman~~ nurseryperson who limits ~~his~~ production 12132  
and sales of nursery stock to brambles, herbaceous, perennial, and 12133  
other nonwoody plants, shall pay to the director an inspection fee 12134  
of thirty dollars, plus four dollars per acre, or fraction 12135  
thereof, of growing nursery stock in intensive and nonintensive 12136  
production areas. 12137

(F) On and after the effective date of this amendment, the following additional fees shall be assessed: 12138  
12139

(1) Each collector or dealer who pays a fee under division (A) of this section shall pay an additional fee of twenty-five dollars. 12140  
12141  
12142

(2) Each nurseryperson who pays fees under division (E)(1) of this section shall pay additional fees as follows: 12143  
12144

(a) Fifteen dollars for the inspection fee; 12145

(b) Fifty cents per acre, or fraction thereof, of growing nursery stock in intensive production areas; 12146  
12147

(c) One dollar and fifty cents per acre, or fraction thereof, of growing nursery stock in nonintensive production areas. 12148  
12149

(3) Each nursery person who pays fees under division (E)(2) of this section shall pay additional fees as follows: 12150  
12151

(a) Thirty-five dollars for the inspection fee; 12152

(b) Fifty cents per acre, or fraction thereof, of growing stock in intensive and nonintensive production areas. 12153  
12154

The fees collected under division (F) of this section shall be deposited into the state treasury to the credit of the pesticide program fund created in Chapter 921. of the Revised Code. Moneys so credited to the fund shall be used to pay the costs incurred by the department of agriculture in administering this chapter, including employing a minimum of two additional inspectors. 12155  
12156  
12157  
12158  
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12161

**Sec. 927.69.** To effect the purpose of sections 927.51 to 927.74, ~~inclusive,~~ of the Revised Code, the director of agriculture, ~~or his~~ the director's authorized representative, may: 12162  
12163  
12164

(A) Make reasonable inspection of any premises in this state and any property therein or thereon; 12165  
12166

(B) Stop and inspect in a reasonable manner, any means of conveyance moving within this state upon probable cause to believe it contains or carries any pest, host, commodity, or other article ~~which that~~ is subject to sections 927.51 to 927.72, ~~inclusive~~, of the Revised Code;

(C) Conduct inspections of agricultural products that are required by other states, the United States department of agriculture, other federal agencies, or foreign countries to determine whether the products are infested. If, upon making such an inspection, the director or the director's authorized representative determines that an agricultural product is not infested, the director or the director's authorized representative may issue a certificate, as required by other states, the United States department of agriculture, other federal agencies, or foreign countries, indicating that the product is not infested.

If the director charges fees for any of the certificates, agreements, or inspections specified in this section, the fees shall be as follows:

(1) Phyto sanitary certificates, twenty-five dollars;

(2) Compliance agreements, twenty dollars;

(3) Solid wood packing certificates, twenty dollars;

(4) Agricultural products and their conveyances inspections, sixty-five dollars.

The director may adopt rules under section 927.52 of the Revised Code that define the certificates, agreements, and inspections.

The fees shall be deposited into the state treasury to the credit of the pesticide program fund created in Chapter 921. of the Revised Code. Money credited to the fund shall be used to pay the costs incurred by the department of agriculture in

administering this chapter, including employing a minimum of two 12197  
additional inspectors. 12198

Sec. 927.701. (A) As used in this section, "gypsy moth" means 12199  
the live insect, Lymantria dispar, in any stage of development. 12200  
12201

(B) The director of agriculture may establish a voluntary 12202  
gypsy moth suppression program under which a landowner may request 12203  
that the department of agriculture have the landowner's property 12204  
aerially sprayed to suppress the presence of gypsy moths in 12205  
exchange for payment from the landowner of a portion of the cost 12206  
of the spraying. To determine the amount of payment that is due 12207  
from a landowner, the department first shall determine the 12208  
projected cost per acre to the department of gypsy moth 12209  
suppression activities for the year in which the landowner's 12210  
request is made. The cost shall be calculated by determining the 12211  
total expense of aerial spraying for gypsy moths to be incurred by 12212  
the department in that year divided by the total number of acres 12213  
proposed to be sprayed in that year. With respect to a landowner, 12214  
the department shall multiply the cost per acre by the number of 12215  
acres that the landowner requests to be sprayed. The department 12216  
shall add to that amount any administrative costs that it incurs 12217  
in billing the landowner and collecting payment. The amount that 12218  
the landowner shall pay to the department shall not exceed fifty 12219  
per cent of the resulting amount. 12220

(C) The director shall adopt rules under Chapter 119. of the 12221  
Revised Code to establish procedures under which a landowner may 12222  
make a request under division (B) of this section and to establish 12223  
provisions governing agreements between the department and 12224  
landowners concerning gypsy moth suppression together with any 12225  
other provisions that the director considers appropriate to 12226  
administer this section. 12227

(D) The director shall deposit all money collected under this section into the state treasury to the credit of the pesticide program fund created in Chapter 921. of the Revised Code. Money credited to the fund under this section shall be used for the suppression of gypsy moths in accordance with this section.

**Sec. 929.01.** As used in ~~Chapter 929. of the Revised Code~~ this chapter:

(A) "Agricultural production" means commercial aquaculture, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under section 929.02 of the Revised Code.

(B) "Withdrawal from an agricultural district" includes the explicit removal of land from an agricultural district, conversion of land in an agricultural district to use for purposes other than agricultural production, and withdrawal of land from a land retirement or conservation program to use for ~~purposes~~ purposes

other than agricultural production. Withdrawal from an 12259  
agricultural district does not include land described in division 12260  
(A)(4) of section 5713.30 of the Revised Code. 12261

(C) "Conservation practice" has the same meaning as in 12262  
section 5713.30 of the Revised Code. 12263

**Sec. 955.51.** (A) Any owner of horses, sheep, cattle, swine, 12264  
mules, goats, domestic rabbits, or domestic fowl or poultry that 12265  
have an aggregate fair market value of ten dollars or more and 12266  
that have been injured or killed by a coyote or a black vulture 12267  
shall notify the dog warden within three days after the loss or 12268  
injury has been discovered. The dog warden promptly shall 12269  
investigate the loss or injury and shall determine whether or not 12270  
the loss or injury was made by a coyote or a black vulture. If the 12271  
dog warden finds that the loss or injury was not made by a coyote 12272  
or a black vulture, the owner has no claim under sections 955.51 12273  
to 955.53 of the Revised Code. If the dog warden finds that the 12274  
loss or injury was made by a coyote or a black vulture, ~~he~~ the dog 12275  
warden promptly shall notify the wildlife officer of that finding. 12276  
The wildlife officer then shall confirm the finding, disaffirm it, 12277  
or state that ~~he~~ the wildlife officer is uncertain about the 12278  
finding. If the wildlife officer affirms the finding of the dog 12279  
warden or states that ~~he~~ the wildlife officer is uncertain about 12280  
that finding, the owner may proceed with ~~his~~ a claim under 12281  
sections 955.51 to 955.53 of the Revised Code, and the dog warden 12282  
shall provide the owner with duplicate copies of the claim form 12283  
provided for in section 955.53 of the Revised Code and assist ~~him~~ 12284  
the owner in filling it out. The owner shall set forth the kind, 12285  
grade, quality, and what ~~he~~ the owner has determined is the fair 12286  
market value of the animals, fowl, or poultry, the nature and 12287  
amount of the loss or injury, the place where the loss or injury 12288  
occurred, and all other pertinent facts in the possession of the 12289  
claimant. If the animals, fowl, or poultry die as a result of 12290

their injuries, their fair market value is the market value of 12291  
uninjured animals, fowl, or poultry on the date of the death of 12292  
the injured animals, fowl, or poultry. If the animals, fowl, or 12293  
poultry do not die as a result of their injuries, their fair 12294  
market value is their market value on the date on which they 12295  
received their injuries. 12296

(B) If the dog warden finds all the statements that the owner 12297  
made on the form to be correct and agrees with the owner as to the 12298  
fair market value of the animals, fowl, or poultry, ~~he~~ the dog 12299  
warden promptly shall so certify and send both copies of the form, 12300  
together with whatever other documents, testimony, or information 12301  
~~he~~ the dog warden has received relating to the loss or injury, to 12302  
the department of agriculture. 12303

(C) If the dog warden does not find all the statements to be 12304  
correct or does not agree with the owner as to the fair market 12305  
value, the owner may appeal to the department of agriculture for a 12306  
determination of ~~his~~ the owner's claim. In that case the owner 12307  
shall secure statements as to the nature and amount of the loss or 12308  
injury from at least two witnesses who viewed the results of the 12309  
killing or injury and who can testify about the results and shall 12310  
submit both copies of the form to the department no later than 12311  
twenty days after the loss or injury was discovered. The dog 12312  
warden shall submit to the department whatever documents, 12313  
testimony, and other information ~~he~~ the dog warden has received 12314  
relating to the loss or injury. The department shall receive any 12315  
other information or testimony that will enable it to determine 12316  
the fair market value of the animals, fowl, or poultry injured or 12317  
killed. 12318

(D) If the animals, fowl, or poultry described in division 12319  
(A) of this section are registered in any accepted association or 12320  
registry, the owner or ~~his~~ the owner's employee or tenant shall 12321  
submit with the claim form the registration papers showing the 12322

lines of breeding, age, and other relevant matters. If the animals 12323  
are the offspring of registered stock and eligible for 12324  
registration, the registration papers showing the breeding of the 12325  
offspring shall be submitted. 12326

**Sec. 1309.109.** (A) Except as otherwise provided in divisions 12327  
(C) and (D) of this section, this chapter applies to the 12328  
following: 12329

(1) A transaction, regardless of its form, that creates a 12330  
security interest in personal property or fixtures by contract; 12331

(2) An agricultural lien; 12332

(3) A sale of accounts, chattel paper, payment intangibles, 12333  
or promissory notes; 12334

(4) A consignment; 12335

(5) A security interest arising under section 1302.42 or 12336  
1302.49, division (C) of section 1302.85, or division (E) of 12337  
section 1310.54 of the Revised Code, as provided in section 12338  
1309.110 of the Revised Code; and 12339

(6) A security interest arising under section 1304.20 or 12340  
1305.18 of the Revised Code. 12341

(B) The application of this chapter to a security interest in 12342  
a secured obligation is not affected by the fact that the 12343  
obligation is itself secured by a transaction or interest to which 12344  
this chapter does not apply. 12345

(C) This chapter does not apply to the extent that: 12346

(1) A statute, regulation, or treaty of the United States 12347  
preempts this chapter; or 12348

(2) The rights of a transferee beneficiary or nominated 12349  
person under a letter of credit are independent and superior under 12350  
section 1305.13 of the Revised Code. 12351

(D) This chapter does not apply to <u>the following</u> :	12352
(1) A landlord's lien, other than an agricultural lien;	12353
(2)(a) A lien, not enumerated in division (D)(2) of this section and other than an agricultural lien, given by statute or other rule of law for services or materials, including any lien created under any provision of Chapter 926., sections 1311.55 to 1311.57, sections 1311.71 to 1311.80, section 1701.66, or Chapter 4585. of the Revised Code;	12354 12355 12356 12357 12358 12359
(b) Notwithstanding division (D)(2)(a) of this section, section 1309.333 of the Revised Code applies with respect to priority of the lien.	12360 12361 12362
(3) An assignment of a claim for wages, salary, or other compensation of an employee;	12363 12364
(4) A sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;	12365 12366 12367
(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes that is for the purpose of collection only;	12368 12369 12370
(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;	12371 12372
(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;	12373 12374 12375
(8) A transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds;	12376 12377 12378 12379 12380 12381

(9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;	12382 12383
(10) A right of recoupment or set-off, but:	12384
(a) Section 1309.340 of the Revised Code applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and	12385 12386 12387
(b) Section 1309.404 of the Revised Code applies with respect to defenses or claims of an account debtor.	12388 12389
(11) The creation or transfer of an interest in or lien on real property, including a lease or rents under a lease, except to the extent that provision is made for:	12390 12391 12392
(a) Liens on real property in sections 1309.203 and 1309.308 of the Revised Code;	12393 12394
(b) Fixtures in section 1309.334 of the Revised Code;	12395
(c) Fixture filings in sections 1309.501, 1309.502, 1309.512, 1309.516, and 1309.519 of the Revised Code; and	12396 12397
(d) Security agreements covering personal and real property in section 1309.604 of the Revised Code.	12398 12399
(12) An assignment of a claim arising in tort, other than a commercial tort claim, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds;	12400 12401 12402 12403
(13) An assignment of a deposit account in a consumer transaction, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds; or	12404 12405 12406
(14) A transfer by a government, state, or governmental unit.	12407
(E) The granting of a security interest in all or any part of a lottery prize award for consideration is subject to the prohibition of division <del>(A)(3)</del> (C) of section 3770.07 of the	12408 12409 12410

Revised Code. The sale, assignment, or other redirection of a 12411  
lottery prize award for consideration is subject to the provisions 12412  
of division ~~(A)(4)~~(D) of section 3770.07 and sections 3770.10 to 12413  
3770.14 of the Revised Code. 12414

**Sec. 1317.07.** No retail installment contract authorized by 12415  
section 1317.03 of the Revised Code that is executed in connection 12416  
with any retail installment sale shall evidence any indebtedness 12417  
in excess of the time balance fixed in the written instrument in 12418  
compliance with section 1317.04 of the Revised Code, but it may 12419  
evidence in addition any agreements of the parties for the payment 12420  
of delinquent charges, as provided for in section 1317.06 of the 12421  
Revised Code, taxes, and any lawful fee actually paid out, or to 12422  
be paid out, by the retail seller to any public officer for 12423  
filing, recording, or releasing any instrument securing the 12424  
payment of the obligation owed on any retail installment contract. 12425  
No retail seller, directly or indirectly, shall charge, contract 12426  
for, or receive from any retail buyer, any further or other amount 12427  
for examination, service, brokerage, commission, expense, fee, or 12428  
other thing of value. A documentary service charge customarily and 12429  
presently being paid on May 9, 1949, in a particular business and 12430  
area may be charged if the charge does not exceed ~~fifty one~~ 12431  
hundred dollars per sale. 12432

No retail seller shall use multiple agreements with respect 12433  
to a single item or related items purchased at the same time, with 12434  
intent to obtain a higher charge than would otherwise be permitted 12435  
by Chapter 1317. of the Revised Code or to avoid disclosure of an 12436  
annual percentage rate, nor by use of such agreements make any 12437  
charge greater than that which would be permitted by Chapter 1317. 12438  
of the Revised Code had a single agreement been used. 12439

**Sec. 1321.21.** All fees, charges, penalties, and forfeitures 12440  
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 12441

sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and 12442  
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 12443  
the superintendent of financial institutions and shall be 12444  
deposited by the superintendent into the state treasury to the 12445  
credit of the consumer finance fund, which is hereby created. The 12446  
fund may be expended or obligated by the superintendent for the 12447  
defrayment of the costs of administration of Chapters 1321., 12448  
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ 12449  
sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of 12450  
the Revised Code by the division of financial institutions. All 12451  
actual and necessary expenses incurred by the superintendent, 12452  
including any services rendered by the department of commerce for 12453  
the division's administration of Chapters 1321., 1322., 4712., 12454  
4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 12455  
1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised 12456  
Code, shall be paid from the fund. The fund shall be assessed a 12457  
proportionate share of the administrative costs of the department 12458  
and the division. The proportionate share of the administrative 12459  
costs of the division of financial institutions shall be 12460  
determined in accordance with procedures prescribed by the 12461  
superintendent and approved by the director of budget and 12462  
management. Such assessment shall be paid from the consumer 12463  
finance fund to the division of administration fund or the 12464  
financial institutions fund. 12465

**Sec. 1333.99.** (A) Whoever violates sections 1333.01 to 12466  
1333.04 of the Revised Code is guilty of a minor misdemeanor. 12467

(B) Whoever violates section 1333.12 of the Revised Code is 12468  
guilty of a misdemeanor of the fourth degree. 12469

(C) Whoever violates section 1333.36 of the Revised Code is 12470  
guilty of a misdemeanor of the third degree. 12471

(D) A prosecuting attorney may file an action to restrain any 12472

person found in violation of section 1333.36 of the Revised Code. 12473  
Upon the filing of such an action, the common pleas court may 12474  
receive evidence of such violation and forthwith grant a temporary 12475  
restraining order as may be prayed for, pending a hearing on the 12476  
merits of said cause. 12477

(E) Whoever violates division (A)(1) of section 1333.52 or 12478  
section 1333.81 of the Revised Code is guilty of a misdemeanor of 12479  
the first degree. 12480

(F) Whoever violates division (A)(2) or (B) of section 12481  
1333.52 ~~or division (F) or (H) of section 1333.96~~ of the Revised 12482  
Code is guilty of a misdemeanor of the second degree. 12483

(G) Except as otherwise provided in this division, whoever 12484  
violates section 1333.92 of the Revised Code is guilty of a 12485  
misdemeanor of the first degree. If the value of the compensation 12486  
is five hundred dollars or more and less than five thousand 12487  
dollars, whoever violates section 1333.92 of the Revised Code is 12488  
guilty of a felony of the fifth degree. If the value of the 12489  
compensation is five thousand dollars or more and less than one 12490  
hundred thousand dollars, whoever violates section 1333.92 of the 12491  
Revised Code is guilty of a felony of the fourth degree. If the 12492  
value of the compensation is one hundred thousand dollars or more, 12493  
whoever violates section 1333.92 of the Revised Code is guilty of 12494  
a felony of the third degree. 12495

~~(H) Whoever violates division (B), (C), or (I) of section 12496  
1333.96 of the Revised Code is guilty of a misdemeanor of the 12497  
third degree. 12498~~

~~(I) Any person not registered as a travel agency or tour 12499  
promoter as provided in divisions (B) and (C) of section 1333.96 12500  
of the Revised Code who states that the person is so registered is 12501  
guilty of a misdemeanor of the first degree. 12502~~

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the Revised Code:

(A) "Adult" means a person who is eighteen years of age or older.

(B) "Attending physician" means the physician to whom a principal or the family of a principal has assigned primary responsibility for the treatment or care of the principal or, if the responsibility has not been assigned, the physician who has accepted that responsibility.

(C) "Comfort care" means any of the following:

(1) Nutrition when administered to diminish the pain or discomfort of a principal, but not to postpone death;

(2) Hydration when administered to diminish the pain or discomfort of a principal, but not to postpone death;

(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a principal, but not to postpone death.

(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a principal, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of sections 1337.11 to 1337.17 of the Revised Code, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.

(E) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.

(F) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical

or mental condition.	12533
(G) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.	12534 12535 12536
(H) "Health care facility" means any of the following:	12537
(1) A hospital;	12538
(2) A hospice care program or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	12539 12540 12541
(3) A nursing home;	12542
(4) A home health agency;	12543
(5) An intermediate care facility for the mentally retarded.	12544
(I) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	12545 12546 12547 12548 12549 12550
(J) "Home health agency" has the same meaning as in section <del>3701.88</del> <u>3701.881</u> of the Revised Code.	12551 12552
(K) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	12553 12554
(L) "Hospital" has the same meanings as in sections 2108.01, 3701.01, and 5122.01 of the Revised Code.	12555 12556
(M) "Hydration" means fluids that are artificially or technologically administered.	12557 12558
(N) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	12559 12560
(O) "Intermediate care facility for the mentally retarded"	12561

has the same meaning as in section 5111.20 of the Revised Code. 12562

(P) "Life-sustaining treatment" means any medical procedure, 12563  
treatment, intervention, or other measure that, when administered 12564  
to a principal, will serve principally to prolong the process of 12565  
dying. 12566

(Q) "Medical claim" has the same meaning as in section 12567  
2305.11 of the Revised Code. 12568

(R) "Nursing home" has the same meaning as in section 3721.01 12569  
of the Revised Code. 12570

(S) "Nutrition" means sustenance that is artificially or 12571  
technologically administered. 12572

(T) "Permanently unconscious state" means a state of 12573  
permanent unconsciousness in a principal that, to a reasonable 12574  
degree of medical certainty as determined in accordance with 12575  
reasonable medical standards by the principal's attending 12576  
physician and one other physician who has examined the principal, 12577  
is characterized by both of the following: 12578

(1) Irreversible unawareness of one's being and environment. 12579

(2) Total loss of cerebral cortical functioning, resulting in 12580  
the principal having no capacity to experience pain or suffering. 12581

(U) "Person" has the same meaning as in section 1.59 of the 12582  
Revised Code and additionally includes political subdivisions and 12583  
governmental agencies, boards, commissions, departments, 12584  
institutions, offices, and other instrumentalities. 12585

(V) "Physician" means a person who is authorized under 12586  
Chapter 4731. of the Revised Code to practice medicine and surgery 12587  
or osteopathic medicine and surgery. 12588

(W) "Political subdivision" and "state" have the same 12589  
meanings as in section 2744.01 of the Revised Code. 12590

(X) "Professional disciplinary action" means action taken by 12591

the board or other entity that regulates the professional conduct 12592  
of health care personnel, including the state medical board and 12593  
the board of nursing. 12594

(Y) "Terminal condition" means an irreversible, incurable, 12595  
and untreatable condition caused by disease, illness, or injury 12596  
from which, to a reasonable degree of medical certainty as 12597  
determined in accordance with reasonable medical standards by a 12598  
principal's attending physician and one other physician who has 12599  
examined the principal, both of the following apply: 12600

(1) There can be no recovery. 12601

(2) Death is likely to occur within a relatively short time 12602  
if life-sustaining treatment is not administered. 12603

(Z) "Tort action" means a civil action for damages for 12604  
injury, death, or loss to person or property, other than a civil 12605  
action for damages for a breach of contract or another agreement 12606  
between persons. 12607

**Sec. 1346.02.** Any tobacco product manufacturer selling 12608  
cigarettes to consumers within the state (whether directly or 12609  
through a distributor, retailer or similar intermediary or 12610  
intermediaries) after ~~the effective date of this section~~ June 30, 12611  
1999 shall do one of the following: 12612

(A) Become a participating manufacturer (as that term is 12613  
defined in section II(jj) of the Master Settlement Agreement) and 12614  
generally perform its financial obligations under the Master 12615  
Settlement Agreement; or 12616

(B)(1) Place into a qualified escrow fund by April 15 of the 12617  
year following the year in question the following amounts (as such 12618  
amounts are adjusted for inflation): 12619

1999: \$.0094241 per unit sold after ~~the effective date of~~ 12620  
~~this section~~ June 30, 1999; 12621

2000: \$.0104712 per unit sold; 12622

For each of 2001 and 2002: \$.0136125 per unit sold; 12623

For each of 2003 through 2006: \$.0167539 per unit sold; 12624

For each of 2007 and each year thereafter: \$.0188482 per unit  
sold. 12625  
12626

(2) A tobacco product manufacturer that places funds into 12627  
escrow pursuant to division (B)(1) of this section shall receive 12628  
the interest or other appreciation on such funds as earned. Such 12629  
funds themselves shall be released from escrow only under the 12630  
following circumstances: 12631

(a) To pay a judgment or settlement on any released claim 12632  
brought against such tobacco product manufacturer by the state or 12633  
any releasing party located or residing in the state. Funds shall 12634  
be released from escrow under division (B)(2)(a) of this section: 12635

(i) In the order in which they were placed into escrow; and 12636

(ii) Only to the extent and at the time necessary to make 12637  
payments required under such judgment or settlement. 12638

(b) To the extent that a tobacco product manufacturer 12639  
establishes that the amount it was required to place into escrow 12640  
on account of units sold in the state in a particular year was 12641  
greater than the ~~state's allocable share of the total payments~~ 12642  
~~that such manufacturer would have been required to make in that~~ 12643  
~~year under the Master Settlement Agreement ( payments, as~~ 12644  
determined pursuant to section ~~IX(i)(2)~~ IX(i) of the ~~Master~~ 12645  
~~Settlement that~~ Agreement, ~~and before any of the adjustments or~~ 12646  
~~offsets described in section IX(i)(3) of that Agreement other the~~ 12647  
~~the inflation adjustment)~~ including after final determination of 12648  
all adjustments, that such manufacturer would have been required 12649  
to make on account of such units sold had it been a participating 12650  
manufacturer, the excess shall be released from escrow and revert 12651

back to such tobacco product manufacturer; or 12652

(c) To the extent not released from escrow under division 12653  
(B)(2)(a) or (b) of this section, funds shall be released from 12654  
escrow and revert back to such tobacco product manufacturer 12655  
twenty-five years after the date on which they were placed into 12656  
escrow. 12657

(3) Each tobacco product manufacturer that elects to place 12658  
funds into escrow pursuant to division (B) of this section shall 12659  
annually certify to the attorney general that it is in compliance 12660  
with division (B) of this section. The attorney general may bring 12661  
a civil action on behalf of the state against any tobacco product 12662  
manufacturer that fails to place into escrow the funds required 12663  
under this section. Any tobacco product manufacturer that fails in 12664  
any year to place into escrow the funds required under this 12665  
section shall: 12666

(a) Be required within fifteen days to place such funds into 12667  
escrow as shall bring it into compliance with this section. The 12668  
court, upon a finding of a violation of division (B) of this 12669  
section, may impose a civil penalty to be paid to the general 12670  
revenue fund of the state in an amount not to exceed five per cent 12671  
of the amount improperly withheld from escrow per day of the 12672  
violation and in a total amount not to exceed one hundred per cent 12673  
of the original amount improperly withheld from escrow; 12674

(b) In the case of a knowing violation, be required within 12675  
fifteen days to place such funds into escrow as shall bring it 12676  
into compliance with this section. The court, upon a finding of a 12677  
knowing violation of division (B) of this section, may impose a 12678  
civil penalty to be paid to the general revenue fund of the state 12679  
in an amount not to exceed fifteen per cent of the amount 12680  
improperly withheld from escrow per day of the violation and in a 12681  
total amount not to exceed three hundred per cent of the original 12682  
amount improperly withheld from escrow; and 12683

(c) In the case of a second knowing violation, be prohibited 12684  
from selling cigarettes to consumers within the state (whether 12685  
directly or through a distributor, retailer or similar 12686  
intermediary) for a period not to exceed two years. 12687

Each failure to make an annual deposit required under this 12688  
section shall constitute a separate violation. 12689

Sec. 1346.04. As used in this section and sections 1346.05 to 12690  
1346.10 of the Revised Code: 12691

(A) "Brand family" means all styles of cigarettes sold under 12692  
the same trademark and differentiated from one another by means of 12693  
additional modifiers or descriptors, including, but not limited 12694  
to, "menthol," "lights," "kings," and "100s." "Brand family" 12695  
includes cigarettes sold under any brand name (whether that name 12696  
is used alone or in conjunction with any other word), trademark, 12697  
logo, symbol, motto, selling message, recognizable pattern of 12698  
colors, or other indicia of product identification identical or 12699  
similar to, or identifiable with, a previous brand of cigarettes. 12700

(B) "Cigarette," "Master Settlement Agreement," "qualified 12701  
escrow fund," "tobacco product manufacturer," and "units sold" 12702  
have the same meanings as in section 1346.01 of the Revised Code. 12703

(C) "Nonparticipating manufacturer" means any tobacco product 12704  
manufacturer that is not a participating manufacturer. 12705

(D) "Participating manufacturer" means a participating 12706  
manufacturer as that term is defined in section II(jj) of the 12707  
Master Settlement Agreement and all amendments to that agreement. 12708

(E) "Stamping agent" means a person who is authorized to 12709  
affix tax stamps to packages or other containers of cigarettes 12710  
under section 5743.03 of the Revised Code or a person who is 12711  
required to pay the excise tax imposed on cigarettes and other 12712  
tobacco products under sections 5743.03 and 5743.51 of the Revised 12713

Code. 12714

Sec. 1346.05. (A)(1) Every tobacco product manufacturer whose 12715  
cigarettes are sold in this state either directly or through a 12716  
distributor, retailer, or other intermediary shall execute and 12717  
deliver to the attorney general an annual certification, made 12718  
under penalty of falsification, stating that, as of the date of 12719  
the certification, the tobacco manufacturer is either a 12720  
participating manufacturer or a nonparticipating manufacturer in 12721  
full compliance with section 1346.02 of the Revised Code, 12722  
including full compliance with all quarterly installment payment 12723  
requirements, if required to make such payments by an 12724  
administrative rule adopted by the attorney general. The 12725  
certification shall be on a form prescribed by the attorney 12726  
general and shall be filed not later than the thirtieth day of 12727  
April in each year. 12728

(2) Each participating manufacturer shall include in its 12729  
certification a list of its brand families. Thirty days before 12730  
making any additions to or modifications of its brand families, a 12731  
participating manufacturer shall update its brand family list by 12732  
executing and delivering a supplemental certification to the 12733  
attorney general. 12734

(3) Each nonparticipating manufacturer shall include all of 12735  
the following in its certification: 12736

(a) A list of all of its brand families and the number of 12737  
units sold during the preceding calendar year for each brand 12738  
family, and a list of all of its brand families that have been 12739  
sold in the state at any time during the current calendar year. 12740  
The list shall indicate, by an asterisk, any brand family that was 12741  
sold in the state during the preceding calendar year and that is 12742  
no longer being sold in the state as of the date of the 12743  
certification. The list shall identify by name and address any 12744

other manufacturer in the preceding or current year of the brand families included on the list. Thirty days before making any additions to or modifications of its brand families, a nonparticipating manufacturer shall update its brand family list by executing and delivering a supplemental certification to the attorney general. 12745  
12746  
12747  
12748  
12749  
12750

(b) A statement that the nonparticipating manufacturer is registered to do business in this state, or has appointed an agent for service of process in this state and provided notice of that appointment as required by section 1346.06 of the Revised Code; 12751  
12752  
12753  
12754

(c) A certification that the nonparticipating manufacturer has established and continues to maintain a qualified escrow fund under section 1346.02 of the Revised Code and that the qualified escrow fund is governed by a qualified escrow agreement executed by the nonparticipating manufacturer and reviewed and approved by the attorney general; 12755  
12756  
12757  
12758  
12759  
12760

(d) All of the following information regarding the qualified escrow fund the nonparticipating manufacturer is required to establish and maintain under section 1346.02 of the Revised Code and the rules adopted under that section: 12761  
12762  
12763  
12764

(i) The name, address, and telephone number of the financial institution at which the nonparticipating manufacturer has established its qualified escrow fund; 12765  
12766  
12767

(ii) The account number of the qualified escrow fund and any subaccount number for the state; 12768  
12769

(iii) The amount that the nonparticipating manufacturer deposited in the qualified escrow fund for cigarettes sold in the state during the preceding calendar year, the date and amount of each deposit, and any evidence or verification the attorney general deems necessary to confirm those deposits; 12770  
12771  
12772  
12773  
12774

(iv) The amount and date of any withdrawal or transfer of 12775

funds the nonparticipating manufacturer made at any time from any 12776  
qualified escrow fund into which it ever made payments under 12777  
section 1346.02 of the Revised Code and the rules adopted under 12778  
that section. 12779

(e) A statement that the nonparticipating manufacturer is in 12780  
full compliance with this section and sections 1346.02, 1346.06, 12781  
and 1346.07 of the Revised Code and any rules adopted under those 12782  
sections. 12783

(4)(a) No tobacco product manufacturer shall include a brand 12784  
family in its certification unless either of the following 12785  
applies: 12786

(i) In the case of a participating manufacturer, the 12787  
participating manufacturer affirms that the cigarettes in the 12788  
brand family shall be deemed to be its cigarettes for the purpose 12789  
of calculating its payments under the Master Settlement Agreement 12790  
for the relevant year in the volume and shares determined pursuant 12791  
to that agreement. 12792

(ii) In the case of a nonparticipating manufacturer, the 12793  
nonparticipating manufacturer affirms that the cigarettes in the 12794  
brand family shall be deemed to be its cigarettes for the purpose 12795  
of section 1346.02 of the Revised Code. 12796

(b) Nothing in this section limits or shall be construed to 12797  
limit the state's authority to determine that the cigarettes in a 12798  
brand family constitute the cigarettes of another tobacco product 12799  
manufacturer for the purpose of calculating payments under the 12800  
Master Settlement Agreement or for the purpose of section 1346.02 12801  
of the Revised Code. 12802

(5) Each tobacco product manufacturer shall maintain all 12803  
invoices and documentations of sales and other information relied 12804  
upon for its certification for a period of at least five years. 12805

(B)(1) Except as otherwise provided in division (B)(3) of 12806

this section, the attorney general shall develop and publish on 12807  
its web site a directory listing all tobacco product manufacturers 12808  
that have provided current and accurate certifications under 12809  
division (A) of this section and all brand families listed in 12810  
those certifications. 12811

(2)(a) The attorney general shall update the directory as 12812  
necessary to correct mistakes or to add or remove a tobacco 12813  
product manufacturer or brand family to keep the directory in 12814  
conformity with the requirements of this section. At least ten 12815  
days before any tobacco product manufacturer or brand family is 12816  
added to or removed from the directory, the attorney general shall 12817  
publish notice of the pending addition or removal online in the 12818  
directory and shall notify the tax commissioner of those pending 12819  
changes. At least ten days before such addition or removal, the 12820  
tax commissioner shall transmit by electronic mail or other 12821  
practicable means to each stamping agent notice of the pending 12822  
addition or removal. 12823

(b) Unless an agreement between a stamping agent and a 12824  
tobacco product manufacturer provides otherwise, a tobacco product 12825  
manufacturer that is removed from the directory or whose brand 12826  
family is removed from the directory shall refund to the stamping 12827  
agent any money paid by the stamping agent to the tobacco product 12828  
manufacturer for cigarettes of that tobacco product manufacturer 12829  
that are in the possession of the stamping agent at the time the 12830  
stamping agent receives notice of the pending removal of the 12831  
tobacco product manufacturer or a brand family of that tobacco 12832  
product manufacturer from the directory under division (B)(2)(a) 12833  
of this section. 12834

(c) The tax commissioner shall notify the attorney general of 12835  
any tobacco product manufacturer that fails to refund money to a 12836  
stamping agent under division (B)(2)(b) of this section. The 12837  
attorney general shall not restore to the directory any tobacco 12838

product manufacturer or brand family of a tobacco product 12839  
manufacturer until the tobacco product manufacturer has paid the 12840  
stamping agent any required refund. Once a required refund has 12841  
been so paid, the tax commissioner shall notify the attorney 12842  
general of that payment. 12843

(3) The attorney general shall not include or retain in the 12844  
directory a nonparticipating manufacturer or a brand family of a 12845  
nonparticipating manufacturer if any of the following applies: 12846

(a) The nonparticipating manufacturer fails to provide the 12847  
required certification under this section, or the attorney general 12848  
determines that the certification is not in compliance with the 12849  
requirements of this section, unless the attorney general 12850  
determines that the violation has been cured to the attorney 12851  
general's satisfaction. 12852

(b) The attorney general determines that any escrow payment 12853  
required under section 1346.02 of the Revised Code for any period 12854  
for any brand family of the nonparticipating manufacturer, 12855  
regardless of whether the brand family is listed by the 12856  
nonparticipating manufacturer in its certification under this 12857  
section, has not been fully paid into a qualified escrow fund 12858  
governed by a qualified escrow agreement that has been approved by 12859  
the attorney general. 12860

(c) The attorney general determines that the nonparticipating 12861  
manufacturer has not fully satisfied any outstanding final 12862  
judgment, including interest, for a violation of section 1346.02 12863  
of the Revised Code. 12864

(4) Each stamping agent shall provide an electronic mail 12865  
address to the tax commissioner for the purpose of receiving 12866  
notifications under division (B)(2) of this section. As necessary, 12867  
each stamping agent shall update the agent's electronic mail 12868  
address with the tax commissioner. 12869

<u>(C)(1) No person shall do any of the following:</u>	12870
<u>(a) Affix a tax stamp to a package or other container of</u>	12871
<u>cigarettes of a tobacco product manufacturer or a brand family</u>	12872
<u>that is not included in the directory;</u>	12873
<u>(b) Sell, offer for sale, or possess for sale in this state</u>	12874
<u>cigarettes of a tobacco product manufacturer or a brand family</u>	12875
<u>that is not included in the directory;</u>	12876
<u>(c) Sell or distribute cigarettes that have had a tax stamp</u>	12877
<u>affixed while the tobacco product manufacturer or brand family of</u>	12878
<u>those cigarettes was not included in the directory;</u>	12879
<u>(d) Acquire, hold, own, possess, transport, import, or cause</u>	12880
<u>to be imported cigarettes that the person knows or should know are</u>	12881
<u>intended for distribution or sale in this state and that have had</u>	12882
<u>a tax stamp affixed while the tobacco product manufacturer or</u>	12883
<u>brand family of those cigarettes was not included in the</u>	12884
<u>directory;</u>	12885
<u>(e) Acquire, hold, own, possess, transport, import, or cause</u>	12886
<u>to be imported cigarettes that the person knows or should know are</u>	12887
<u>intended for distribution or sale in this state and that are the</u>	12888
<u>cigarettes of a tobacco product manufacturer or a brand family</u>	12889
<u>that is not included in the directory.</u>	12890
<u>(2) Except as otherwise provided in this division, a</u>	12891
<u>violation of division (C)(1) of this section is a misdemeanor of</u>	12892
<u>the first degree. If the offender has a previous conviction for a</u>	12893
<u>violation of that division, a violation of division (C)(1) of this</u>	12894
<u>section is a felony of the fourth degree.</u>	12895
<u>(3) Any cigarettes sold, offered for sale, or possessed for</u>	12896
<u>sale in violation of division (C)(1) of this section shall be</u>	12897
<u>considered contraband under section 5743.21 of the Revised Code,</u>	12898
<u>and those cigarettes shall be subject to seizure and forfeiture</u>	12899
<u>under that section. Cigarettes so seized and forfeited shall not</u>	12900

be resold and shall be destroyed. 12901

Sec. 1346.06. (A)(1) Any nonresident or foreign 12902  
nonparticipating manufacturer that has not registered to do 12903  
business in the state as a foreign corporation or business entity, 12904  
as a condition precedent to having its brand families included or 12905  
retained in the directory developed and published by the attorney 12906  
general under section 1346.05 of the Revised Code, shall appoint, 12907  
and continually engage without interruption the services of, an 12908  
agent in the state to act as agent for the service, in any manner 12909  
authorized by law, of all process pertaining to any action or 12910  
proceeding in the courts of this state against the manufacturer 12911  
concerning or arising out of the enforcement of this chapter. 12912

(2) Service on a nonparticipating manufacturer's agent shall 12913  
constitute legal and valid service of process on the manufacturer. 12914

(3) A nonparticipating manufacturer shall provide the 12915  
attorney general, to the satisfaction of the attorney general, 12916  
with proof of the appointment of, and notice of the name, address, 12917  
telephone number, and availability of, the manufacturer's agent. 12918

(B)(1) If a nonparticipating manufacturer decides to 12919  
terminate its agent's appointment, the manufacturer shall provide 12920  
notice of the termination to the attorney general thirty calendar 12921  
days prior to the termination and shall provide proof, to the 12922  
satisfaction of the attorney general, of the appointment of a new 12923  
agent not less than five calendar days prior to the termination. 12924

(2) If a nonparticipating manufacturer's agent terminates the 12925  
agent's appointment, the manufacturer shall provide notice of the 12926  
termination to the attorney general and include proof, to the 12927  
satisfaction of the attorney general, of the appointment of a new 12928  
agent within five calendar days of the termination. 12929

(C)(1) Any nonparticipating manufacturer whose cigarettes are 12930

sold in the state and who has not appointed and continually 12931  
engaged an agent in accordance with divisions (A) and (B) of this 12932  
section shall be deemed to have appointed the secretary of state 12933  
as the manufacturer's agent and may be proceeded against in any 12934  
action or proceeding in the courts of the state described in 12935  
division (A) of this section by service of process on the 12936  
secretary of state. 12937

(2) The deemed appointment of the secretary of state as a 12938  
nonparticipating manufacturer's agent does not satisfy the 12939  
requirements of divisions (A)(3)(b) and (B)(1) of section 1346.05 12940  
of the Revised Code that a nonparticipating manufacturer that has 12941  
not registered to do business in the state shall appoint an agent 12942  
for service of process as a condition precedent to the existence 12943  
of an accurate certification permitting the manufacturer's brand 12944  
families to be included or retained in the directory. 12945

**Sec. 1346.07.** (A) Not later than the last day of each month 12946  
or less frequently if so directed by the tax commissioner, each 12947  
stamping agent shall submit information for the previous month or 12948  
for the relevant time period, if directed by the tax commissioner 12949  
to make the submission less frequently, which the tax commissioner 12950  
requires to facilitate compliance with sections 1346.05 to 1346.10 12951  
of the Revised Code. The information shall include, but is not 12952  
limited to, a list by brand family of the total number of 12953  
cigarettes, or, in the case of roll-your-own, the equivalent stick 12954  
count, for which the stamping agent during the period covered by 12955  
the report affixed stamps or otherwise paid the tax due. 12956

The stamping agent shall maintain and make available to the 12957  
tax commissioner all invoices and documentations of sales of all 12958  
nonparticipating manufacturer cigarettes and any other information 12959  
the agent relies upon in submitting information under this 12960  
division to the tax commissioner. This duty shall be for a period 12961

of five years from the date of each submission of information 12962  
under this division. 12963

(B) The attorney general at any time may require a 12964  
nonparticipating manufacturer to provide proof, from the financial 12965  
institution in which the manufacturer has established a qualified 12966  
escrow fund under section 1346.02 of the Revised Code, of the 12967  
amount of money in the fund, exclusive of interest, the amount and 12968  
date of each deposit in the fund, and the amount and date of each 12969  
withdrawal from the fund. 12970

(C) In addition to the information required to be submitted 12971  
or provided to the tax commissioner and the attorney general under 12972  
divisions (A) and (B) of this section, the attorney general may 12973  
require a stamping agent or tobacco product manufacturer to submit 12974  
any additional information necessary to enable the attorney 12975  
general to determine whether a manufacturer is in compliance with 12976  
sections 1346.05 to 1346.10 of the Revised Code. The information 12977  
shall include, but is not limited to, samples of the packaging or 12978  
labeling of each brand family. 12979

(D) The tax commissioner and the attorney general shall share 12980  
information received under sections 1346.05 to 1346.10 of the 12981  
Revised Code for purposes of determining compliance with and 12982  
enforcement of those sections. The tax commissioner and the 12983  
attorney general also may share information received under these 12984  
sections with federal, state, or local agencies for purposes of 12985  
the enforcement of this chapter or corresponding laws of other 12986  
states. 12987

**Sec. 1346.08.** (A) The tax commissioner and the attorney 12988  
general may adopt administrative rules necessary to implement 12989  
sections 1346.05 to 1346.10 of the Revised Code. 12990

(B) Subject to the requirements of section 1346.05 of the 12991  
Revised Code, the attorney general may adopt an administrative 12992

rule requiring a tobacco product manufacturer to make required 12993  
escrow deposits in quarterly installments during the year in which 12994  
the sales covered by the deposits are made. If the attorney 12995  
general adopts such a rule, the tax commissioner may require a 12996  
tobacco product manufacturer or a stamping agent to produce 12997  
information sufficient to enable the tax commissioner and the 12998  
attorney general to determine the adequacy of the amount of an 12999  
installment deposit. 13000

**Sec. 1346.09.** (A) The attorney general, on behalf of the tax 13001  
commissioner, may seek an injunction to restrain a threatened or 13002  
actual violation of division (C)(1) of section 1346.05 of the 13003  
Revised Code or division (A) or (C) of section 1346.07 of the 13004  
Revised Code by a stamping agent and to compel the stamping agent 13005  
to comply with those divisions. 13006

(B) In any action brought by the state to enforce sections 13007  
1346.05 to 1346.10 of the Revised Code, the state shall be 13008  
entitled to recover the costs of the investigation, expert witness 13009  
fees, court costs, and reasonable attorney's fees. 13010

(C) If a court determines that a person has violated any 13011  
prohibition or other provision of sections 1346.05 to 1346.10 of 13012  
the Revised Code, the court shall order that the person's profits, 13013  
gain, gross receipts, or other benefit from the violation be 13014  
disgorged and paid to the general revenue fund of the state. 13015

(D) Unless otherwise expressly provided, the remedies or 13016  
penalties provided by this chapter are cumulative to each other 13017  
and to the remedies or penalties available under all other laws of 13018  
the state. 13019

**Sec. 1346.10.** (A) In lieu of or in addition to any other 13020  
remedy provided by law, upon a determination that a stamping agent 13021  
has violated division (C)(1) of section 1346.05 of the Revised 13022

Code or any administrative rule adopted under sections 1346.05 to 13023  
1346.10 of the Revised Code, the tax commissioner may revoke the 13024  
license of the stamping agent in the manner provided by section 13025  
5743.18 of the Revised Code. 13026

(B) For each violation of division (C)(1) of section 1346.05 13027  
of the Revised Code, in addition to any other penalty provided by 13028  
law, the tax commissioner may impose a fine in an amount not to 13029  
exceed the greater of five hundred per cent of the retail value of 13030  
the cigarettes involved or five thousand dollars. The fine shall 13031  
be imposed in the manner provided by section 5743.081 of the 13032  
Revised Code. 13033

For the purpose of this division, each stamp affixed to a 13034  
package of cigarettes and each sale or offer for sale of 13035  
cigarettes in violation of division (C)(1) of section 1346.05 of 13036  
the Revised Code shall constitute a separate violation. 13037

**Sec. 1501.04.** There is hereby created in the department of 13038  
natural resources a recreation and resources commission composed 13039  
of the ~~chairman~~ chairperson of the wildlife council created under 13040  
section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of 13041  
the parks and recreation council created under section 1541.40 of 13042  
the Revised Code, the ~~chairman~~ chairperson of the waterways safety 13043  
council created under section 1547.73 of the Revised Code, the 13044  
~~chairman~~ chairperson of the technical advisory council on oil and 13045  
gas created under section 1509.38 of the Revised Code, the 13046  
chairman of the forestry advisory council created under section 13047  
1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 13048  
soil and water conservation commission created under section 13049  
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 13050  
natural areas council created under section 1517.03 of the Revised 13051  
Code, the ~~chairman~~ chairperson of the Ohio water advisory council 13052  
created under section 1521.031 of the Revised Code, the 13053

chairperson of the recycling and litter prevention advisory 13054  
council created under section 1502.04 of the Revised Code, ~~the~~ 13055  
~~chairperson of the civilian conservation advisory council created~~ 13056  
~~under section 1553.10 of the Revised Code,~~ the ~~chairman~~ 13057  
chairperson of the Ohio geology advisory council created under 13058  
section 1505.11 of the Revised Code, and five members appointed by 13059  
the governor with the advice and consent of the senate, not more 13060  
than three of whom shall belong to the same political party. The 13061  
director of natural resources shall be an ex officio member of the 13062  
commission, with a voice in its deliberations, but without the 13063  
power to vote. 13064

Terms of office of members of the commission appointed by the 13065  
governor shall be for five years, commencing on the second day of 13066  
February and ending on the first day of February. Each member 13067  
shall hold office from the date of ~~his~~ appointment until the end 13068  
of the term for which ~~he~~ the member was appointed. 13069

In the event of the death, removal, resignation, or 13070  
incapacity of a member of the commission, the governor, with the 13071  
advice and consent of the senate, shall appoint a successor who 13072  
shall hold office for the remainder of the term for which ~~his~~ the 13073  
member's predecessor was appointed. Any member shall continue in 13074  
office subsequent to the expiration date of ~~his~~ the member's term 13075  
until ~~his~~ the member's successor takes office, or until a period 13076  
of sixty days has elapsed, whichever occurs first. 13077

The governor may remove any appointed member of the 13078  
commission for misfeasance, nonfeasance, or malfeasance in office. 13079

The commission shall exercise no administrative function, but 13080  
may: 13081

(A) Advise with and recommend to the director ~~of natural~~ 13082  
~~resources~~ as to plans and programs for the management, 13083  
development, utilization, and conservation of the natural 13084

resources of the state; 13085

(B) Advise with and recommend to the director as to methods 13086  
of coordinating the work of the divisions of the department; 13087

(C) Consider and make recommendations upon any matter ~~which~~ 13088  
that the director may submit to it; 13089

(D) Submit to the governor biennially recommendations for 13090  
amendments to the conservation laws of the state. 13091

~~Before~~ Each member of the commission, before entering upon 13092  
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 13093  
~~commission~~ shall take and subscribe to an oath of office, which 13094  
oath, in writing, shall be filed in the office of the secretary of 13095  
state. 13096

The members of the commission shall serve without 13097  
compensation, but shall be entitled to receive their actual and 13098  
necessary expenses incurred in the performance of their official 13099  
duties. 13100

The commission, by a majority vote of all its members, shall 13101  
adopt and amend bylaws. 13102

To be eligible for appointment, a person shall be a citizen 13103  
of the United States and an elector of the state and shall possess 13104  
a knowledge of and have an interest in the natural resources of 13105  
this state. 13106

The commission shall hold at least four regular quarterly 13107  
meetings each year. Special meetings shall be held at such times 13108  
as the bylaws of the commission provide. Notices of all meetings 13109  
shall be given in such manner as the bylaws provide. The 13110  
commission shall choose annually from among its members a ~~chairman~~ 13111  
chairperson to preside over its meetings and a secretary to keep a 13112  
record of its proceedings. A majority of the members of the 13113  
commission constitutes a quorum. No advice shall be given or 13114

recommendation made without a majority of the members of the 13115  
commission concurring therein. 13116

Sec. 1501.25. (A) There is hereby created the Muskingum river 13117  
advisory council consisting of the following members: 13118

(1) Two members of the house of representatives, one from 13119  
each party to be appointed by the speaker of the house of 13120  
representatives after conferring with the minority leader of the 13121  
house, and two members of the senate, one from each party to be 13122  
appointed by the president of the senate after conferring with the 13123  
minority leader of the senate; 13124

(2) Four persons interested in the development of 13125  
recreational and commercial uses of the Muskingum river, to be 13126  
appointed by the governor; 13127

(3) Two representatives of the department of natural 13128  
resources to be appointed by the director of natural resources, 13129  
one representative of the department of development to be 13130  
appointed by the director of development, one representative of 13131  
the environmental protection agency to be appointed by the 13132  
director of environmental protection, one representative of the 13133  
department of transportation to be appointed by the director of 13134  
transportation, and one representative of the Ohio historical 13135  
society to be appointed by the director of the society; 13136

(4) Twelve persons to be appointed from the four counties 13137  
through which the Muskingum river flows, who shall be appointed in 13138  
the following manner. The board of county commissioners of 13139  
Coshocton county shall appoint two members, and the mayor of the 13140  
city of Coshocton shall appoint one member. The board of county 13141  
commissioners of Muskingum county shall appoint two members, and 13142  
the mayor of the city of Zanesville shall appoint one member. The 13143  
board of county commissioners of Morgan county shall appoint two 13144  
members, and the mayor of the city of McConelsville shall appoint 13145

one member. The board of county commissioners of Washington county shall appoint two members, and the mayor of the city of Marietta shall appoint one member. 13146  
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(5) One member representing the Muskingum watershed conservancy district, to be appointed by the board of directors of the district. 13149  
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Members shall serve at the pleasure of their appointing authority. Vacancies shall be filled in the manner of the original appointment. 13152  
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The council biennially shall elect from among its members a chairperson and a vice-chairperson. One of the representatives of the department of natural resources shall serve as secretary of the council unless a majority of the members elect another member to that position. The council shall meet at least once each year for the purpose of taking testimony from residents of the Muskingum river area, users of the river and adjacent lands, and the general public and may hold additional meetings at the call of the chairperson. 13155  
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The chairperson may appoint members of the council and other persons to committees and study groups as needed. 13164  
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The council shall submit an annual report to the general assembly, the governor, and the director of natural resources. The report shall include, without limitation, a description of the conditions of the Muskingum river area, a discussion of the council's activities, any recommendations for actions by the general assembly or any state agency that the council determines are needed, and estimates of the costs of those recommendations. 13166  
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The department of natural resources shall provide staff assistance to the council as needed. 13173  
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(B) The council may do any of the following: 13175

(1) Provide coordination among political subdivisions, state agencies, and federal agencies involved in dredging, debris removal or disposal, and recreational, commercial, tourism, and economic development; 13176  
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(2) Provide aid to civic groups and individuals who want to make improvements to the Muskingum river if the council determines that the improvements would be beneficial to the residents of the area and to the state; 13180  
13181  
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(3) Provide information and planning aid to state and local agencies responsible for historic, commercial, and recreational development of the Muskingum river area, including, without limitation, suggestions as to priorities for pending Muskingum river projects of the department of natural resources; 13184  
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(4) Provide updated information to the United States army corps of engineers, the department of natural resources, and the Muskingum conservancy district established under Chapter 6101. of the Revised Code concerning potential hazards to flood control or navigation, erosion problems, debris accumulation, and deterioration of locks or dams. 13189  
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**Sec. 1503.05.** (A) The chief of the division of forestry may sell timber and other forest products from the state forest and state forest nurseries whenever the chief considers such a sale desirable and, with the approval of the attorney general and the director of natural resources, may sell portions of the state forest lands when such a sale is advantageous to the state. 13195  
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(B) Except as otherwise provided in this section, a timber sale agreement shall not be executed unless the person or governmental entity bidding on the sale executes and files a surety bond conditioned on completion of the timber sale in accordance with the terms of the agreement in an amount equal to twenty-five per cent of the highest value cutting section. All 13201  
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bonds shall be given in a form prescribed by the chief and shall 13207  
run to the state as obligee. 13208

The chief shall not approve any bond until it is personally 13209  
signed and acknowledged by both principal and surety, or as to 13210  
either by the attorney in fact thereof, with a certified copy of 13211  
the power of attorney attached. The chief shall not approve the 13212  
bond unless there is attached a certificate of the superintendent 13213  
of insurance that the company is authorized to transact a fidelity 13214  
and surety business in this state. 13215

In lieu of a bond, the bidder may deposit any of the 13216  
following: 13217

(1) Cash in an amount equal to the amount of the bond; 13218

(2) United States government securities having a par value 13219  
equal to or greater than the amount of the bond; 13220

(3) Negotiable certificates of deposit or irrevocable letters 13221  
of credit issued by any bank organized or transacting business in 13222  
this state having a par value equal to or greater than the amount 13223  
of the bond. 13224

The cash or securities shall be deposited on the same terms 13225  
as bonds. If one or more certificates of deposit are deposited in 13226  
lieu of a bond, the chief shall require the bank that issued any 13227  
of the certificates to pledge securities of the aggregate market 13228  
value equal to the amount of the certificate or certificates that 13229  
is in excess of the amount insured by the federal deposit 13230  
insurance corporation. The securities to be pledged shall be those 13231  
designated as eligible under section 135.18 of the Revised Code. 13232  
The securities shall be security for the repayment of the 13233  
certificate or certificates of deposit. 13234

Immediately upon a deposit of cash, securities, certificates 13235  
of deposit, or letters of credit, the chief shall deliver them to 13236  
the treasurer of state, who shall hold them in trust for the 13237

purposes for which they have been deposited. The treasurer of 13238  
state is responsible for the safekeeping of the deposits. A bidder 13239  
making a deposit of cash, securities, certificates of deposit, or 13240  
letters of credit may withdraw and receive from the treasurer of 13241  
state, on the written order of the chief, all or any portion of 13242  
the cash, securities, certificates of deposit, or letters of 13243  
credit upon depositing with the treasurer of state cash, other 13244  
United States government securities, or other negotiable 13245  
certificates of deposit or irrevocable letters of credit issued by 13246  
any bank organized or transacting business in this state, equal in 13247  
par value to the par value of the cash, securities, certificates 13248  
of deposit, or letters of credit withdrawn. 13249

A bidder may demand and receive from the treasurer of state 13250  
all interest or other income from any such securities or 13251  
certificates as it becomes due. If securities so deposited with 13252  
and in the possession of the treasurer of state mature or are 13253  
called for payment by their issuer, the treasurer of state, at the 13254  
request of the bidder who deposited them, shall convert the 13255  
proceeds of the redemption or payment of the securities into other 13256  
United States government securities, negotiable certificates of 13257  
deposit, or cash as the bidder designates. 13258

When the chief finds that a person or governmental agency has 13259  
failed to comply with the conditions of the person's or 13260  
governmental agency's bond, the chief shall make a finding of that 13261  
fact and declare the bond, cash, securities, certificates, or 13262  
letters of credit forfeited. The chief thereupon shall certify the 13263  
total forfeiture to the attorney general, who shall proceed to 13264  
collect the amount of the bond, cash, securities, certificates, or 13265  
letters of credit. 13266

In lieu of total forfeiture, the surety, at its option, may 13267  
cause the timber sale to be completed or pay to the treasurer of 13268  
state the cost thereof. 13269

All moneys collected as a result of forfeitures of bonds, 13270  
cash, securities, certificates, and letters of credit under this 13271  
section shall be credited to the state forest fund created in this 13272  
section. 13273

(C) The chief may grant easements and leases on portions of 13274  
the state forest lands and state forest nurseries under terms that 13275  
are advantageous to the state, and the chief may grant mineral 13276  
rights on a royalty basis on those lands and nurseries, with the 13277  
approval of the attorney general and the director. 13278

(D) All moneys received from the sale of state forest lands, 13279  
or in payment for easements or leases on or as rents from those 13280  
lands or from state forest nurseries, shall be paid into the state 13281  
treasury to the credit of the state forest fund, which is hereby 13282  
created. All moneys received from the sale of standing timber 13283  
taken from the state forest lands shall be deposited into the 13284  
state treasury. Twenty-five per cent of the moneys so deposited 13285  
shall be credited to the state forest fund. Seventy-five per cent 13286  
of the moneys so deposited shall be credited to the general 13287  
revenue fund. All moneys received from the sale of forest 13288  
products, other than standing timber, and minerals taken from the 13289  
state forest lands and state forest nurseries, together with 13290  
royalties from mineral rights, shall be paid into the state 13291  
treasury to the credit of the state forest fund. 13292

At the time of making such a ~~payment or~~ deposit into the 13293  
state treasury to the credit of the general revenue fund, the 13294  
chief shall determine the amount and ~~gross net~~ value of all such 13295  
~~products~~ standing timber sold ~~or royalties received~~ from lands and 13296  
nurseries in each county, in each township within the county, and 13297  
in each school district within the county. Afterward the chief 13298  
shall send to each county treasurer a copy of the determination 13299  
and shall provide for payment to the county treasurer, for the use 13300  
of the general fund of that county from the amount so received as 13301

provided in this division, an amount equal to ~~eighty~~ sixty-five 13302  
per cent of the ~~gross~~ net value of the ~~products~~ standing timber 13303  
sold ~~or royalties received~~ from lands and nurseries located in 13304  
that county. The county auditor shall do all of the following: 13305

(1) Retain for the use of the general fund of the county 13306  
one-fourth of the amount received by the county under division (D) 13307  
of this section; 13308

(2) Pay into the general fund of any township located within 13309  
the county and containing such lands and nurseries one-fourth of 13310  
the amount received by the county from ~~products~~ standing timber 13311  
sold ~~or royalties received~~ from lands and nurseries located in the 13312  
township; 13313

(3) Request the board of education of any school district 13314  
located within the county and containing such lands and nurseries 13315  
to identify which fund or funds of the district should receive the 13316  
moneys available to the school district under division (D)(3) of 13317  
this section. After receiving notice from the board, the county 13318  
auditor shall pay into the fund or funds so identified one-half of 13319  
the amount received by the county from ~~products~~ standing timber 13320  
sold ~~or royalties received~~ from lands and nurseries located in the 13321  
school district, distributed proportionately as identified by the 13322  
board. 13323

The division of forestry shall not supply logs, lumber, or 13324  
other forest products or minerals, taken from the state forest 13325  
lands or state forest nurseries, to any other agency or 13326  
subdivision of the state unless payment is made therefor in the 13327  
amount of the actual prevailing value thereof. This section is 13328  
applicable to the moneys so received. All moneys received from the 13329  
sale of reforestation tree stock or other revenues derived from 13330  
the operation of the state forests, facilities, or equipment shall 13331  
be paid into the state forest fund. 13332

The fund shall not be expended for any purpose other than the administration, operation, maintenance, development, or utilization of the state forests, forest nurseries, and forest programs, for facilities or equipment incident to them, or for the further purchase of lands for state forest or forest nursery purposes.

**Sec. 1513.05.** There is hereby created a reclamation commission consisting of seven members appointed by the governor with the advice and consent of the senate. For the purposes of hearing appeals under section 1513.13 of the Revised Code that involve mine safety issues, the reclamation commission shall consist of two additional members appointed specifically for that function by the governor with the advice and consent of the senate. All terms of office shall be for five years, commencing on the twenty-ninth day of June and ending on the twenty-eighth day of June. Each member shall hold office from the date of appointment until the end of the term for which the appointment was made. Each vacancy occurring on the commission shall be filled by appointment within sixty days after the vacancy occurs. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

Two of the appointees to the commission shall be persons who, at the time of their appointment, own and operate a farm or are retired farmers. Notwithstanding section 1513.04 of the Revised Code, one of the appointees to the commission shall be a person who, at the time of appointment, is the representative of an operator of a coal mine. One of the appointees to the commission shall be a person who, by reason of the person's previous

vocation, employment, or affiliations, can be classed as a 13365  
representative of the public. One of the appointees to the 13366  
commission shall be a person who, by reason of previous training 13367  
and experience, can be classed as one learned and experienced in 13368  
modern forestry practices. One of the appointees to the commission 13369  
shall be a person who, by reason of previous training and 13370  
experience, can be classed as one learned and experienced in 13371  
agronomy. One of the appointees to the commission shall be either 13372  
a person who, by reason of previous training and experience, can 13373  
be classed as one capable and experienced in earth-grading 13374  
problems, or a civil engineer. Beginning not later than five years 13375  
after the effective date of this amendment, at least one of the 13376  
seven appointees to the commission shall be an attorney at law who 13377  
is admitted to practice in this state and is familiar with mining 13378  
issues. Not more than four members shall be members of the same 13379  
political party. 13380

The two additional members of the commission who are 13381  
appointed specifically to hear appeals that involve mine safety 13382  
issues shall be individuals who, because of previous vocation, 13383  
employment, or affiliation, can be classified as representatives 13384  
of employees currently engaged in mining operations. One shall be 13385  
a representative of coal miners, and one shall be a representative 13386  
of aggregates miners. Prior to making the appointment, the 13387  
governor shall request the highest ranking officer in the major 13388  
employee organization representing coal miners in this state to 13389  
submit to the governor the names and qualifications of three 13390  
nominees and shall request the highest ranking officer in the 13391  
major employee organization representing aggregates miners in this 13392  
state to do the same. The governor shall appoint one person 13393  
nominated by each organization to the commission. The nominees 13394  
shall have not less than five years of practical experience in 13395  
dealing with mine health and safety issues and at the time of the 13396  
nomination shall be employed in positions that involve the 13397

protection of the health and safety of miners. The major employee 13398  
organization representing coal miners and the major employee 13399  
organization representing aggregates miners shall represent a 13400  
membership consisting of the largest number of coal miners and 13401  
aggregates miners, respectively, in this state compared to other 13402  
employee organizations in the year prior to the year in which the 13403  
appointments are made. 13404

When the commission hears an appeal that involves a coal 13405  
mining safety issue, one of the commission members who owns and 13406  
operates a farm or is a retired farmer shall be replaced by the 13407  
additional member who is a representative of coal miners. When the 13408  
commission hears an appeal that involves an aggregates mining 13409  
safety issue, one of the commission members who owns and operates 13410  
a farm or is a retired farmer shall be replaced by the additional 13411  
member who is a representative of aggregates miners. Neither of 13412  
the additional members who are appointed specifically to hear 13413  
appeals that involve mine safety issues shall be considered to be 13414  
members of the commission for any other purpose, and they shall 13415  
not participate in any other matters that come before the 13416  
commission. 13417

The commission may appoint a secretary to hold office at its 13418  
pleasure. A commission member may serve as secretary. The 13419  
secretary shall perform such duties as the commission prescribes, 13420  
and shall receive such compensation as the commission fixes in 13421  
accordance with such schedules as are provided by law for the 13422  
compensation of state employees. 13423

The commission shall appoint one or more hearing officers who 13424  
shall be attorneys at law admitted to practice in this state to 13425  
conduct hearings under this chapter. 13426

Four members constitute a quorum, and no action of the 13427  
commission shall be valid unless it has the concurrence of at 13428  
least four members. The commission shall keep a record of its 13429

proceedings. 13430

Each member shall be paid as compensation for work as a 13431  
member one hundred fifty dollars per day when actually engaged in 13432  
the performance of work as a member and when engaged in travel 13433  
necessary in connection with such work. In addition to such 13434  
compensation each member shall be reimbursed for all traveling, 13435  
hotel, and other expenses, in accordance with the current travel 13436  
rules of the office of budget and management, necessarily incurred 13437  
in the performance of the member's work as a member. 13438

Annually one member shall be elected as chairperson and 13439  
another member shall be elected as vice-chairperson for terms of 13440  
one year. 13441

The governor may remove any member of the commission from 13442  
office for inefficiency, neglect of duty, malfeasance, 13443  
misfeasance, or nonfeasance, after delivering to the member the 13444  
charges against the member in writing with at least ten days' 13445  
written notice of the time and place at which the governor will 13446  
publicly hear the member, either in person or by counsel, in 13447  
defense of the charges against the member. If the member is 13448  
removed from office, the governor shall file in the office of the 13449  
secretary of state a complete statement of the charges made 13450  
against the member and a complete report of the proceedings. The 13451  
action of the governor removing a member from office is final. 13452

The commission shall adopt rules governing procedure of 13453  
appeals under section 1513.13 of the Revised Code and may, for its 13454  
own internal management, adopt rules that do not affect private 13455  
rights. 13456

**Sec. 1515.08.** The supervisors of a soil and water 13457  
conservation district have the following powers in addition to 13458  
their other powers: 13459

(A) To conduct surveys, investigations, and research relating 13460  
to the character of soil erosion, floodwater and sediment damages, 13461  
and the preventive and control measures and works of improvement 13462  
for flood prevention and the conservation, development, 13463  
utilization, and disposal of water needed within the district, and 13464  
to publish the results of those surveys, investigations, or 13465  
research, provided that no district shall initiate any research 13466  
program except in cooperation or after consultation with the Ohio 13467  
agricultural research and development center; 13468

(B) To develop plans for the conservation of soil resources, 13469  
for the control and prevention of soil erosion, and for works of 13470  
improvement for flood prevention and the conservation, 13471  
development, utilization, and disposal of water within the 13472  
district, and to publish those plans and information; 13473

(C) To implement, construct, repair, maintain, and operate 13474  
preventive and control measures and other works of improvement for 13475  
natural resource conservation and development and flood 13476  
prevention, and the conservation, development, utilization, and 13477  
disposal of water within the district on lands owned or controlled 13478  
by this state or any of its agencies and on any other lands within 13479  
the district, which works may include any facilities authorized 13480  
under state or federal programs, and to acquire, by purchase or 13481  
gift, to hold, encumber, or dispose of, and to lease real and 13482  
personal property or interests in such property for those 13483  
purposes; 13484

(D) To cooperate or enter into agreements with any occupier 13485  
of lands within the district in the carrying on of natural 13486  
resource conservation operations and works of improvement for 13487  
flood prevention and the conservation, development, utilization, 13488  
and management of natural resources within the district, subject 13489  
to such conditions as the supervisors consider necessary; 13490

(E) To accept donations, gifts, grants, and contributions in 13491

money, service, materials, or otherwise, and to use or expend them 13492  
according to their terms; 13493

(F) To adopt, amend, and rescind rules to carry into effect 13494  
the purposes and powers of the district; 13495

(G) To sue and plead in the name of the district, and be sued 13496  
and impleaded in the name of the district, with respect to its 13497  
contracts and, as indicated in section 1515.081 of the Revised 13498  
Code, certain torts of its officers, employees, or agents acting 13499  
within the scope of their employment or official responsibilities, 13500  
or with respect to the enforcement of its obligations and 13501  
covenants made under this chapter; 13502

(H) To make and enter into all contracts, leases, and 13503  
agreements and execute all instruments necessary or incidental to 13504  
the performance of the duties and the execution of the powers of 13505  
the district under this chapter, provided that all of the 13506  
following apply: 13507

(1) Except as provided in section 307.86 of the Revised Code 13508  
regarding expenditures by boards of county commissioners, when the 13509  
cost under any such contract, lease, or agreement, other than 13510  
compensation for personal services or rental of office space, 13511  
involves an expenditure of more than the amount established in 13512  
that section regarding expenditures by boards of county 13513  
commissioners, the supervisors shall make a written contract with 13514  
the lowest and best bidder after advertisement, for not less than 13515  
two nor more than four consecutive weeks preceding the day of the 13516  
opening of bids, in a newspaper of general circulation within the 13517  
district and in such other publications as the supervisors 13518  
determine. The notice shall state the general character of the 13519  
work and materials to be furnished, the place where plans and 13520  
specifications may be examined, and the time and place of 13521  
receiving bids. 13522

(2) Each bid for a contract shall contain the full name of 13523  
every person interested in it. 13524

(3) Each bid for a contract for the construction, demolition, 13525  
alteration, repair, or reconstruction of an improvement shall meet 13526  
the requirements of section 153.54 of the Revised Code. 13527

(4) Each bid for a contract, other than a contract for the 13528  
construction, demolition, alteration, repair, or reconstruction of 13529  
an improvement, at the discretion of the supervisors, may be 13530  
accompanied by a bond or certified check on a solvent bank in an 13531  
amount not to exceed five per cent of the bid, conditioned that, 13532  
if the bid is accepted, a contract shall be entered into. 13533

(5) The supervisors may reject any and all bids. 13534

(I) To make agreements with the department of natural 13535  
resources giving it control over lands of the district for the 13536  
purpose of construction of improvements by the department under 13537  
section 1501.011 of the Revised Code; 13538

(J) To charge, alter, and collect rentals and other charges 13539  
for the use or services of any works of the district; 13540

(K) To enter, either in person or by designated 13541  
representatives, upon lands, private or public, in the necessary 13542  
discharge of their duties; 13543

(L) To enter into agreements or contracts with the department 13544  
for the determination, implementation, inspection, and funding of 13545  
agricultural pollution abatement and urban sediment pollution 13546  
abatement measures whereby landowners, operators, managers, and 13547  
developers may meet adopted state standards for a quality 13548  
environment, except that failure of a district board of 13549  
supervisors to negotiate an agreement or contract with the 13550  
department shall authorize the division of soil and water 13551  
conservation to implement the required program; 13552

(M) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;

(N) Until June 1, 1996, to conduct surveys and investigations relating to the incidence of the multiflora rose within the district and of the nature and extent of the adverse effects of the multiflora rose on agriculture, forestry, recreation, and other beneficial land uses;

(O) Until June 1, 1996, to develop plans for the control of the multiflora rose within the district and to publish those plans and information related to control of the multiflora rose;

(P) Until June 1, 1996, to enter into contracts or agreements with the chief of the division of soil and water conservation to implement and administer a program for control of the multiflora rose and to receive and expend funds provided by the chief for that purpose;

(Q) Until June 1, 1996, to enter into cost-sharing agreements with landowners for control of the multiflora rose. Before entering into any such agreement, the board of supervisors shall determine that the landowner's application meets the eligibility criteria established under division (E)(6) of section 1511.02 of the Revised Code. The cost-sharing agreements shall contain the contract provisions required by the rules adopted under that division and such other provisions as the board of supervisors considers appropriate to ensure effective control of the multiflora rose.

(R) To enter into contracts or agreements with the chief to implement and administer a program for urban sediment pollution abatement and to receive and expend moneys provided by the chief for that purpose;

(S) To develop operation and management plans, as defined in

section 1511.01 of the Revised Code, as necessary; 13584

(T) To determine whether operation and management plans 13585  
developed under division (A) of section 1511.021 of the Revised 13586  
Code comply with the standards established under division (E)(1) 13587  
of section 1511.02 of the Revised Code and to approve or 13588  
disapprove the plans, based on such compliance. If an operation 13589  
and management plan is disapproved, the board shall provide a 13590  
written explanation to the person who submitted the plan. The 13591  
person may appeal the plan disapproval to the chief, who shall 13592  
afford the person a hearing. Following the hearing, the chief 13593  
shall uphold the plan disapproval or reverse it. If the chief 13594  
reverses the plan disapproval, the plan shall be deemed approved 13595  
under this division. In the event that any person operating or 13596  
owning agricultural land or a concentrated animal feeding 13597  
operation in accordance with an approved operation and management 13598  
plan who, in good faith, is following that plan, causes 13599  
agricultural pollution, the plan shall be revised in a fashion 13600  
necessary to mitigate the agricultural pollution, as determined 13601  
and approved by the board of supervisors of the soil and water 13602  
conservation district. 13603

(U) With regard to composting conducted in conjunction with 13604  
agricultural operations, to do all of the following: 13605

(1) Upon request or upon their own initiative, inspect 13606  
composting at any such operation to determine whether the 13607  
composting is being conducted in accordance with section 1511.022 13608  
of the Revised Code; 13609

(2) If the board determines that composting is not being so 13610  
conducted, request the chief to issue an order under division (G) 13611  
of section 1511.02 of the Revised Code requiring the person who is 13612  
conducting the composting to prepare a composting plan in 13613  
accordance with rules adopted under division (E)(10)(c) of that 13614  
section and to operate in accordance with that plan or to operate 13615

in accordance with a previously prepared plan, as applicable; 13616

(3) In accordance with rules adopted under division 13617  
(E)(10)(c) of section 1511.02 of the Revised Code, review and 13618  
approve or disapprove any such composting plan. If a plan is 13619  
disapproved, the board shall provide a written explanation to the 13620  
person who submitted the plan. 13621

As used in division (U) of this section, "composting" has the 13622  
same meaning as in section 1511.01 of the Revised Code. 13623

(V) With regard to conservation activities that are conducted 13624  
in conjunction with agricultural operations, to assist the county 13625  
auditor, upon request, in determining whether a conservation 13626  
activity is a conservation practice for purposes of Chapter 929. 13627  
or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code. 13628

As used in this division, "conservation practice" has the 13629  
same meaning as in section 5713.30 of the Revised Code. 13630

(W) To do all acts necessary or proper to carry out the 13631  
powers granted in this chapter. 13632

The director of natural resources shall make recommendations 13633  
to reduce the adverse environmental effects of each project that a 13634  
soil and water conservation district plans to undertake under 13635  
division (A), (B), (C), or (D) of this section and that will be 13636  
funded in whole or in part by moneys authorized under section 13637  
1515.16 of the Revised Code and shall disapprove any such project 13638  
that the director finds will adversely affect the environment 13639  
without equal or greater benefit to the public. The director's 13640  
disapproval or recommendations, upon the request of the district 13641  
filed in accordance with rules adopted by the Ohio soil and water 13642  
conservation commission, shall be reviewed by the commission, 13643  
which may confirm the director's decision, modify it, or add 13644  
recommendations to or approve a project the director has 13645  
disapproved. 13646

Any instrument by which real property is acquired pursuant to 13647  
this section shall identify the agency of the state that has the 13648  
use and benefit of the real property as specified in section 13649  
5301.012 of the Revised Code. 13650

**Sec. 1519.05.** (A) As used in this section, "local political 13651  
subdivision" and "nonprofit organization" have the same meanings 13652  
as in section 164.20 of the Revised Code. 13653

(B) There is hereby created in the state treasury the clean 13654  
Ohio trail fund. Twelve and one-half per cent of the net proceeds 13655  
of obligations issued and sold pursuant to sections 151.01 and 13656  
151.09 of the Revised Code shall be deposited into the fund. 13657

Investment earnings of the fund shall be credited to the 13658  
fund. ~~For two years after the effective date of this section,~~ 13659  
~~investment earnings credited to the fund~~ and may be used to pay 13660  
costs incurred by the director of natural resources in 13661  
administering this section. 13662

Money in the clean Ohio trail fund shall not be used for the 13663  
appropriation of land, rights, rights-of-way, franchises, 13664  
easements, or other property through the exercise of the right of 13665  
eminent domain. 13666

The director shall use moneys in the fund exclusively to 13667  
provide matching grants to nonprofit organizations and to local 13668  
political subdivisions for the purposes of purchasing land or 13669  
interests in land for recreational trails and for the construction 13670  
of such trails. A matching grant may provide up to seventy-five 13671  
per cent of the cost of a recreational trail project, and the 13672  
recipient of the matching grant shall provide not less than 13673  
twenty-five per cent of that cost. 13674

(C) The director shall establish policies for the purposes of 13675  
this section. The policies shall establish all of the following: 13676

(1) Procedures for providing matching grants to nonprofit organizations and local political subdivisions for the purposes of purchasing land or interests in land for recreational trails and for the construction of such trails, including, without limitation, procedures for both of the following:	13677 13678 13679 13680 13681
(a) Developing a grant application form and soliciting, accepting, and approving grant applications;	13682 13683
(b) Participation by nonprofit organizations and local political subdivisions in the application process.	13684 13685
(2) A requirement that an application for a matching grant for a recreational trail project include a copy of a resolution supporting the project from each county in which the proposed project is to be conducted and whichever of the following is applicable:	13686 13687 13688 13689 13690
(a) If the proposed project is to be conducted wholly within the geographical boundaries of one township, a copy of a resolution supporting the project from the township;	13691 13692 13693
(b) If the proposed project is to be conducted wholly within the geographical boundaries of one municipal corporation, a copy of a resolution supporting the project from the municipal corporation;	13694 13695 13696 13697
(c) If the proposed project is to be conducted in more than one, but fewer than five townships or municipal corporations, a copy of a resolution supporting the project from at least one-half of the total number of townships and municipal corporations in which the proposed project is to be conducted;	13698 13699 13700 13701 13702
(d) If the proposed project is to be conducted in five or more municipal corporations, a copy of a resolution supporting the project from at least three-fifths of the total number of townships and municipal corporations in which the proposed project is to be conducted.	13703 13704 13705 13706 13707

(3) Eligibility criteria that must be satisfied by an applicant in order to receive a matching grant and that emphasize the following:	13708 13709 13710
(a) Synchronization with the statewide trail plan;	13711
(b) Complete regional systems and links to the statewide trail system;	13712 13713
(c) A combination of funds from various state agencies;	13714
(d) The provision of links in urban areas that support commuter access and show economic impact on local communities;	13715 13716
(e) The linkage of population centers with public outdoor recreation areas and facilities;	13717 13718
(f) The purchase of rail lines that are linked to the statewide trail plan;	13719 13720
(g) The preservation of natural corridors.	13721
(4) Items of value, such as in-kind contributions of land, easements or other interests in land, labor, or materials, that may be considered as contributing toward the percentage of the cost of a recreational trails project that must be provided by a matching grant recipient.	13722 13723 13724 13725 13726
<b>Sec. 1521.06.</b> (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any dike or levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam, dike, or levee issued by the chief of the division of water.	13727 13728 13729 13730 13731 13732 13733
A construction permit is not required under this section for:	13734
(1) A dam <del>which</del> <u>that</u> is or will be less than ten feet in height and <del>which</del> <u>that</u> has or will have a storage capacity of not	13735 13736

more than fifty acre-feet at the elevation of the top of the dam, 13737  
as determined by the chief. For the purposes of this section, the 13738  
height of a dam shall be measured from the natural stream bed or 13739  
lowest ground elevation at the downstream or outside limit of the 13740  
dam to the elevation of the top of the dam. 13741

(2) A dam, regardless of height, ~~which~~ that has or will have 13742  
a storage capacity of not more than fifteen acre-feet at the 13743  
elevation of the top of the dam, as determined by the chief; 13744

(3) A dam, regardless of storage capacity, ~~which~~ that is or 13745  
will be six feet or less in height, as determined by the chief; 13746

(4) A dam, dike, or levee ~~which~~ that belongs to a class 13747  
exempted by the chief; 13748

(5) The repair, maintenance, improvement, alteration, or 13749  
removal of a dam, dike, or levee ~~which~~ that is subject to section 13750  
1521.062 of the Revised Code, unless the construction constitutes 13751  
an enlargement of the structure as determined by the chief; 13752

(6) A dam or impoundment constructed under Chapter 1513. of 13753  
the Revised Code. 13754

(B) Before a construction permit may be issued, three copies 13755  
of the plans and specifications, including a detailed cost 13756  
estimate, for the proposed construction, prepared by a registered 13757  
professional engineer, together with the filing fee specified by 13758  
this section and the bond or other security required by section 13759  
1521.061 of the Revised Code, shall be filed with the chief. The 13760  
detailed estimate of the cost shall include all costs associated 13761  
with the construction of the dam, dike, or levee, including 13762  
supervision and inspection of the construction by a registered 13763  
professional engineer. ~~Except for a political subdivision, the~~ The 13764  
filing fee shall be based on the detailed cost estimate for the 13765  
proposed construction as filed with and approved by the chief, and 13766  
shall be determined by the following schedule unless otherwise 13767

provided by rules adopted under this section: 13768

(1) For the first one hundred thousand dollars of estimated 13769  
cost, a fee of ~~two~~ four per cent; 13770

(2) For the next four hundred thousand dollars of estimated 13771  
cost, a fee of ~~one and one half~~ three per cent; 13772

(3) For the next five hundred thousand dollars of estimated 13773  
cost, a fee of ~~one~~ two per cent; 13774

(4) For all costs in excess of one million dollars, a fee of 13775  
~~one-quarter~~ one-half of one per cent. 13776

In no case shall the filing fee be less than ~~two hundred~~ one 13777  
thousand dollars or more than ~~fifty~~ one hundred thousand dollars. 13778  
If the actual cost exceeds the estimated cost by more than fifteen 13779  
per cent, an additional filing fee shall be required equal to the 13780  
fee determined by the preceding schedule less the original filing 13781  
fee. ~~The filing fee for a political subdivision shall be two~~ 13782  
~~hundred dollars.~~ All fees collected pursuant to this section, and 13783  
all fines collected pursuant to section 1521.99 of the Revised 13784  
Code, shall be deposited in the state treasury to the credit of 13785  
the dam safety fund, which is hereby created. Expenditures from 13786  
the fund shall be made by the chief for the purpose of 13787  
administering this section and sections 1521.061 and 1521.062 of 13788  
the Revised Code. 13789

(C) The chief shall, within thirty days from the date of the 13790  
receipt of the application, fee, and bond or other security, issue 13791  
or deny a construction permit for the construction or may issue a 13792  
construction permit conditioned upon the making of such changes in 13793  
the plans and specifications for the construction as ~~he~~ the chief 13794  
considers advisable if ~~he~~ the chief determines that the 13795  
construction of the proposed dam, dike, or levee, in accordance 13796  
with the plans and specifications filed, would endanger life, 13797  
health, or property. 13798

(D) The chief may deny a construction permit ~~if he finds~~ 13799  
after finding that a dam, dike, or levee built in accordance with 13800  
the plans and specifications would endanger life, health, or 13801  
property, because of improper or inadequate design, or for such 13802  
other reasons as the chief may determine. 13803

In the event the chief denies a permit for the construction 13804  
of the dam, dike, or levee, or issues a permit conditioned upon a 13805  
making of changes in the plans or specifications for the 13806  
construction, ~~he~~ the chief shall state ~~his~~ the reasons therefor 13807  
and so notify, in writing, the person or governmental agency 13808  
making the application for a permit. If the permit is denied, the 13809  
chief shall return the bond or other security to the person or 13810  
governmental agency making application for the permit. 13811

The decision of the chief conditioning or denying a 13812  
construction permit is subject to appeal as provided in Chapter 13813  
119. of the Revised Code. A dam, dike, or levee built 13814  
substantially at variance from the plans and specifications upon 13815  
which a construction permit was issued is in violation of this 13816  
section. The chief may at any time inspect any dam, dike, or 13817  
levee, or site upon which any dam, dike, or levee is to be 13818  
constructed, in order to determine whether it complies with this 13819  
section. 13820

(E) A registered professional engineer shall inspect the 13821  
construction for which the permit was issued during all phases of 13822  
construction and shall furnish to the chief such regular reports 13823  
of ~~his~~ the engineer's inspections as the chief may require. When 13824  
the chief finds that construction has been fully completed in 13825  
accordance with the terms of the permit and the plans and 13826  
specifications approved by ~~him~~ the chief, ~~he~~ the chief shall 13827  
approve the construction. When one year has elapsed after approval 13828  
of the completed construction, and the chief finds that within 13829  
this period no fact has become apparent to indicate that the 13830

construction was not performed in accordance with the terms of the 13831  
permit and the plans and specifications approved by the chief, or 13832  
that the construction as performed would endanger life, health, or 13833  
property, ~~he~~ the chief shall release the bond or other security. 13834  
No bond or other security shall be released until one year after 13835  
final approval by the chief, unless the dam, dike, or levee has 13836  
been modified so that it will not retain water and has been 13837  
approved as nonhazardous after determination by the chief that the 13838  
dam, dike, or levee as modified will not endanger life, health, or 13839  
property. 13840

(F) When inspections required by this section are not being 13841  
performed, the chief shall notify the person or governmental 13842  
agency to which the permit has been issued that inspections are 13843  
not being performed by the registered professional engineer and 13844  
that the chief will inspect the remainder of the construction. 13845  
Thereafter, the chief shall inspect the construction and the cost 13846  
of inspection shall be charged against the owner. Failure of the 13847  
registered professional engineer to submit required inspection 13848  
reports shall be deemed notice that ~~his~~ the engineer's inspections 13849  
are not being performed. 13850

(G) The chief may order construction to cease on any dam, 13851  
dike, or levee ~~which that~~ that is being built in violation of ~~the~~ 13852  
~~provisions of~~ this section, and may prohibit the retention of 13853  
water behind any dam, dike, or levee ~~which that~~ that has been built in 13854  
violation of ~~the provisions of~~ this section. The attorney general, 13855  
upon written request of the chief, may bring an action for an 13856  
injunction against any person who violates this section or to 13857  
enforce an order or prohibition of the chief made pursuant to this 13858  
section. 13859

(H) The chief may adopt rules in accordance with Chapter 119. 13860  
of the Revised Code, for the design and construction of dams, 13861  
dikes, and levees for which a construction permit is required by 13862

this section or for which periodic inspection is required by 13863  
section 1521.062 of the Revised Code, for establishing a filing 13864  
fee schedule in lieu of the schedule established under division 13865  
(B) of this section, for deposit and forfeiture of bonds and other 13866  
securities required by section 1521.061 of the Revised Code, for 13867  
the periodic inspection, operation, repair, improvement, 13868  
alteration, or removal of all dams, dikes, and levees, as 13869  
specified in section 1521.062 of the Revised Code, and for 13870  
establishing classes of dams, dikes, or levees ~~which~~ that are 13871  
exempt from the requirements of sections 1521.06 and 1521.062 of 13872  
the Revised Code as being of a size, purpose, or situation ~~which~~ 13873  
that does not present a substantial hazard to life, health, or 13874  
property. The chief may, by rule, limit the period during which a 13875  
construction permit issued under this section is valid. If a 13876  
construction permit expires before construction is completed, the 13877  
person or agency shall apply for a new permit, and shall not 13878  
continue construction until the new permit is issued. 13879

~~(I) As used in this section and section 1521.063 of the~~ 13880  
~~Revised Code, "political subdivision" includes townships,~~ 13881  
~~municipal corporations, counties, school districts, municipal~~ 13882  
~~universities, park districts, sanitary districts, and conservancy~~ 13883  
~~districts and subdivisions thereof.~~ 13884

**Sec. 1521.063.** (A) Except for a ~~political subdivision~~ the 13885  
federal government, the owner of any dam subject to section 13886  
1521.062 of the Revised Code shall pay an annual fee, based upon 13887  
the height of the dam, to the division of water on or before June 13888  
30, 1988, and on or before the thirtieth day of June of each 13889  
succeeding year. The annual fee shall be as follows until 13890  
otherwise provided by rules adopted under this section: 13891

(1) For any dam classified as a class I dam under rules 13892  
adopted by the chief of the division of water under section 13893

1521.06 of the Revised Code, thirty dollars plus ~~three~~ ten dollars 13894  
per foot of height of dam; 13895

(2) For any dam classified as a class II dam under those 13896  
rules, thirty dollars plus one dollar per foot of height of dam; 13897

(3) For any dam classified as a class III dam under those 13898  
rules, thirty dollars. 13899

For purposes of this section, the height of a dam is the 13900  
vertical height, to the nearest foot, as determined by the 13901  
division under section 1521.062 of the Revised Code. All fees 13902  
collected under this section shall be deposited in the dam safety 13903  
fund created in section 1521.06 of the Revised Code. Any owner who 13904  
fails to pay any annual fee required by this section within sixty 13905  
days after the due date shall be assessed a penalty of ten per 13906  
cent of the annual fee plus interest at the rate of one-half per 13907  
cent per month from the due date until the date of payment. 13908

(B) The chief shall, in accordance with Chapter 119. of the 13909  
Revised Code, adopt, and may amend or rescind, rules for the 13910  
collection of fees and the administration, implementation, and 13911  
enforcement of this section and for the establishment of an annual 13912  
fee schedule in lieu of the schedule established under division 13913  
(A) of this section. 13914

(C)(1) No person, political subdivision, or state 13915  
governmental agency shall violate or fail to comply with this 13916  
section or any rule or order adopted or issued under it. 13917

(2) The attorney general, upon written request of the chief, 13918  
may commence an action against any such violator. Any action under 13919  
division (C)(2) of this section is a civil action. 13920

(D) As used in this section, "political subdivision" includes 13921  
townships, municipal corporations, counties, school districts, 13922  
municipal universities, park districts, sanitary districts, and 13923  
conservancy districts and subdivisions thereof. 13924

Sec. 1531.26. There is hereby created in the state treasury 13925  
the nongame and endangered wildlife fund, which shall consist of 13926  
moneys paid into it by the tax commissioner under section 5747.113 13927  
of the Revised Code, moneys deposited in the fund from the 13928  
issuance of wildlife conservation license plates under section 13929  
4503.57 of the Revised Code, moneys deposited in the fund from the 13930  
issuance of bald eagle license plates under section 4503.572 of 13931  
the Revised Code, moneys credited to the fund under section 13932  
1533.151 of the Revised Code, and ~~of~~ contributions made directly 13933  
to it. Any person may contribute directly to the fund in addition 13934  
to or independently of the income tax refund contribution system 13935  
established in section 5747.113 of the Revised Code. Moneys in the 13936  
fund shall be disbursed pursuant to vouchers approved by the 13937  
director of natural resources for use by the division of wildlife 13938  
solely for the purchase, management, preservation, propagation, 13939  
protection, and stocking of wild animals that are not commonly 13940  
taken for sport or commercial purposes, including the acquisition 13941  
of title and easements to lands, biological investigations, law 13942  
enforcement, production of educational materials, sociological 13943  
surveys, habitat development, and personnel and equipment costs; 13944  
and for carrying out section 1531.25 of the Revised Code. Moneys 13945  
in the fund also may be used to promote and develop nonconsumptive 13946  
wildlife recreational opportunities involving wild animals. Moneys 13947  
in the fund from the issuance of bald eagle license plates under 13948  
section 4503.572 of the Revised Code shall be expended by the 13949  
division only to pay the costs of acquiring, developing, and 13950  
restoring habitat for bald eagles within this state. Moneys in the 13951  
fund from any other source also may be used to pay the costs of 13952  
acquiring, developing, and restoring habitat for bald eagles 13953  
within this state. 13954

All investment earnings of the fund shall be credited to the 13955  
fund. Subject to the approval of the director, the chief of the 13956

division of wildlife may enter into agreements that the chief 13957  
considers appropriate to obtain additional moneys for the 13958  
protection of nongame native wildlife under the "Endangered 13959  
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1541-1543, as 13960  
amended, and the "Fish and Wildlife Conservation Act of 1980," 94 13961  
Stat. 1322, 16 U.S.C.A. 2901-2911, as amended. Moneys appropriated 13962  
from the fund are not intended to replace other moneys 13963  
appropriated for these purposes. 13964

**Sec. 1533.08.** Except as otherwise provided by division rule, 13965  
any person desiring to collect wild animals that are protected by 13966  
law or their nests or eggs for scientific study, school 13967  
instruction, other educational uses, or rehabilitation shall make 13968  
application to the chief of the division of wildlife for a wild 13969  
animal collecting permit on a form furnished by the chief. Each 13970  
applicant for a wild animal collecting permit, other than an 13971  
applicant desiring to rehabilitate wild animals, shall pay an 13972  
annual fee of ~~ten~~ twenty-five dollars for each permit. No fee 13973  
shall be charged to an applicant desiring to rehabilitate wild 13974  
animals. When it appears that the application is made in good 13975  
faith, the chief shall issue to the applicant a permit to take, 13976  
possess, and transport at any time and in any manner specimens of 13977  
wild animals protected by law or their nests and eggs for 13978  
scientific study, school instruction, other educational uses, or 13979  
rehabilitation and under any additional rules recommended by the 13980  
wildlife council. Upon the receipt of a permit, the holder may 13981  
take, possess, and transport those wild animals in accordance with 13982  
the permit. 13983

Each holder of a permit engaged in collecting such wild 13984  
animals shall carry the permit at all times and shall exhibit it 13985  
upon demand to any wildlife officer, constable, sheriff, deputy 13986  
sheriff, or police officer, to the owner or person in lawful 13987  
control of the land upon which the permit holder is collecting, or 13988

to any other person. Failure to so carry or exhibit the permit 13989  
constitutes an offense under this section. 13990

Each permit holder shall keep a daily record of all specimens 13991  
collected under the permit and the disposition of the specimens 13992  
and shall exhibit the daily record to any official of the division 13993  
upon demand. 13994

Each permit shall remain in effect for one year from the date 13995  
of issuance unless it is revoked sooner by the chief. 13996

All moneys received as fees for the issuance of a wild animal 13997  
collecting permit shall be transmitted to the director of natural 13998  
resources to be paid into the state treasury to the credit of the 13999  
fund created by section 1533.15 of the Revised Code. 14000

**Sec. 1533.10.** Except as provided in this section or division 14001  
(A) of section 1533.12 of the Revised Code, no person shall hunt 14002  
any wild bird or wild quadruped without a hunting license. Each 14003  
day that any person hunts within the state without procuring such 14004  
a license constitutes a separate offense. ~~Every~~ Except as 14005  
otherwise provided in this section, every applicant for a hunting 14006  
license who is a resident of the state and sixteen years of age or 14007  
more shall procure a resident hunting license, the fee for which 14008  
shall be ~~fourteen~~ eighteen dollars, unless the rules adopted under 14009  
division (B) of section 1533.12 of the Revised Code provide for 14010  
issuance of a resident hunting license to the applicant free of 14011  
charge. Except as provided in rules adopted under division (B)(2) 14012  
of that section, each applicant who is a resident of this state 14013  
and who at the time of application is sixty-six years of age or 14014  
older shall procure a special senior hunting license, the fee for 14015  
which shall be one-half of the regular hunting license fee. Every 14016  
applicant who is ~~a resident of the state and~~ under the age of 14017  
sixteen years shall procure a special youth hunting license, the 14018  
fee for which shall be one-half of the regular hunting license 14019

fee. The owner of lands in the state and the owner's children of 14020  
any age and grandchildren under eighteen years of age may hunt on 14021  
the lands without a hunting license. The tenant ~~or manager~~ and 14022  
children of the tenant ~~or manager~~, residing on lands in the state, 14023  
may hunt on them without a hunting license. Every applicant for a 14024  
hunting license who is a nonresident of the state and who is 14025  
sixteen years of age or older shall procure a nonresident hunting 14026  
license, the fee for which shall be ~~ninety~~ one hundred twenty-four 14027  
dollars, unless the applicant is a resident of a state that is a 14028  
party to an agreement under section 1533.91 of the Revised Code, 14029  
in which case the fee shall be ~~fourteen~~ eighteen dollars. 14030

The chief of the division of wildlife may issue a ~~tourist's~~ 14031  
small game hunting license expiring three days from the effective 14032  
date of the license to a nonresident of the state, the fee for 14033  
which shall be ~~twenty-four~~ thirty-nine dollars. No person shall 14034  
take or possess deer, wild turkeys, fur-bearing animals, ducks, 14035  
geese, brant, or any nongame animal while possessing only a 14036  
~~tourist's~~ small game hunting license. A ~~tourist's~~ small game 14037  
hunting license does not authorize the taking or possessing of 14038  
ducks, geese, or brant without having obtained, in addition to the 14039  
~~tourist's~~ small game hunting license, a wetlands habitat stamp as 14040  
provided in section 1533.112 of the Revised Code. A ~~tourist's~~ 14041  
small game hunting license does not authorize the taking or 14042  
possessing of deer, wild turkeys, or fur-bearing animals. A 14043  
nonresident of the state who wishes to take or possess deer, wild 14044  
turkeys, or fur-bearing animals in this state shall procure, 14045  
respectively, a special deer or wild turkey permit as provided in 14046  
section 1533.11 of the Revised Code or a fur taker permit as 14047  
provided in section 1533.111 of the Revised Code in addition to a 14048  
nonresident hunting license or a special youth hunting license, as 14049  
applicable, as provided in this section. 14050

No person shall procure or attempt to procure a hunting 14051

license by fraud, deceit, misrepresentation, or any false statement. 14052  
14053

This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a special deer or wild turkey permit as provided in section 1533.11 of the Revised Code or the taking and possessing of ducks, geese, or brant without first having obtained, in addition to the hunting license required by this section, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code. 14054  
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This section does not authorize the hunting or trapping of fur-bearing animals without first having obtained, in addition to a hunting license required by this section, a fur taker permit as provided in section 1533.111 of the Revised Code. 14062  
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No hunting license shall be issued unless it is accompanied by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed. 14066  
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No hunting license shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. 14071  
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No person shall issue a hunting license to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this 14078  
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section is an offense by both the purchaser of the illegally  
obtained hunting license and the clerk or agent who issued the  
hunting license. Any hunting license issued in violation of this  
section is void.

The chief, with approval of the wildlife council, shall adopt  
rules prescribing a hunter education and conservation course for  
first-time hunting license buyers and for volunteer instructors.  
The course shall consist of subjects including, but not limited  
to, hunter safety and health, use of hunting implements, hunting  
tradition and ethics, the hunter and conservation, the law in  
section 1533.17 of the Revised Code along with the penalty for its  
violation, including a description of terms of imprisonment and  
fines that may be imposed, and other law relating to hunting.  
Authorized personnel of the division or volunteer instructors  
approved by the chief shall conduct such courses with such  
frequency and at such locations throughout the state as to  
reasonably meet the needs of license applicants. The chief shall  
issue a certificate of completion to each person who successfully  
completes the course and passes an examination prescribed by the  
chief.

**Sec. 1533.101.** Any person who has been issued a hunting or  
fishing license, a wetlands habitat stamp, a deer or wild turkey  
permit, or a fur taker permit for the current license, stamp, or  
permit year or for the license, stamp, or permit year next  
preceding the current such year pursuant to this chapter, and if  
the license, stamp, or permit has been lost, destroyed, or stolen,  
may be issued a reissued hunting or fishing license, wetlands  
habitat stamp, deer or wild turkey permit, or fur taker permit.  
The person shall file with the clerk of the court of common pleas  
an application in affidavit form or, if the chief of the division  
of wildlife authorizes it, apply for a reissued license, stamp, or  
permit to an authorized agent designated by the chief, and pay a

fee for each license, stamp, or permit of ~~two~~ four dollars ~~plus~~ 14115  
~~one dollar to the clerk or agent, who shall issue a reissued~~ 14116  
~~license, stamp, or permit that shall allow the applicant to hunt,~~ 14117  
~~fish, or trap, as the case may be.~~ The clerk or agent shall 14118  
administer the oath to the applicant, issue a reissued license, 14119  
stamp, or permit that shall allow the applicant to hunt, fish, or 14120  
trap, as applicable, and ~~shall~~ send a copy of the reissued 14121  
license, stamp, or permit to the division of wildlife. 14122

All moneys received as fees for the issuance of reissued 14123  
licenses, stamps, or permits shall be transmitted to the director 14124  
of natural resources to be paid into the state treasury to the 14125  
credit of the funds to which the fees for the original licenses, 14126  
stamps, and permits were credited. 14127

No person shall knowingly or willfully secure, attempt to 14128  
secure, or use a reissued hunting or fishing license, wetlands 14129  
habitat stamp, deer or wild turkey permit, or fur taker permit to 14130  
which the person is not entitled. No person shall knowingly or 14131  
willfully issue a reissued hunting or fishing license, wetlands 14132  
habitat stamp, deer or wild turkey permit, or fur taker permit 14133  
under this section to any person who is not entitled to receive 14134  
and use such a reissued license, stamp, or permit. 14135

**Sec. 1533.11.** (A) Except as provided in this section, no 14136  
person shall hunt deer on lands of another without first obtaining 14137  
an annual special deer permit. Except as provided in this section, 14138  
no person shall hunt wild turkeys on lands of another without 14139  
first obtaining an annual special wild turkey permit. Each 14140  
applicant for a special deer or wild turkey permit shall pay an 14141  
annual fee of ~~nineteen~~ twenty-three dollars for each permit, 14142  
~~together with one dollar as a fee to the clerk or other issuing~~ 14143  
~~agent, for the permit~~ unless the rules adopted under division (B) 14144  
of section 1533.12 of the Revised Code provide for issuance of a 14145

deer or wild turkey permit to the applicant free of charge. Except 14146  
as provided in rules adopted under division (B)(2) of that 14147  
section, each applicant who is a resident of this state and who at 14148  
the time of application is sixty-six years of age or older shall 14149  
procure a special senior deer or wild turkey permit, the fee for 14150  
which shall be one-half of the regular special deer or wild turkey 14151  
permit fee. Each applicant who is under the age of sixteen years 14152  
shall procure a special youth deer or wild turkey permit, the fee 14153  
for which shall be one-half of the regular special deer or wild 14154  
turkey permit fee. Except as provided in division (A) of section 14155  
1533.12 of the Revised Code, a deer or wild turkey permit shall 14156  
run concurrently with the hunting license. The money received, 14157  
~~other than the one dollar fee provided for above,~~ shall be paid 14158  
into the state treasury to the credit of the wildlife fund, 14159  
created in section 1531.17 of the Revised Code, exclusively for 14160  
the use of the division of wildlife in the acquisition and 14161  
development of land for deer or wild turkey management, for 14162  
investigating deer or wild turkey problems, and for the stocking, 14163  
management, and protection of deer or wild turkey. Every person, 14164  
while hunting deer or wild turkey on lands of another, shall carry 14165  
the person's special deer or wild turkey permit and exhibit it to 14166  
any enforcement officer so requesting. Failure to so carry and 14167  
exhibit such a permit constitutes an offense under this section. 14168  
The chief of the division of wildlife shall adopt any additional 14169  
rules the chief considers necessary to carry out this section and 14170  
section 1533.10 of the Revised Code. 14171

The owner and the children of the owner of lands in this 14172  
state may hunt deer or wild turkey thereon without a special deer 14173  
or wild turkey permit. The tenant ~~or manager~~ and children of the 14174  
tenant ~~or manager~~ may hunt deer or wild turkey on lands where they 14175  
reside without a special deer or wild turkey permit. 14176

(B) A special deer or wild turkey permit is not transferable. 14177

No person shall carry a special deer or wild turkey permit issued 14178  
in the name of another person. 14179

(C) The wildlife refunds fund is hereby created in the state 14180  
treasury. The fund shall consist of money received from 14181  
application fees for special deer permits that are not issued. 14182  
Money in the fund shall be used to make refunds of such 14183  
application fees. 14184

**Sec. 1533.111.** Except as provided in this section or division 14185  
(A) of section 1533.12 of the Revised Code, no person shall hunt 14186  
or trap fur-bearing animals on land of another without first 14187  
obtaining an annual fur taker permit. Each applicant for a fur 14188  
taker permit shall pay an annual fee of ~~ten~~ fourteen dollars, 14189  
~~together with one dollar as a fee to the clerk or other issuing~~ 14190  
~~agent,~~ for the permit, except as otherwise provided in this 14191  
section or unless the rules adopted under division (B) of section 14192  
1533.12 of the Revised Code provide for issuance of a fur taker 14193  
permit to the applicant free of charge. Except as provided in 14194  
rules adopted under division (B)(2) of that section, each 14195  
applicant who is a resident of this state and who at the time of 14196  
application is sixty-six years of age or older shall procure a 14197  
special senior fur taker permit, the fee for which shall be 14198  
one-half of the regular fur taker permit fee. Each applicant who 14199  
is a resident of the state and under the age of sixteen years 14200  
shall procure a special youth fur taker permit, the fee for which 14201  
shall be one-half of the regular fur taker permit fee ~~and which~~ 14202  
~~shall be paid together with one dollar as a fee to the clerk or~~ 14203  
~~other issuing agent.~~ The fur taker permit shall run concurrently 14204  
with the hunting license. The money received, ~~other than the one~~ 14205  
~~dollar fee provided for in this section,~~ shall be paid into the 14206  
state treasury to the credit of the fund established in section 14207  
1533.15 of the Revised Code. 14208

No fur taker permit shall be issued unless it is accompanied 14209  
by a written explanation of the law in section 1533.17 of the 14210  
Revised Code and the penalty for its violation, including a 14211  
description of terms of imprisonment and fines that may be 14212  
imposed. 14213

No fur taker permit shall be issued unless the applicant 14214  
presents to the agent authorized to issue a fur taker permit a 14215  
previously held hunting license or trapping or fur taker permit or 14216  
evidence of having held such a license or permit in content and 14217  
manner approved by the chief of the division of wildlife, a 14218  
certificate of completion issued upon completion of a trapper 14219  
education course approved by the chief, or evidence of equivalent 14220  
training in content and manner approved by the chief. 14221

No person shall issue a fur taker permit to any person who 14222  
fails to present the evidence required by this section. No person 14223  
shall purchase or obtain a fur taker permit without presenting to 14224  
the issuing agent the evidence required by this section. Issuance 14225  
of a fur taker permit in violation of the requirements of this 14226  
section is an offense by both the purchaser of the illegally 14227  
obtained permit and the clerk or agent who issued the permit. Any 14228  
fur taker permit issued in violation of this section is void. 14229

The chief, with approval of the wildlife council, shall adopt 14230  
rules prescribing a trapper education course for first-time fur 14231  
taker permit buyers and for volunteer instructors. The course 14232  
shall consist of subjects that include, but are not limited to, 14233  
trapping techniques, animal habits and identification, trapping 14234  
tradition and ethics, the trapper and conservation, the law in 14235  
section 1533.17 of the Revised Code along with the penalty for its 14236  
violation, including a description of terms of imprisonment and 14237  
fines that may be imposed, and other law relating to trapping. 14238  
Authorized personnel of the division of wildlife or volunteer 14239  
instructors approved by the chief shall conduct the courses with 14240

such frequency and at such locations throughout the state as to 14241  
reasonably meet the needs of permit applicants. The chief shall 14242  
issue a certificate of completion to each person who successfully 14243  
completes the course and passes an examination prescribed by the 14244  
chief. 14245

Every person, while hunting or trapping fur-bearing animals 14246  
on lands of another, shall carry the person's fur taker permit 14247  
affixed to the person's hunting license with the person's 14248  
signature written across the face of the permit. Failure to carry 14249  
such a signed permit constitutes an offense under this section. 14250  
The chief shall adopt any additional rules the chief considers 14251  
necessary to carry out this section. 14252

The owner and the children of the owner of lands in this 14253  
state may hunt or trap fur-bearing animals thereon without a fur 14254  
taker permit. The tenant ~~or manager~~ and children of the tenant ~~or~~ 14255  
~~manager~~ may hunt or trap fur-bearing animals on lands where they 14256  
reside without a fur taker permit. 14257

A fur taker permit is not transferable. No person shall carry 14258  
a fur taker permit issued in the name of another person. 14259

A fur taker permit entitles a nonresident to take from this 14260  
state fur-bearing animals taken and possessed by the nonresident 14261  
as provided by law or division rule. 14262

**Sec. 1533.112.** Except as provided in this section or unless 14263  
otherwise provided by division rule, no person shall hunt ducks, 14264  
geese, or brant on the lands of another without first obtaining an 14265  
annual wetlands habitat stamp. The annual fee for the wetlands 14266  
habitat stamp shall be ~~ten~~ fourteen dollars for each stamp, 14267  
~~together with one dollar as a fee to the clerk or other issuing~~ 14268  
~~agent,~~ unless the rules adopted under division (B) of section 14269  
1533.12 provide for issuance of a wetlands habitat stamp to the 14270  
applicant free of charge. 14271

Moneys received from the stamp fee, ~~other than the one-~~ 14272  
~~dollar clerk's fee,~~ shall be paid into the state treasury to the 14273  
credit of the wetlands habitat fund, which is hereby established. 14274  
Moneys shall be paid from the fund on the order of the director of 14275  
natural resources for the following purposes: 14276

(A) Sixty per cent for projects that the division approves 14277  
for the acquisition, development, management, or preservation of 14278  
waterfowl areas within the state; 14279

(B) Forty per cent for contribution by the division to an 14280  
appropriate nonprofit organization for the acquisition, 14281  
development, management, or preservation of lands and waters 14282  
within the United States or Canada that provide or will provide 14283  
habitat for waterfowl with migration routes that cross this state. 14284

No moneys derived from the issuance of wetlands habitat 14285  
stamps shall be spent for purposes other than those specified by 14286  
this section. All investment earnings of the fund shall be 14287  
credited to the fund. 14288

Wetlands habitat stamps shall be furnished by and in a form 14289  
prescribed by the chief of the division of wildlife and issued by 14290  
clerks and other agents authorized to issue licenses and permits 14291  
under section 1533.13 of the Revised Code. The record of stamps 14292  
kept by the clerks and other agents shall be uniform throughout 14293  
the state, in such form or manner as the director prescribes, and 14294  
open at all reasonable hours to the inspection of any person. 14295  
Unless otherwise provided by rule, each stamp shall remain in 14296  
force until midnight of the thirty-first day of August next 14297  
ensuing. Wetlands habitat stamps may be issued in any manner to 14298  
any person on any date, whether or not that date is within the 14299  
period in which they are effective. 14300

Every person to whom this section applies, while hunting 14301  
ducks, geese, or brant, shall carry an unexpired wetlands habitat 14302

stamp that is validated by the person's signature written on the 14303  
stamp in ink and shall exhibit the stamp to any enforcement 14304  
officer so requesting. No person shall fail to carry and exhibit 14305  
the person's stamp. 14306

A wetlands habitat stamp is not transferable. 14307

The chief shall establish a procedure to obtain subject 14308  
matter to be printed on the wetlands habitat stamp and shall use, 14309  
dispose of, or distribute the subject matter as the chief 14310  
considers necessary. The chief also shall adopt rules necessary to 14311  
administer this section. 14312

This section does not apply to persons under sixteen years of 14313  
age nor to persons exempted from procuring a hunting license under 14314  
section 1533.10 or division (A) of section 1533.12 of the Revised 14315  
Code. 14316

**Sec. 1533.12.** (A) Every person on active duty in the armed 14317  
forces of the United States, while on leave or furlough, may take 14318  
or catch fish of the kind lawfully permitted to be taken or caught 14319  
within the state, may hunt any wild bird or wild quadruped 14320  
lawfully permitted to be hunted within the state, and may trap 14321  
fur-bearing animals lawfully permitted to be trapped within the 14322  
state, without procuring a fishing license, a hunting license, a 14323  
fur taker permit, or a wetlands habitat stamp required by this 14324  
chapter, provided that the person shall carry on ~~self~~ the person 14325  
when fishing, hunting, or trapping, a card or other evidence 14326  
identifying the person as being on active duty in the armed forces 14327  
of the United States, and provided that the person is not 14328  
otherwise violating any of the hunting, fishing, and trapping laws 14329  
of this state. 14330

In order to hunt deer or wild turkey, any such person shall 14331  
obtain a special deer or wild turkey permit, as applicable, under 14332  
section 1533.11 of the Revised Code. However, the person need not 14333

obtain a hunting license in order to obtain such a permit. 14334

(B) The chief of the division of wildlife shall provide by 14335  
rule adopted under section 1531.10 of the Revised Code all of the 14336  
following: 14337

(1) Every resident of this state with a disability that has 14338  
been determined by the veterans administration to be permanently 14339  
and totally disabling, who receives a pension or compensation from 14340  
the veterans administration, and who received an honorable 14341  
discharge from the armed forces of the United States, and every 14342  
veteran to whom the registrar of motor vehicles has issued a set 14343  
of license plates under section 4503.41 of the Revised Code, shall 14344  
be issued an annual fishing license, hunting license, fur taker 14345  
permit, deer or wild turkey permit, or wetlands habitat stamp, or 14346  
any combination of those licenses, permits, and stamp, free of 14347  
charge when application is made to the chief in the manner 14348  
prescribed by and on forms provided by the chief. 14349

(2) Every resident of the state who ~~is sixty six years of age~~ 14350  
~~or older~~ was born on or before December 31, 1937, shall be issued 14351  
an annual fishing license, hunting license, fur taker permit, deer 14352  
or wild turkey permit, or wetlands habitat stamp, or any 14353  
combination of those licenses, permits, and stamp, free of charge 14354  
when application is made to the chief in the manner prescribed by 14355  
and on forms provided by the chief. 14356

(3) Every resident of state or county institutions, 14357  
charitable institutions, and military homes in this state shall be 14358  
issued an annual fishing license free of charge when application 14359  
is made to the chief in the manner prescribed by and on forms 14360  
provided by the chief. 14361

(4) Any mobility impaired or blind person, as defined in 14362  
section 955.011 of the Revised Code, who is a resident of this 14363  
state and who is unable to engage in fishing without the 14364

assistance of another person shall be issued an annual fishing license free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief. The person who is assisting the mobility impaired or blind person may assist in taking or catching fish of the kind permitted to be taken or caught without procuring the license required under section 1533.32 of the Revised Code, provided that only one line is used by both persons.

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued an annual fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

**Sec. 1533.13.** Hunting and fishing licenses, wetlands habitat stamps, deer and wild turkey permits, ~~and fur taker permits shall,~~ and any other licenses, permits, or stamps that are required under this chapter or Chapter 1531. of the Revised Code and any reissued

license, permit, or stamp may be issued by the clerk of the court 14396  
of common pleas, village and township clerks, and other authorized 14397  
agents designated by the chief of the division of wildlife. When 14398  
required by the chief, a clerk or agent shall give bond in the 14399  
manner provided by the chief. All bonds, reports, except records 14400  
prescribed by the auditor of state, and moneys received by those 14401  
persons shall be handled under rules adopted by the director of 14402  
natural resources. 14403

The premium of any bond prescribed by the chief under this 14404  
section may be paid by the chief. Any person who is designated and 14405  
authorized by the chief to issue licenses, stamps, and permits as 14406  
provided in this section, except the clerk of the court of common 14407  
pleas and the village and township clerks, shall pay to the chief 14408  
a premium in an amount that represents the person's portion of the 14409  
premium paid by the chief under this section, which amount shall 14410  
be established by the chief and approved by the wildlife council 14411  
created under section 1531.03 of the Revised Code. The chief shall 14412  
pay all moneys that the chief receives as premiums under this 14413  
section into the state treasury to the credit of the wildlife fund 14414  
created under section 1531.17 of the Revised Code. 14415

Every authorized agent, for the purpose of issuing hunting 14416  
and fishing licenses, wetlands habitat stamps, deer and wild 14417  
turkey permits, and fur taker permits, may administer oaths to and 14418  
take affidavits from applicants for the licenses, stamps, or 14419  
permits when required. An authorized agent may appoint deputies to 14420  
perform any acts that the agent is authorized to perform, 14421  
consistent with division rules. 14422

Every applicant for a hunting or fishing license, wetlands 14423  
habitat stamp, deer or wild turkey permit, or fur taker permit, 14424  
unless otherwise provided by division rule, shall ~~make and~~ 14425  
~~subscribe an affidavit setting forth~~ provide the applicant's name, 14426  
~~age~~ date of birth, weight, height, ~~occupation~~, place of residence, 14427

~~personal description, and citizenship~~ any other information that 14428  
the chief may require. The clerk or other agent authorized to 14429  
issue licenses, stamps, and permits shall charge each applicant a 14430  
fee of one dollar for taking the ~~affidavit~~ information provided by 14431  
the applicant and issuing the license, stamp, or permit. The 14432  
application, license, stamp, permit, and other blanks required by 14433  
this section shall be prepared and furnished by the chief, in such 14434  
form as the chief provides, to the clerk or other agent authorized 14435  
to issue them. The licenses and permits shall be issued to 14436  
applicants by the clerk or other agent. The record of licenses and 14437  
permits kept by the clerk and other authorized agents shall be 14438  
uniform throughout the state and in such form or manner as the 14439  
auditor of state prescribes and shall be open at all reasonable 14440  
hours to the inspection of any person. Unless otherwise provided 14441  
by division rule, each hunting license, deer or wild turkey 14442  
permit, and fur taker permit issued shall remain in force until 14443  
midnight of the thirty-first day of August next ensuing. 14444  
Application for any such license or permit may be made and a 14445  
license or permit issued prior to the date upon which it becomes 14446  
effective. 14447

The chief may require an applicant who wishes to purchase a 14448  
license, stamp, or permit by mail or telephone or via the internet 14449  
to pay a nominal fee for postage and handling and credit card 14450  
transactions. 14451

The court before whom a violator of any laws or division 14452  
rules for the protection of wild animals is tried, as a part of 14453  
the punishment, shall revoke the license, stamp, or permit of any 14454  
person convicted. The license, stamp, or permit fee paid by that 14455  
person shall not be returned to the person. The person shall not 14456  
procure or use any other license, stamp, or permit or engage in 14457  
hunting wild animals or trapping fur-bearing animals during the 14458  
period of revocation as ordered by the court. 14459

No person under sixteen years of age shall engage in hunting 14460  
unless accompanied by the person's parent or another adult person. 14461

**Sec. 1533.151.** The chief of the division of wildlife, with 14462  
the approval of the director of natural resources, ~~is hereby~~ 14463  
~~authorized to~~ may print and issue stamps portraying wild animals 14464  
of the state. This stamp shall be identified as a wildlife 14465  
conservation stamp ~~and the~~. The fee for each stamp shall be ~~five~~ 14466  
~~dollars~~ not more than the fee for a wetlands habitat stamp issued 14467  
under section 1533.112 of the Revised Code. 14468

The purchase of wildlife conservation stamps shall provide no 14469  
privileges to the purchaser, but merely recognizes ~~such~~ the person 14470  
as voluntarily contributing to the management, protection, and the 14471  
perpetuation of the wildlife resources of the state. All moneys 14472  
received from the sale of wildlife conservation stamps shall be 14473  
paid into the state treasury to the credit of the nongame and 14474  
endangered wildlife fund to be used exclusively by the division of 14475  
wildlife for the purposes outlined in section ~~1533.15~~ 1531.26 of 14476  
the Revised Code ~~and for the management of all forms of wildlife~~ 14477  
~~for its ecological and non consumptive recreational value.~~ 14478

**Sec. 1533.19.** Except as otherwise provided by division rule, 14479  
recognized field trial clubs may shoot domestically raised quails, 14480  
chukar partridges, ducks, pheasants, or other game birds and 14481  
common pigeons at any time during the daylight hours from the 14482  
first day of September to the thirtieth day of April of the 14483  
following year, both dates inclusive. Such domestically raised 14484  
quails, chukar partridges, ducks, pheasants, and other game birds 14485  
shall be banded prior to release and approved by the division of 14486  
wildlife for field trial use, provided that permission for the 14487  
holding of such a trial shall be obtained from the division. 14488  
Permission shall be requested in writing at least thirty days in 14489  
advance of the trial. The request shall contain the name of the 14490

recognized field trial club and the names of its officers, the 14491  
date and location of the trial, and the name of the licensed 14492  
breeders from whom the quails, chukar partridges, ducks, 14493  
pheasants, or other game birds will be obtained. The division may 14494  
grant a written permit when it is satisfied that the trial is a 14495  
bona fide one conducted by a bona fide club under this section. 14496  
When an application is approved, a permit shall be issued after 14497  
the payment of a fee of ~~twenty-five~~ fifty dollars for each day 14498  
upon which the trials are conducted. Participants in such trials 14499  
need not possess a hunter's license while participating in the 14500  
trials. The division shall supervise all such trials and shall 14501  
enforce all laws and division rules governing them. If unbanded 14502  
quails, chukar partridges, ducks, pheasants, or other game birds 14503  
are accidentally shot during such trials, they immediately shall 14504  
be replaced by the club by the releasing of an equal number of 14505  
live quails, chukar partridges, ducks, pheasants, or other game 14506  
birds under the supervision of the division. 14507

**Sec. 1533.23.** No person shall deal in or buy green or dried 14508  
furs, skins, or parts thereof, taken from fur-bearing animals of 14509  
the state, except domesticated rabbits, without a fur dealer's 14510  
permit. Every applicant for a fur dealer's permit shall make and 14511  
subscribe a statement setting forth ~~his~~ the applicant's name, 14512  
place of residence, and whom ~~he~~ the applicant represents. Every 14513  
applicant for a dealer's permit who is a nonresident of the state, 14514  
or who is a resident of the state and is an agent or 14515  
representative of a nonresident person, firm, or corporation, 14516  
shall pay an annual fee of two hundred dollars to the chief of the 14517  
division of wildlife issuing such permit, and every applicant for 14518  
a dealer's permit who is a resident of the state shall pay an 14519  
annual fee of ~~fifty~~ seventy-five dollars to the chief ~~of the~~ 14520  
~~division of wildlife~~ issuing such permit, ~~and every.~~ Every fur 14521  
dealer shall operate under such additional ~~regulations~~ rules as 14522

are provided by the chief ~~of the division of wildlife~~. The chief 14523  
shall pay ~~such~~ the fees into the state treasury to the credit of 14524  
the fund created by section 1533.15 of the Revised Code for the 14525  
use of the division of wildlife in the purchase, preservation, 14526  
protection, and stocking of fur-bearing animals and for the 14527  
necessary clerical help and forms required by this section and 14528  
section 1533.24 of the Revised Code. 14529

All permits shall be procured from the chief and the 14530  
application, license, and other blanks required by this section 14531  
and section 1533.24 of the Revised Code shall be in such form as 14532  
the chief prescribes. Each such permit shall expire on the 14533  
thirtieth day of April next after its issuance. 14534

**Sec. 1533.301.** Any person may apply for a permit to transport 14535  
fish that are for sale, sold, or purchased. The chief of the 14536  
division of wildlife shall issue an annual permit granting the 14537  
applicant the privilege to transport such fish, upon filing of an 14538  
application on a form prescribed by the chief and payment of a fee 14539  
of ~~fifty~~ sixty-five dollars. No person shall transport any fish or 14540  
part thereof that is for sale, sold, or purchased, whether 14541  
acquired in or outside this state, unless the consignor has a 14542  
permit ~~issued to him~~ for the calendar year in which the fish is 14543  
transported, except that no such permit is required for any of the 14544  
following: 14545

(A) Fish transported from a point outside this state to 14546  
another point outside this state if the fish are not unloaded in 14547  
this state. A fish is not to be considered unloaded for purposes 14548  
of this section if it remains under the control of a common 14549  
carrier. 14550

(B) Fish being transported by a person holding a valid 14551  
license under section 1533.34 of the Revised Code from the place 14552  
of taking to ~~his~~ the person's usual place of processing or 14553

temporary storage as designated by ~~him~~ the person in the 14554  
application for the license under that section; 14555

(C) Fish being transported from a premises designated in a 14556  
valid permit issued under section 1533.631 of the Revised Code to 14557  
a premises where fish are to be sold at retail, sold for immediate 14558  
consumption, or consumed if inspection of the designated premises 14559  
as required by that section has not been denied during the 14560  
preceding thirty days; 14561

(D) Any quantity of fish the total weight of which does not 14562  
exceed five hundred pounds in one vehicle; 14563

(E) Minnows for which a permit is required under section 14564  
1533.40 of the Revised Code. 14565

If a fish for which a permit is required under this section 14566  
is transported in this state from a consignor who does not have a 14567  
valid permit at the time of transportation, or if such a fish is 14568  
transported in this state from a consignor who has a valid permit 14569  
at the time of transportation, but the fish is part of the 14570  
contents of a box, package, or receptacle that was or could be the 14571  
basis for conviction of a violation of this chapter or a division 14572  
rule, the fish may be seized by any law enforcement officer 14573  
authorized by section 1531.13 of the Revised Code to enforce laws 14574  
and division rules, and the fish shall escheat to the state unless 14575  
a court of this state makes a specific finding that the consignor 14576  
at the time of seizure had a valid permit under this section 14577  
~~1533.301 of the Revised Code~~ and that the fish are lawful under 14578  
the requirements of this chapter or a division rule relating 14579  
thereto. 14580

A fish for which a permit is required under this section may 14581  
be transported only if each box, package, or other receptacle 14582  
bears a label showing the total weight in pounds, the species of 14583  
the fish, the name of the consignor and consignee, the initial 14584

point of billing, the destination, and a statement that each 14585  
species of fish by weight in the box, package, or other receptacle 14586  
that are undersized under ~~the provisions of~~ section 1533.63 of the 14587  
Revised Code or division rule is ten per cent or less or is in 14588  
excess of ten per cent, whichever the fact may be. If fish are not 14589  
boxed or packaged, each compartment of a tank or other receptacle 14590  
shall be considered a separate receptacle, but in lieu of a label 14591  
on the compartment or tank a written statement containing the same 14592  
information required to be contained on a label, and clearly 14593  
identifying the tank or receptacle concerned, may be carried in 14594  
the vehicle. Species may be designated in any manner, but the 14595  
label also shall bear either the common name indicated in section 14596  
1533.63 of the Revised Code or the scientific name contained in 14597  
section 1531.01 of the Revised Code. The consignor shall ascertain 14598  
that labels are attached or statements carried as required herein 14599  
and that the facts stated thereon are true. 14600

The permit required by this section may be suspended by the 14601  
chief for a period not to exceed five days upon conviction of the 14602  
permittee of a violation of this chapter or Chapter 1531. of the 14603  
Revised Code or a division rule if the permittee has been 14604  
convicted of another such violation during the preceding 14605  
twelve-month period. If the permittee has had two or more such 14606  
convictions during the twelve-month period preceding such a 14607  
conviction, ~~his~~ the permittee's permit may be suspended as 14608  
provided herein for a period not to exceed twenty days. A permit 14609  
is invalid during the period of suspension, but in no case is a 14610  
permit invalid until fifteen days after mailing by certified mail 14611  
a notice of the rule of suspension by the chief. 14612

The chief may not suspend more than one permit of the same 14613  
permittee, or suspend a permit of the same permittee more than 14614  
once, for convictions resulting from violations that occur in a 14615  
load in one vehicle. 14616

A driver or other person in charge of a vehicle transporting 14617  
fish that are for sale, sold, or purchased, upon demand by any law 14618  
enforcement officer authorized by section 1531.13 of the Revised 14619  
Code to enforce laws and division rules, shall stop and open the 14620  
vehicle and allow inspection of the load, and any box, package, or 14621  
receptacle, and the contents thereof, for the purpose of 14622  
determining whether this chapter or a division rule is being 14623  
violated. 14624

The word "fish" in the English language, at least eight 14625  
inches high and maintained in a clear, conspicuous, and legible 14626  
condition at all times, shall appear on both sides of the vehicle 14627  
body of all vehicles transporting fresh water fish in this state 14628  
when the fish are for sale or sold, except those fish exempt from 14629  
a transportation permit in divisions (A), (B), and (E) of this 14630  
section. 14631

The chief may refuse to issue a permit to any person whose 14632  
purpose in applying for the permit is to allow it to be used by 14633  
another person to whom a permit has been refused or revoked. The 14634  
chief also may revoke a person's permit when it is used for that 14635  
purpose. 14636

No civil action may be brought in any court in the state for 14637  
the value or agreed price of fish that have escheated to the state 14638  
under this section. 14639

No person shall fail to comply with any provision of this 14640  
section or a division rule adopted pursuant thereto. 14641

In addition to other penalties provided in the Revised Code, 14642  
the permit of any person who is convicted of two violations of 14643  
this section that occurred within a twelve-month period is 14644  
suspended upon the second such conviction by operation of law for 14645  
a period of five fishing season days immediately following that 14646  
conviction. 14647

In addition to other penalties provided in the Revised Code, 14648  
the permit of any person who is convicted of three or more 14649  
violations of this section that occurred within a twelve-month 14650  
period is suspended upon the third or subsequent conviction by 14651  
operation of law for a period of twenty fishing season days 14652  
immediately following that conviction. 14653

During any period of suspension, no person shall use or 14654  
engage in hauling or transporting fish with equipment owned, used, 14655  
or controlled at the time of conviction by the permittee whose 14656  
permit has been suspended. 14657

**Sec. 1533.32.** Except as provided in this section or division 14658  
(A) or (C) of section 1533.12 of the Revised Code, no person, 14659  
including nonresidents, shall take or catch any fish by angling in 14660  
any of the waters in the state or engage in fishing in those 14661  
waters without a license. No person shall take or catch frogs or 14662  
turtles without a valid fishing license, except as provided in 14663  
this section. Persons fishing in privately owned ponds, lakes, or 14664  
reservoirs to or from which fish are not accustomed to migrate are 14665  
exempt from the license requirements set forth in this section. 14666  
Persons fishing in privately owned ponds, lakes, or reservoirs 14667  
that are open to public fishing through an agreement or lease with 14668  
the division of wildlife shall comply with the license 14669  
requirements set forth in this section. 14670

The fee for an annual license shall be ~~twenty-three~~ 14671  
thirty-nine dollars for a resident of a state that is not a party 14672  
to an agreement under section 1533.91 of the Revised Code. The fee 14673  
for an annual license shall be ~~fourteen~~ eighteen dollars for a 14674  
resident of a state that is a party to such an agreement. The fee 14675  
for an annual license for residents of this state shall be 14676  
~~fourteen~~ eighteen dollars unless the rules adopted under division 14677  
(B) of section 1533.12 of the Revised Code provide for issuance of 14678

a resident fishing license to the applicant free of charge. Except 14679  
as provided in rules adopted under division (B)(2) of that 14680  
section, each applicant who is a resident of this state and who at 14681  
the time of application is sixty-six years of age or older shall 14682  
procure a special senior fishing license, the fee for which shall 14683  
be one-half of the annual resident fishing license fee. 14684

Any person under the age of sixteen years may take or catch 14685  
frogs and turtles and take or catch fish by angling without a 14686  
license. ~~Any resident of this state sixty-six years of age or~~ 14687  
~~older may take or catch frogs and turtles without a license.~~ 14688

The chief of the division of wildlife may issue a tourist's 14689  
license expiring three days from the effective date of the license 14690  
to a resident of a state that is not a party to an agreement under 14691  
section 1533.91 of the Revised Code. The fee for a tourist's 14692  
license shall be ~~fourteen~~ eighteen dollars. 14693

The chief shall adopt rules under section 1531.10 of the 14694  
Revised Code providing for the issuance of a one-day fishing 14695  
license to a resident of this state or of any other state. The fee 14696  
for such a license shall be ~~forty~~ fifty-five per cent of the 14697  
amount established under this section for a tourist's license, 14698  
rounded up to the nearest whole dollar. A one-day fishing license 14699  
shall allow the holder to take or catch fish by angling in the 14700  
waters in the state, engage in fishing in those waters, or take or 14701  
catch frogs or turtles in those waters for one day without 14702  
obtaining an annual license or a tourist's license under this 14703  
section. At the request of a holder of a one-day fishing license 14704  
who wishes to obtain an annual license, a clerk or agent 14705  
authorized to issue licenses under section 1533.13 of the Revised 14706  
Code, not later than the last day on which the one-day license 14707  
would be valid if it were an annual license, shall credit the 14708  
amount of the fee paid for the one-day license toward the fee 14709  
charged for the annual license if so authorized by the chief. The 14710

clerk or agent shall issue the annual license upon presentation of 14711  
the one-day license and payment of a fee in an amount equal to the 14712  
difference between the fee for the annual license and the fee for 14713  
the one-day license. 14714

~~A fee of one dollar for each license issued under this 14715  
section shall be paid to the issuing clerk or agent in accordance 14716  
with section 1533.13 of the Revised Code. 14717~~

Unless otherwise provided by division rule, each annual 14718  
license shall begin on the first day of March of the current year 14719  
and expire on the last day of February of the following year. 14720

No person shall alter a fishing license or possess a fishing 14721  
license that has been altered. 14722

No person shall procure or attempt to procure a fishing 14723  
license by fraud, deceit, misrepresentation, or any false 14724  
statement. 14725

Owners of land over, through, upon, or along which any water 14726  
flows or stands, except where the land is in or borders on state 14727  
parks or state-owned lakes, together with the members of the 14728  
immediate families of such owners, may take frogs and turtles and 14729  
may take or catch fish of the kind permitted to be taken or caught 14730  
therefrom without procuring a license provided for in this 14731  
section. This exemption extends to tenants actually residing upon 14732  
such lands and to the members of the immediate families of the 14733  
tenants. Residents of state or county institutions, charitable 14734  
institutions, and military homes in this state may take frogs and 14735  
turtles without procuring the required license, provided that a 14736  
member of the institution or home has an identification card, 14737  
which shall be carried on that person when fishing. 14738

Every fisher required to be licensed, while fishing or taking 14739  
or attempting to take frogs or turtles, shall carry the license 14740  
and exhibit it to any person. Failure to so carry and exhibit the 14741

license constitutes an offense under this section. 14742

**Sec. 1533.35.** (A) Commercial fishing devices shall be 14743  
annually licensed as follows: 14744

(1) Trap and fyke nets, for the first twenty nets or any 14745  
portion thereof, eight hundred dollars; and for each additional 14746  
group of ten such nets or any portion thereof, four hundred 14747  
dollars; 14748

(2) For each seine of one hundred fifty rods or less in 14749  
length other than an inland fishing district seine, four hundred 14750  
dollars; 14751

(3) For each seine over one hundred fifty rods in length 14752  
other than an inland fishing district seine, six hundred dollars; 14753

(4) For each inland fishing district seine, one hundred 14754  
dollars; 14755

(5) For each carp apron, one hundred dollars; 14756

(6) For one trotline with seventy hooks or less attached 14757  
thereto, twenty dollars; 14758

(7) For each trotline, or trotlines, with a total of more 14759  
than seventy hooks attached thereto, one hundred dollars; 14760

(8) For each dip net, one hundred dollars. 14761

The license fee for other commercial fishing gear not 14762  
mentioned in this section, as approved by the chief of the 14763  
division of wildlife, shall be set by the chief with approval of 14764  
the wildlife council. 14765

Commercial fishing gear owned or used by a nonresident may be 14766  
licensed in this state only if a reciprocal agreement is in effect 14767  
as provided for in section 1533.352 of the Revised Code. 14768

All commercial license fees shall be paid upon application or 14769  
shall be paid one-fourth upon application with the balance due and 14770

owing within ninety days of the date of application, except that 14771  
those license fees of one hundred dollars or less shall be paid in 14772  
full at the time of application. 14773

(B) Royalty fees are hereby established ~~as set forth~~ on the 14774  
following species of fish when taken commercially: catfish, white 14775  
bass, and yellow perch. 14776

The amount of the royalty fees shall be as follows: on the 14777  
species taken for which an allowable catch or quota has been 14778  
established by division rule, ~~two~~ five cents per pound. On the 14779  
species taken for which an allowable catch or quota has not been 14780  
established by division rule, ~~one cent~~ two cents per pound ~~on that~~ 14781  
~~portion taken that exceeds one half of the previous year's taking~~ 14782  
~~of the species.~~ 14783

~~For the purpose of this section, the previous year's taking~~ 14784  
~~shall be the amount reported for that previous year by the license~~ 14785  
~~holder to the division pursuant to reporting procedures set forth~~ 14786  
~~in this chapter and Chapter 1531. of the Revised Code.~~ 14787

All royalty fees established or provided for in this section 14788  
shall be paid by the license holder to the division. No person may 14789  
be issued a commercial fishing license until all royalty fees due 14790  
from that person for the preceding fishing season have been paid 14791  
in full. The chief may request the attorney general to recover any 14792  
royalty fee or amount thereof that is not paid by the opening date 14793  
of the next fishing season, and the attorney general shall 14794  
commence appropriate legal proceedings to recover the unpaid fee 14795  
or amount. 14796

All commercial fishing license moneys and all other fees 14797  
collected from commercial ~~fishermen~~ fishers shall be deposited in 14798  
the state treasury in accordance with section 1533.33 of the 14799  
Revised Code. 14800

No person shall fail to comply with any provision of this 14801

section or a division rule adopted pursuant to it. 14802

In addition to other penalties provided in the Revised Code, 14803  
the license of any person who is convicted of one or more 14804  
violations of this section shall be suspended upon the conviction 14805  
by operation of law for a period of eighteen fishing season months 14806  
immediately following the conviction. 14807

During any period of suspension, no person shall use or 14808  
engage in fishing with commercial gear owned, used, or controlled 14809  
at the time of conviction by the licensee whose license has been 14810  
suspended. 14811

**Sec. 1533.40.** Each person, firm, partnership, association, or 14812  
corporation ~~which~~ that buys, sells, or deals in minnows, crayfish, 14813  
or hellgrammites or collects the listed species for sale shall 14814  
obtain, annually, from the chief of the division of wildlife a 14815  
permit and shall operate under such rules as the chief ~~of the~~ 14816  
~~division of wildlife prescribes~~ adopts. ~~Such~~ A permit shall be 14817  
issued upon application and the payment of a fee of ~~twenty-five~~ 14818  
forty dollars. This permit expires at midnight, on the 14819  
thirty-first day of December ~~31~~. Nonresidents engaging in the 14820  
collecting, seining, or picking of minnows, crayfish, or 14821  
hellgrammites for bait shall have a nonresident fishing license as 14822  
prescribed in section 1533.32 of the Revised Code. 14823

**Sec. 1533.54.** No person shall draw, set, place, locate, 14824  
maintain, or possess a pound net, crib net, trammel net, fyke net, 14825  
set net, seine, bar net, or fish trap, or any part thereof, or 14826  
throw or hand line, with more than three hooks attached thereto, 14827  
or any other device for catching fish, except a line with not more 14828  
than three hooks attached thereto or lure with not more than three 14829  
sets of three hooks each, in the inland fishing district of this 14830  
state, except for taking carp, mullet, sheepshead, and grass pike 14831

as provided in section 1533.62 of the Revised Code, and except as 14832  
provided in section 1533.60 of the Revised Code, or as otherwise 14833  
provided for by division rule. No person shall catch or kill a 14834  
fish in that fishing district with what are known as bob lines, 14835  
trotlines, or float lines, or by grabbing with the hands, or by 14836  
spearing or shooting, or with any other device other than by 14837  
angling. In the waters of the inland fishing district, except 14838  
those lakes, harbors, and reservoirs controlled by the state, a 14839  
trotline may be used with not more than fifty hooks, and no two 14840  
hooks less than three feet apart, by the owner or person having 14841  
the owner's consent in that part of the stream bordering on or 14842  
running through that owner's lands. 14843

Notwithstanding this section, any resident who is licensed to 14844  
fish with nets in the Ohio river may possess fish nets for the 14845  
sole purpose of storage, repair, drying, and tarring in the area 14846  
between United States route fifty and the Ohio river from the 14847  
Indiana state line to Cincinnati, Ohio, and in the area between 14848  
United States route fifty-two and the Ohio river from Cincinnati, 14849  
Ohio, to Chesapeake, Ohio, and in the area between state route 14850  
seven and the Ohio river from Chesapeake, Ohio, to East Liverpool, 14851  
Ohio. 14852

Any person possessing a net in this reserve district shall 14853  
have an Ohio permit for each net in ~~his~~ the person's possession. 14854  
The permit shall be issued annually by the chief of the division 14855  
of wildlife upon application of the owner of the net and 14856  
submission of evidence by ~~him~~ the owner of ~~his~~ possession of a 14857  
valid fishing license permitting ~~him~~ the owner to fish with nets 14858  
in the Ohio river, and the payment of ~~ten~~ fifty dollars for each 14859  
net for which an application is made and a permit is issued. The 14860  
permit shall expire at twelve midnight on the fifteenth day of 14861  
March of each year. 14862

Sec. 1533.631. Any person may apply for a permit to handle 14863  
commercial fish, or other fish that may be bought or sold under 14864  
the Revised Code or division rule, at wholesale. The chief of the 14865  
division of wildlife shall issue an annual permit granting the 14866  
applicant the privilege to handle such fish at wholesale at one or 14867  
more designated premises upon filing of an application on a form 14868  
prescribed by the chief and payment of a fee of ~~fifty~~ sixty-five 14869  
dollars. No person or ~~his~~ a person's agent shall handle at 14870  
wholesale any fresh water fish or part thereof unless a permit has 14871  
been issued for the calendar year in which the fish is handled at 14872  
wholesale for the premises at which the fish is handled. 14873

A fish is handled at wholesale for purposes of this section 14874  
when it is on a premises within the state and is being held, 14875  
stored, handled, or processed for the purpose of sale to a person 14876  
who ordinarily resells the fish. 14877

The permit required by this section shall be issued subject 14878  
to the right of entry and inspection of the designated premises of 14879  
the permittee by any law enforcement officer authorized by section 14880  
1531.13 of the Revised Code to enforce the laws and rules of the 14881  
division of wildlife. Such an officer may enter and inspect the 14882  
designated premises and any box, package, or receptacle, and the 14883  
contents thereof, for the purpose of determining whether any 14884  
provision of this chapter or Chapter 1531. of the Revised Code or 14885  
division rule is being violated. 14886

No person holding a permit under this section shall remove a 14887  
label required by section 1533.301 of the Revised Code unless the 14888  
box, package, or receptacle bearing the label has been opened or 14889  
unless the label is replaced with another label that meets the 14890  
requirements of that section. 14891

No person shall fail to comply with any provision of this 14892  
section or division rule adopted pursuant to it. 14893

In addition to other penalties provided in the Revised Code, 14894  
the permit of any person who is convicted of two violations of 14895  
this section that occurred within a twelve-month period is 14896  
suspended upon the second such conviction by operation of law for 14897  
a period of five fishing season days immediately following that 14898  
conviction. 14899

In addition to other penalties provided in the Revised Code, 14900  
the permit of any person who is convicted of three or more 14901  
violations of this section that occurred within a twelve-month 14902  
period is suspended upon the third or subsequent such conviction 14903  
by operation of law for a period of twenty fishing season days 14904  
immediately following that conviction. 14905

During any period of suspension, no person shall use or 14906  
engage in handling commercial fish at wholesale with equipment or 14907  
facilities owned, used, or controlled at the time of conviction by 14908  
the permittee whose permit has been suspended. 14909

**Sec. 1533.632.** (A) As used in this section: 14910

(1) "Aquaculture" means a form of agriculture that involves 14911  
the propagation and rearing of aquatic species in controlled 14912  
environments under private control, including, but not limited to, 14913  
for the purpose of sale for consumption as food. 14914

(2) "Aquaculture species" means any aquatic species that may 14915  
be raised through aquaculture that is either a class A aquaculture 14916  
species or a class B aquaculture species. 14917

(3) "Class A aquaculture species" includes all of the 14918  
following: 14919

(a) Trout and salmon (*Onchorhynchus* sp., *Salmo* sp., 14920  
*Salvelinus* sp.); 14921

(b) Walleye (*Stizostedion vitreum*); 14922

(c) Sauger (*Stizostedion canadense*); 14923

(d) Bluegill ( <i>Lepomis machrochirus</i> );	14924
(e) Redear sunfish ( <i>Lepomis microlophus</i> );	14925
(f) Green sunfish ( <i>Lepomis cyanellus</i> );	14926
(g) White crappie ( <i>Pomoxis annularis</i> );	14927
(h) Black crappie ( <i>Pomoxis nigromaculatus</i> );	14928
(i) Blue catfish ( <i>Ictalurus furcatus</i> );	14929
(j) Any species added by rule under division (B) of this	14930
section or listed as commercial fish under section 1531.01 of the	14931
Revised Code except white perch ( <i>Morone americana</i> ).	14932
(4) "Class B aquaculture species" includes any species,	14933
except for class A aquaculture species, designated as such by the	14934
chief of the division of wildlife.	14935
(5) "Aquaculture production facility" means a facility used	14936
for aquaculture.	14937
(B) The chief, in accordance with Chapter 119. of the Revised	14938
Code, shall adopt rules for the regulation of aquaculture and may	14939
issue permits to persons wishing to engage in aquaculture for the	14940
production of aquaculture species. Rules adopted under this	14941
section shall ensure the protection and preservation of the	14942
wildlife and natural resources of this state. The legal length and	14943
weight limitations established under section 1533.63 of the	14944
Revised Code do not apply to class A or class B aquaculture	14945
species.	14946
A permit may be issued upon application to any person who	14947
satisfies the chief that the person has suitable equipment, of	14948
which <del>he</del> <u>the person</u> is the owner or lessee, to engage in	14949
aquaculture for a given aquaculture species or group of	14950
aquaculture species. Each permit shall be in such form as the	14951
chief prescribes. The permits shall be classified as either class	14952
A or class B. A class A permit shall be required for all class A	14953

aquaculture species that are specified in this section or 14954  
designated by rule as a class A aquaculture species. Class B 14955  
permits shall be issued on a case-by-case basis. In determining 14956  
whether to issue a class B permit, the chief shall take into 14957  
account the species for which the class B permit is requested, the 14958  
location of the aquaculture production facility, and any other 14959  
information determined by the chief to be necessary to protect the 14960  
wildlife and natural resources of this state. The annual fee for a 14961  
class A permit shall be fifty dollars unless otherwise provided by 14962  
rule by the chief. The annual fee for a class B permit shall be 14963  
set by the chief at a level between one hundred and five hundred 14964  
dollars. In determining the fee to be charged for a class B 14965  
permit, the chief shall take into account the additional costs to 14966  
the division for the inspection of aquaculture facilities used to 14967  
raise a given class B aquaculture species. 14968

The chief may revoke a permit upon a determination that the 14969  
person to whom the permit was issued has violated any rule adopted 14970  
under this section. The permit shall be reissued upon a showing by 14971  
the person that ~~he~~ the person is in compliance with the rules 14972  
adopted under this section. A holder of an aquaculture permit may 14973  
receive a permit issued under section 1533.301, ~~1533.39~~, or 14974  
1533.40 of the Revised Code without payment of the fee for that 14975  
permit if the conditions for the issuance of the permit have been 14976  
met. 14977

(C) No person shall knowingly sell any aquatic species under 14978  
an aquaculture permit issued under this section that was not 14979  
raised in an aquaculture production facility. In addition to any 14980  
other penalties prescribed for violation of this division, the 14981  
chief may revoke the permit of any person convicted of a violation 14982  
of this division for any period of time ~~he~~ the chief considers 14983  
necessary. 14984

(D) No person who does not hold a current valid aquaculture 14985

permit shall knowingly sell an aquaculture species while claiming 14986  
to possess an aquaculture permit. 14987

**Sec. 1533.71.** Unless otherwise provided by division rule, any 14988  
person desiring to engage in the business of raising and selling 14989  
game birds, game quadrupeds, reptiles, amphibians, or fur-bearing 14990  
animals in a wholly enclosed preserve of which the person is the 14991  
owner or lessee, or to have game birds, game quadrupeds, reptiles, 14992  
amphibians, or fur-bearing animals in captivity, shall apply in 14993  
writing to the division of wildlife for a license to do so. 14994  
14995

The division, when it appears that the application is made in 14996  
good faith and upon the payment of the fee for each license, ~~shall~~ 14997  
may issue to the applicant any of the following licenses that may 14998  
be applied for: 14999

(A) "Commercial propagating license" permitting the licensee 15000  
to propagate game birds, game quadrupeds, reptiles, amphibians, or 15001  
fur-bearing animals in the wholly enclosed preserve the location 15002  
of which is stated in the license and the application therefor, 15003  
and to sell the propagated game birds, game quadrupeds, reptiles, 15004  
amphibians, or fur-bearing animals and ship them from the state 15005  
alive at any time, and permitting the licensee and the licensee's 15006  
employees to kill the propagated game birds, game quadrupeds, or 15007  
fur-bearing animals and sell the carcasses for food subject to 15008  
sections 1533.70 to 1533.80 of the Revised Code. The fee for such 15009  
a license is ~~twenty-five~~ forty dollars per annum. 15010

(B) "Noncommercial propagating license" permitting the 15011  
licensee to propagate game birds, game quadrupeds, reptiles, 15012  
amphibians, or fur-bearing animals and to hold the animals in 15013  
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 15014  
fur-bearing animals propagated or held in captivity by authority 15015  
of a noncommercial propagating license are for the licensee's own 15016

use and shall not be sold. The fee for such a license is ~~ten~~ 15017  
twenty-five dollars per annum. 15018

(C) A free "raise to release license" permitting duly 15019  
organized clubs, associations, or individuals approved by the 15020  
division to engage in the raising of game birds, game quadrupeds, 15021  
or fur-bearing animals for release only and not for sale or 15022  
personal use. 15023

Except as provided by law, no person shall possess game 15024  
birds, game quadrupeds, or fur-bearing animals in closed season, 15025  
provided that municipal or governmental zoological parks are not 15026  
required to obtain the licenses provided for in this section. 15027

All licenses issued under this section shall expire on the 15028  
fifteenth day of March of each year. 15029

The chief of the division of wildlife shall pay all moneys 15030  
received as fees for the issuance of licenses under this section 15031  
into the state treasury to the credit of the fund created by 15032  
section 1533.15 of the Revised Code for the use of the division in 15033  
the purchase, preservation, and protection of wild animals and for 15034  
the necessary clerical help and forms required by sections 1533.70 15035  
to 1533.80 of the Revised Code. 15036

This section does not authorize the taking or the release for 15037  
taking of the following: 15038

(1) Game birds, without first obtaining a commercial bird 15039  
shooting preserve license issued under section 1533.72 of the 15040  
Revised Code; 15041

(2) Game or nonnative wildlife, without first obtaining a 15042  
wild animal hunting preserve license issued under section 1533.721 15043  
of the Revised Code. 15044

**Sec. 1533.82.** (A) On receipt of a notice pursuant to section 15045  
3123.43 of the Revised Code, the chief of the division of wildlife 15046

shall comply with sections 3123.41 to 3123.50 of the Revised Code 15047  
and any applicable rules adopted under section 3123.63 of the 15048  
Revised Code with respect to a license, permit, or certificate 15049  
issued pursuant to section 1533.23, 1533.34, 1533.342, ~~1533.39,~~ 15050  
1533.40, 1533.51, 1533.631, 1533.71, 1533.72, 1533.81, 1533.88, or 15051  
1533.881 of the Revised Code. 15052

(B) On receipt of a notice pursuant to section 3123.62 of the 15053  
Revised Code, the chief shall comply with that section and any 15054  
applicable rules adopted under section 3123.63 of the Revised Code 15055  
with respect to a license, permit, or stamp issued pursuant to 15056  
section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the 15057  
Revised Code. 15058

**Sec. 1541.10.** Any person selected by the chief of the 15059  
division of parks and recreation for custodial or patrol service 15060  
on the lands and waters operated or administered by the division 15061  
of parks and recreation shall be employed in conformity with the 15062  
law applicable to the classified civil service of the state. 15063  
Subject to section 1541.11 of the Revised Code, the chief may 15064  
designate that person as a park officer. A park officer, on any 15065  
lands and waters owned, controlled, maintained, or administered by 15066  
the department of natural resources and on highways, as defined in 15067  
section 4511.01 of the Revised Code, adjacent to lands and waters 15068  
owned, controlled, maintained, or administered by the division, 15069  
has the authority specified under section 2935.03 of the Revised 15070  
Code for peace officers of the department of natural resources to 15071  
keep the peace, to enforce all laws and rules governing those 15072  
lands and waters, and to make arrests for violation of those laws 15073  
and rules, provided that the authority shall be exercised on lands 15074  
or waters administered by another division of the department only 15075  
pursuant to an agreement with the chief of that division or to a 15076  
request for assistance by an enforcement officer of that division 15077

in an emergency. A park officer, in or along any watercourse 15078  
within, abutting, or upstream from the boundary of any area 15079  
administered by the department, has the authority to enforce 15080  
section 3767.32 of the Revised Code and any other laws prohibiting 15081  
the dumping of refuse into or along waters and to make arrests for 15082  
violation of those laws. The jurisdiction of park officers shall 15083  
be concurrent with that of the peace officers of the county, 15084  
township, or municipal corporation in which the violation occurs. 15085  
A state park, for purposes of this section, is any area that is 15086  
administered as a state park by the division of parks and 15087  
recreation. 15088

The ~~governor~~ secretary of state, upon the recommendation of 15089  
the chief, shall issue to each park officer a commission 15090  
indicating authority to make arrests as provided in this section. 15091

The chief shall furnish a suitable badge to each commissioned 15092  
park officer as evidence of that park officer's authority. 15093

If any person employed under this section is designated by 15094  
the chief to act as an agent of the state in the collection of 15095  
moneys resulting from the sale of licenses, fees of any nature, or 15096  
other moneys belonging to the state, the chief shall require a 15097  
surety bond from that person in an amount not less than one 15098  
thousand dollars. 15099

A park officer may render assistance to a state or local law 15100  
enforcement officer at the request of that officer or may render 15101  
assistance to a state or local law enforcement officer in the 15102  
event of an emergency. 15103

Park officers serving outside the division of parks and 15104  
recreation under this section or serving under the terms of a 15105  
mutual aid compact authorized under section 1501.02 of the Revised 15106  
Code shall be considered as performing services within their 15107  
regular employment for the purposes of compensation, pension or 15108

indemnity fund rights, workers' compensation, and other rights or 15109  
benefits to which they may be entitled as incidents of their 15110  
regular employment. 15111

Park officers serving outside the division of parks and 15112  
recreation under this section or under a mutual aid compact retain 15113  
personal immunity from civil liability as specified in section 15114  
9.86 of the Revised Code and shall not be considered an employee 15115  
of a political subdivision for purposes of Chapter 2744. of the 15116  
Revised Code. A political subdivision that uses park officers 15117  
under this section or under the terms of a mutual aid compact 15118  
authorized under section 1501.02 of the Revised Code is not 15119  
subject to civil liability under Chapter 2744. of the Revised Code 15120  
as the result of any action or omission of any park officer acting 15121  
under this section or under a mutual aid compact. 15122

**Sec. 1548.06.** Application for a certificate of title for a 15123  
watercraft or outboard motor shall be made upon a form prescribed 15124  
by the chief of the division of watercraft and shall be sworn to 15125  
before a notary public or other officer empowered to administer 15126  
oaths. The application shall be filed with the clerk of any court 15127  
of common pleas. An application for a certificate of title may be 15128  
filed electronically by any electronic means approved by the chief 15129  
in any county with the clerk of the court of common pleas of that 15130  
county. The application shall be accompanied by the fee prescribed 15131  
in section 1548.10 of the Revised Code. The fee shall be retained 15132  
by the clerk who issues the certificate of title and shall be 15133  
distributed in accordance with that section. If a clerk of a court 15134  
of common pleas, other than the clerk of the court of common pleas 15135  
of an applicant's county of residence, issues a certificate of 15136  
title to the applicant, the clerk shall transmit data related to 15137  
the transaction to the automated title processing system. 15138

If a certificate of title previously has been issued for the 15139

watercraft or outboard motor, the application for a certificate of 15140  
title also shall be accompanied by the certificate of title duly 15141  
assigned unless otherwise provided in this chapter. If a 15142  
certificate of title previously has not been issued for the 15143  
watercraft or outboard motor in this state, the application, 15144  
unless otherwise provided in this chapter, shall be accompanied by 15145  
a manufacturer's or importer's certificate; by a sworn statement 15146  
of ownership if the watercraft or outboard motor was purchased by 15147  
the applicant on or before October 9, 1963, or if the watercraft 15148  
is less than fourteen feet long with a permanently affixed 15149  
mechanical means of propulsion and was purchased by the applicant 15150  
on or before January 1, 2000; or by a certificate of title, bill 15151  
of sale, or other evidence of ownership required by the law of 15152  
another state from which the watercraft or outboard motor was 15153  
brought into this state. Evidence of ownership of a watercraft or 15154  
outboard motor for which an Ohio certificate of title previously 15155  
has not been issued and which watercraft or outboard motor does 15156  
not have permanently affixed to it a manufacturer's serial number 15157  
shall be accompanied by the certificate of assignment of a hull 15158  
identification number assigned by the chief as provided in section 15159  
1548.07 of the Revised Code. 15160

The clerk shall retain the evidence of title presented by the 15161  
applicant and on which the certificate of title is issued, except 15162  
that, if an application for a certificate of title is filed 15163  
electronically, by a vendor on behalf of a purchaser of a 15164  
watercraft or outboard motor, the clerk shall retain the completed 15165  
electronic record to which the vendor converted the certificate of 15166  
title application and other required documents. ~~The vendor shall~~ 15167  
~~forward the actual application and all other documents relating to~~ 15168  
~~the sale of the watercraft or outboard motor to any clerk within~~ 15169  
~~thirty days after the certificate of title is issued.~~ The chief, 15170  
after consultation with the attorney general, shall adopt rules 15171  
that govern the location at which, and the manner in which, are 15172

stored the actual application and all other documents relating to 15173  
the sale of a watercraft or outboard motor when a vendor files the 15174  
application for a certificate of title electronically on behalf of 15175  
a purchaser. 15176

The clerk shall use reasonable diligence in ascertaining 15177  
whether the facts in the application are true by checking the 15178  
application and documents accompanying it or the electronic record 15179  
to which a vendor converted the application and accompanying 15180  
documents with the records of watercraft and outboard motors in 15181  
the clerk's office. If the clerk is satisfied that the applicant 15182  
is the owner of the watercraft or outboard motor and that the 15183  
application is in the proper form, the clerk shall issue a 15184  
physical certificate of title over the clerk's signature and 15185  
sealed with the clerk's seal unless the applicant specifically 15186  
requests the clerk not to issue a physical certificate of title 15187  
and instead to issue an electronic certificate of title. However, 15188  
if the evidence indicates and an investigation shows that one or 15189  
more Ohio titles already exist for the watercraft or outboard 15190  
motor, the chief may cause the redundant title or titles to be 15191  
canceled. 15192

In the case of the sale of a watercraft or outboard motor by 15193  
a vendor to a general purchaser or user, the certificate of title 15194  
shall be obtained in the name of the purchaser by the vendor upon 15195  
application signed by the purchaser. In all other cases, the 15196  
certificate shall be obtained by the purchaser. In all cases of 15197  
transfer of watercraft or outboard motors, the application for 15198  
certificate of title shall be filed within thirty days after the 15199  
later of the date of purchase or assignment of ownership of the 15200  
watercraft or outboard motor. If the application for certificate 15201  
of title is not filed within thirty days after the later of the 15202  
date of purchase or assignment of ownership of the watercraft or 15203  
outboard motor, the clerk shall charge a late penalty fee of five 15204

dollars in addition to the fee prescribed by section 1548.10 of 15205  
the Revised Code. The clerk shall retain the entire amount of each 15206  
late penalty fee. 15207

The clerk shall refuse to accept an application for 15208  
certificate of title unless the applicant either tenders with the 15209  
application payment of all taxes levied by or pursuant to Chapter 15210  
5739. or 5741. of the Revised Code based on the applicant's county 15211  
of residence less, in the case of a sale by a vendor, any discount 15212  
to which the vendor is entitled under section 5739.12 of the 15213  
Revised Code, or submits any of the following: 15214

(A) A receipt issued by the tax commissioner or a clerk of 15215  
courts showing payment of the tax; 15216

(B) A copy of the unit certificate of exemption completed by 15217  
the purchaser at the time of sale as provided in section 5739.03 15218  
of the Revised Code; 15219

(C) An exemption certificate, in a form prescribed by the tax 15220  
commissioner, that specifies why the purchase is not subject to 15221  
the tax imposed by Chapter 5739. or 5741. of the Revised Code. 15222

Payment of the tax shall be in accordance with rules issued 15223  
by the tax commissioner, and the clerk shall issue a receipt in 15224  
the form prescribed by the tax commissioner to any applicant who 15225  
tenders payment of the tax with the application for the 15226  
certificate of title. 15227

For receiving and disbursing the taxes paid to the clerk by a 15228  
resident of the clerk's county, the clerk may retain a poundage 15229  
fee of one and one one-hundredth per cent of the taxes collected, 15230  
which shall be paid into the certificate of title administration 15231  
fund created by section 325.33 of the Revised Code. The clerk 15232  
shall not retain a poundage fee from payments of taxes by persons 15233  
who do not reside in the clerk's county. 15234

A clerk, however, may retain from the taxes paid to the clerk 15235

an amount equal to the poundage fees associated with certificates 15236  
of title issued by other clerks of courts of common pleas to 15237  
applicants who reside in the first clerk's county. The chief of 15238  
the division of watercraft, in consultation with the tax 15239  
commissioner and the clerks of the courts of common pleas, shall 15240  
develop a report from the automated title processing system that 15241  
informs each clerk of the amount of the poundage fees that the 15242  
clerk is permitted to retain from those taxes because of 15243  
certificates of title issued by the clerks of other counties to 15244  
applicants who reside in the first clerk's county. 15245

In the case of casual sales of watercraft or outboard motors 15246  
that are subject to the tax imposed by Chapter 5739. or 5741. of 15247  
the Revised Code, the purchase price for the purpose of 15248  
determining the tax shall be the purchase price on an affidavit 15249  
executed and filed with the clerk by the vendor on a form to be 15250  
prescribed by the chief, which shall be prima-facie evidence of 15251  
the price for the determination of the tax. In addition to the 15252  
information required by section 1548.08 of the Revised Code, each 15253  
certificate of title shall contain in bold lettering the following 15254  
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 15255  
(SELLER AND BUYER). You are required by law to state the true 15256  
selling price. A false statement is a violation of section 2921.13 15257  
of the Revised Code and is punishable by six months imprisonment 15258  
or a fine of up to one thousand dollars, or both. All transfers 15259  
are audited by the department of taxation. The seller and buyer 15260  
must provide any information requested by the department of 15261  
taxation. The buyer may be assessed any additional tax found to be 15262  
due." 15263

The clerk shall forward all payments of taxes, less poundage 15264  
fees, to the treasurer of state in a manner to be prescribed by 15265  
the tax commissioner and shall furnish information to the 15266  
commissioner as the commissioner may require. For purposes of a 15267

transfer of a certificate of title, if the clerk is satisfied that 15268  
a secured party has discharged a lien but has not canceled the 15269  
lien notation with a clerk, the clerk may cancel the lien notation 15270  
on the automated title processing system and notify the clerk of 15271  
the county of origin. 15272

Every clerk shall have the capability to transact by 15273  
electronic means all procedures and transactions relating to the 15274  
issuance of watercraft or outboard motor certificates of title 15275  
that are described in the Revised Code as being accomplished by 15276  
electronic means. 15277

**Sec. 1551.11.** (A) To achieve the purposes of ~~this chapter~~ 15278  
sections 1551.01 to 1551.25 of the Revised Code, the director of 15279  
development may: 15280

(1) Identify, plan, organize, initiate, and sponsor studies, 15281  
research, and experimental, pilot, and demonstration facilities 15282  
and projects ~~which~~ that would lead to the development and more 15283  
efficient utilization of present, new, or alternative energy 15284  
sources in ~~the~~ this state, to the conservation of energy, to the 15285  
attraction of federal and other development funding in emerging 15286  
and established national or state priority areas, or to the 15287  
enhancement of the economic development of the state; 15288

(2) Promote, assist, and provide financial assistance for the 15289  
development of nonprofit corporations organized and established 15290  
under Chapter 1702. of the Revised Code to further the purposes of 15291  
this section; 15292

(3) Seek out, apply for, receive, and accept grants, gifts, 15293  
contributions, loans, and other assistance in any form from public 15294  
and private sources, including assistance from any governmental 15295  
agency; 15296

(4) Make grants under division (F) of section 1551.12 of the 15297

Revised Code from funds that are appropriated by the general 15298  
assembly and from gifts or grants obtained under division (A)(3) 15299  
of this section for the purposes of developing, constructing, or 15300  
operating experimental, pilot, and demonstration facilities or 15301  
programs which develop, test, or demonstrate more efficient and 15302  
environmentally acceptable methods of extracting energy resources; 15303  
new concepts, programs, or technology for the conservation of 15304  
energy; new concepts, programs, or technology for the efficient 15305  
and environmentally acceptable utilization of present, new, or 15306  
alternative energy sources; or concepts, programs, or technology 15307  
which develop resources of the state. Grants may be made, without 15308  
limitation, for projects and programs such as experimental 15309  
demonstrations of the use of Ohio coal in processes which would 15310  
facilitate its widespread use as a source of energy; experimental 15311  
demonstrations of new or improved coal, natural gas, and natural 15312  
petroleum extraction techniques and of reclamation techniques at 15313  
the extraction sites; experimental demonstrations or development 15314  
of solar heating and cooling and potentially energy-efficient 15315  
construction in public buildings, schools, offices, commercial 15316  
establishments, and residential homes; development of programs or 15317  
experimental demonstrations of the utilization of waste products 15318  
in energy production and mineral and energy conservation; and 15319  
development of programs or experimental demonstrations of 15320  
technologies which would permit utility pricing policies which may 15321  
reduce the consumer costs of energy. 15322

(5) Enter into agreements with persons and governmental 15323  
agencies, in any combination, for the purposes of this section. 15324

(B) Any materials or data submitted to, made available by or 15325  
to, or received by the director under division (A) of this 15326  
section, division (F) of section 1551.12, or division (B) of 15327  
section 1551.15 of the Revised Code, and any information taken 15328  
from those materials or data for any purpose, to the extent that 15329

those materials or data consist of trade secrets or other 15330  
proprietary information, are not public information or public 15331  
documents and shall not be open to public inspection. 15332

(C) The exercise by the director of the powers conferred by 15333  
~~this chapter~~ sections 1551.01 to 1551.25 of the Revised Code for 15334  
the preservation or creation of jobs and employment opportunities 15335  
for the people of ~~the~~ this state through the development and 15336  
efficient utilization of energy resources of the state is in all 15337  
respects for the benefit of the people of the state, and is 15338  
determined to be an essential government function and public 15339  
purpose of the state. 15340

**Sec. 1551.12.** The director of development may: 15341

(A) Seek, solicit, or acquire personal property or any 15342  
estate, interest, or right in real property, or services, funds, 15343  
and other things of value of any kind or character by purchase, 15344  
lease, gift, grant, contribution, exchange, or otherwise from any 15345  
person or governmental agency to be held, used, and applied in 15346  
accordance with and for the purposes of ~~this chapter~~ sections 15347  
1551.01 to 1551.25 of the Revised Code; 15348

(B) Contract for the operation of, and establish rules for 15349  
the use of, facilities over which the director has supervision or 15350  
control, which rules may include the limitation of ingress to or 15351  
egress from such facilities as may be necessary to maintain the 15352  
security of such facilities and to provide for the safety of those 15353  
on the premises of such facilities; 15354

(C) Purchase such fire and extended coverage insurance and 15355  
insurance protecting against liability for damage to property or 15356  
injury to or death of persons as the director may consider 15357  
necessary and proper under ~~this chapter~~ sections 1551.01 to 15358  
1551.25 of the Revised Code; 15359

(D) Sponsor, conduct, assist, and encourage conferences, 15360  
seminars, meetings, institutes, and other forms of meetings; 15361  
authorize, prepare, publish, and disseminate any form of studies, 15362  
reports, and other publications; originate, prepare, and assist 15363  
proposals for the expenditure or granting of funds by any 15364  
governmental agency or person for purposes of energy resource 15365  
development; and investigate, initiate, sponsor, participate in, 15366  
and assist with cooperative activities and programs involving 15367  
governmental agencies and other entities of other states and 15368  
jurisdictions; 15369

(E) Do all acts and things necessary and proper to carry out 15370  
the powers granted and the duties imposed by ~~this chapter~~ sections 15371  
1551.01 to 1551.25 of the Revised Code; 15372

(F) Make grants of funds to any person, organization, or 15373  
governmental agency of the state for the furnishing of goods or 15374  
performance of services. 15375

Any person or governmental agency that receives funds from 15376  
the department of development, or utilizes the facilities of the 15377  
department under ~~this chapter~~ sections 1551.01 to 1551.25 of the 15378  
Revised Code shall agree in writing that all know-how, trade 15379  
secrets, and other forms of property, rights, and interest arising 15380  
out of developments, discoveries, or inventions, including 15381  
patents, copyrights, or royalties thereon, which result in whole 15382  
or in part from research, studies, or testing conducted by use of 15383  
such funds or facilities shall be the sole property of the 15384  
department, except as may be otherwise negotiated and provided by 15385  
contract in advance of such research, studies, or testing. 15386  
However, such exceptions do not apply to the director or employees 15387  
of the department participating in or performing research, tests, 15388  
or studies. 15389

Rights retained by the department may be assigned, licensed, 15390  
transferred, sold, or otherwise disposed of, in whole or in part, 15391

to any person or governmental agency. Any and all income, 15392  
royalties, or proceeds derived or retained from such dispositions 15393  
shall be paid to the state and credited to the general revenue 15394  
fund. 15395

Any instrument by which real property is acquired pursuant to 15396  
this section shall identify the agency of ~~the~~ this state that has 15397  
the use and benefit of the real property as specified in section 15398  
5301.012 of the Revised Code. 15399

**Sec. 1551.15.** (A) All general revenue fund moneys required by 15400  
the department of development for purposes of ~~this chapter~~ 15401  
sections 1551.01 to 1551.25 of the Revised Code are subject to 15402  
appropriation by the general assembly. 15403

(B) The director of development may enter into agreements, 15404  
make grants, or enter into contracts for the purposes of effecting 15405  
the construction and operation in this state of experimental, 15406  
pilot, or demonstration energy resource development facilities. 15407  
Before making grants or entering contracts, the director shall 15408  
determine that all of the following criteria are met: 15409

(1) The urgency of public need for the potential results of 15410  
the experimental, pilot, or demonstration project is high, and 15411  
there is little likelihood that similar results would be achieved 15412  
in this state in a timely manner in the absence of state 15413  
assistance; 15414

(2) The potential opportunities for private interests to 15415  
recapture the investment in the undertaking through the normal 15416  
commercial exploitation of proprietary knowledge appear to be 15417  
inadequate to encourage timely results in this state; 15418

(3) The extent of the problems treated and the objectives 15419  
sought by the project are consistent with the purposes of ~~this~~ 15420  
~~chapter~~ sections 1551.01 to 1551.25 of the Revised Code and of 15421

general significance to the state. 15422

This determination by the director shall include the facts or 15423  
reasons justifying it and shall be journalized by the director. 15424

(C) The director may use funds as appropriated, donated, 15425  
granted, or received for any of the following purposes: 15426

(1) Construction and related architectural or engineering 15427  
studies or purchase of physical plant and equipment for an 15428  
experimental, pilot, or demonstration energy resource development 15429  
facility; 15430

(2) Acquisition and improvement of land, construction of 15431  
roads, and provision of other public facilities incidental and 15432  
necessary to the accomplishment of experimental, pilot, or 15433  
demonstration energy resource development facilities; 15434

(3) Operation of an energy resource development experimental, 15435  
pilot, or demonstration project or facility, which could include 15436  
but not be limited to labor, feedstocks, and repair or replacement 15437  
parts; 15438

(4) Purchase of all or a portion of the usable output of 15439  
energy resource development experimental, pilot, or demonstration 15440  
projects and the disposition of this output for use in the 15441  
facilities of governmental agencies. 15442

(D) Each grant made pursuant to this section shall be 15443  
accomplished through written agreements between the department and 15444  
the person or governmental agency which would effect the 15445  
construction and operation of the project or facility, and between 15446  
the department and the persons and governmental agencies which 15447  
would share the expenses and costs of the project or facility. In 15448  
addition to such other terms as may be required by law or advised 15449  
by counsel, each agreement shall provide for each of the following 15450  
conditions: 15451

(1) The limitation of the department's financial obligations 15452  
in the project or facility to a specified dollar amount which 15453  
shall not exceed one-third of the total costs of the project or 15454  
facility; 15455

(2) The financial participation in the project or facility by 15456  
the federal government or its agencies, by private corporations 15457  
doing business in this state, by local governmental agencies, or 15458  
by other organizations; 15459

(3) The disposition of the assets of the project or facility, 15460  
should it be terminated or abandoned, in such manner that the 15461  
department shall be repaid in the same proportion as its share in 15462  
the total of moneys, property, or other assets expended, 15463  
contributed, or invested in the project or facility; 15464

(4) The criteria for the identification if and when the 15465  
project or facility is commercially viable through the profitable 15466  
disposition of its output; 15467

(5) The termination of the department's financial support at 15468  
such time the project or facility is commercially viable and the 15469  
repayment of the department through the future profits, if any, of 15470  
the project or facility. 15471

**Sec. 1551.311.** The general assembly hereby finds and declares 15472  
that the future of the Ohio coal industry lies in the development 15473  
of clean coal technology and that the disproportionate economic 15474  
impact on the state under Title IV of the "Clean Air Act 15475  
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, warrants 15476  
maximum federal assistance to ~~the~~ this state for such development. 15477  
It is therefore imperative that the ~~department of development~~ Ohio 15478  
air quality development authority created under Chapter 3706. of 15479  
the Revised Code, its Ohio coal development office, the Ohio coal 15480  
industry, the Ohio Washington office in the office of the 15481  
governor, and the state's congressional delegation make every 15482

effort to acquire any federal assistance available for the 15483  
development of clean coal technology, including assisting entities 15484  
eligible for grants in their acquisition. The Ohio coal 15485  
development agenda required by section 1551.34 of the Revised Code 15486  
shall include, in addition to the other information required by 15487  
that section, a description of such efforts and a description of 15488  
the current status of the development of clean coal technology in 15489  
this state and elsewhere. 15490

**Sec. 1551.32.** (A) There is hereby established within the 15491  
~~department of development~~ Ohio air quality development authority 15492  
the Ohio coal development office whose purposes are to do all of 15493  
the following: 15494

(1) Encourage, promote, and support siting, financing, 15495  
construction, and operation of commercially available or scaled 15496  
facilities and technologies, including, without limitation, 15497  
commercial-scale demonstration facilities and, when necessary or 15498  
appropriate to demonstrate the commercial acceptability of a 15499  
specific technology, up to three installations within this state 15500  
utilizing the specific technology, to more efficiently produce, 15501  
beneficiate, market, or use Ohio coal; 15502

(2) Encourage, promote, and support the market acceptance and 15503  
increased market use of Ohio coal through technology and market 15504  
development; 15505

(3) Assist in the financing of coal development facilities; 15506

(4) Encourage, promote, and support, in state-owned 15507  
buildings, facilities, and operations, use of Ohio coal and 15508  
electricity sold by utilities and others in this state that use 15509  
Ohio coal for generation; 15510

(5) Improve environmental quality, particularly through 15511  
cleaner use of Ohio coal; 15512

(6) Assist and cooperate with governmental agencies, 15513  
universities and colleges, coal producers, coal miners, electric 15514  
utilities and other coal users, public and private sector coal 15515  
development interests, and others in achieving these purposes. 15516

(B) The office shall give priority to improvement or 15517  
reconstruction of existing facilities and equipment when 15518  
economically feasible, to construction and operation of 15519  
commercial-scale facilities, and to technologies, equipment, and 15520  
other techniques that enable maximum use of Ohio coal in an 15521  
environmentally acceptable, cost-effective manner. 15522

**Sec. 1551.33.** (A) ~~The director of development~~ Ohio air 15523  
quality development authority, by the affirmative vote of a 15524  
majority of its members, shall appoint and fix the compensation of 15525  
the director of the Ohio coal development office ~~established under~~ 15526  
~~section 1551.32 of the Revised Code.~~ The director ~~of the office~~ 15527  
shall serve at the pleasure of the ~~director of development~~ 15528  
authority. 15529

(B) The director of the office shall do all of the following: 15530

(1) Biennially prepare and maintain the Ohio coal development 15531  
agenda required under section 1551.34 of the Revised Code; 15532

(2) Propose and support policies for the office consistent 15533  
with the Ohio coal development agenda and develop means to 15534  
implement the agenda; 15535

(3) Initiate, undertake, and support projects to carry out 15536  
the office's purposes and ensure that the projects are consistent 15537  
with and meet the selection criteria established by the Ohio coal 15538  
development agenda; 15539

(4) Actively encourage joint participation in and, when 15540  
feasible, joint funding of the office's projects with governmental 15541  
agencies, electric utilities, universities and colleges, other 15542

public or private interests, or any other person; 15543

(5) Establish a table of organization for and employ such 15544  
employees and agents as are necessary for the administration and 15545  
operation of the office. Any such employees shall be in the 15546  
unclassified service and shall serve at the pleasure of the 15547  
authority. 15548

(6) Appoint specified members of and convene the technical 15549  
advisory committee established under section 1551.35 of the 15550  
Revised Code; 15551

(7) Review, with the assistance of the technical advisory 15552  
committee, proposed coal research and development projects as 15553  
defined in section 1555.01 of the Revised Code, and coal 15554  
development projects, submitted to the office by public utilities 15555  
for the purpose of section 4905.304 of the Revised Code. If the 15556  
director and the advisory committee determine that any such 15557  
facility or project has as its purpose the enhanced use of Ohio 15558  
coal in an environmentally acceptable, cost effective manner, 15559  
promotes energy conservation, is cost effective, and is 15560  
environmentally sound, the director shall submit to the public 15561  
utilities commission a report recommending that the commission 15562  
allow the recovery of costs associated with the facility or 15563  
project under section 4905.304 of the Revised Code and including 15564  
the reasons for the recommendation. 15565

(8) Establish such policies, procedures, and guidelines as 15566  
are necessary to achieve the office's purposes. 15567

(C) ~~With the approval of the director of development~~ By the 15568  
affirmative vote of a majority of the members of the Ohio air 15569  
quality development authority, the director of the office may 15570  
exercise any of the powers and duties of the director of 15571  
development as the ~~directors~~ authority and the director of the 15572  
office consider appropriate or desirable to achieve the office's 15573

purposes, including, but not limited to, the powers and duties 15574  
enumerated in sections 1551.11, 1551.12, 1551.13, and 1551.15 of 15575  
the Revised Code. 15576

Additionally, the director of the office may make loans to 15577  
governmental agencies or persons for projects to carry out the 15578  
office's purposes. Fees, charges, rates of interest, times of 15579  
payment of interest and principal, and other terms, conditions, 15580  
and provisions of the loans shall be such as the director of the 15581  
office determines to be appropriate and in furtherance of the 15582  
purposes for which the loans are made. The mortgage lien securing 15583  
any moneys lent by the director of the office may be subordinate 15584  
to the mortgage lien securing any moneys lent or invested by a 15585  
financial institution, but shall be superior to that securing any 15586  
moneys lent or expended by any other person. The moneys used in 15587  
making the loans shall be disbursed upon order of the director of 15588  
the office. 15589

**Sec. 1551.35.** (A) There is hereby established a technical 15590  
advisory committee to assist the director of the Ohio coal 15591  
development office ~~established under section 1551.32 of the~~ 15592  
~~Revised Code~~ in achieving the office's purposes. The director 15593  
shall appoint to the committee one member of the public utilities 15594  
commission and one representative each of coal production 15595  
companies, the united mine workers of America, electric utilities, 15596  
manufacturers that use Ohio coal, and environmental organizations, 15597  
as well as two people with a background in coal research and 15598  
development technology, one of whom is employed at the time of the 15599  
member's appointment by a state university, as defined in section 15600  
3345.011 of the Revised Code. In addition, the committee shall 15601  
include four legislative members. The speaker and minority leader 15602  
of the house of representatives each shall appoint one member of 15603  
the house of representatives, and the president and minority 15604  
leader of the senate each shall appoint one member of the senate, 15605

to the committee. The director of environmental protection, 15606  
~~representing the environmental protection agency, the Ohio air~~ 15607  
~~quality director of development authority, and one member of the~~ 15608  
Ohio water development authority designated by that authority, 15609  
shall serve on the committee as members ex officio. Any member of 15610  
the committee may designate in writing a substitute to serve in 15611  
the member's absence on the committee. The director of 15612  
environmental protection may designate in writing the chief of the 15613  
air pollution control division of the agency to represent the 15614  
agency. Members shall serve on the committee at the pleasure of 15615  
their appointing authority. Members of the committee appointed by 15616  
the director of the office and, notwithstanding section 101.26 of 15617  
the Revised Code, legislative members of the committee, when 15618  
engaged in their official duties as members of the committee, 15619  
shall be compensated on a per diem basis in accordance with 15620  
division (J) of section 124.15 of the Revised Code, except that 15621  
the member of the public utilities commission and, while employed 15622  
by a state university, the member with a background in coal 15623  
research, shall not be so compensated. Members shall receive their 15624  
actual and necessary expenses incurred in the performance of their 15625  
duties. 15626

(B) The technical advisory committee shall review and make 15627  
recommendations concerning the Ohio coal development agenda 15628  
required under section 1551.34 of the Revised Code, project 15629  
proposals, research and development projects submitted to the 15630  
office by public utilities for the purpose of section 4905.304 of 15631  
the Revised Code, proposals for grants, loans, and loan guarantees 15632  
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 15633  
and such other topics as the director of the office considers 15634  
appropriate. 15635

(C) The technical advisory committee may hold an executive 15636  
session at any regular or special meeting for the purpose of 15637

considering research and development project proposals or 15638  
applications for assistance submitted to the Ohio coal development 15639  
office under section 1551.33, or sections 1555.01 to 1555.06, of 15640  
the Revised Code, to the extent that such proposals or 15641  
applications consist of trade secrets or other proprietary 15642  
information. 15643

Any materials or data submitted to, made available to, or 15644  
received by the ~~director of Ohio air quality development authority~~ 15645  
or the director of the Ohio coal development office in connection 15646  
with agreements for assistance entered into under this chapter or 15647  
Chapter 1555. of the Revised Code, or any information taken from 15648  
such materials or data for any purpose, to the extent that the 15649  
materials or data consist of trade secrets or other proprietary 15650  
information, are not public records for the purposes of section 15651  
149.43 of the Revised Code. 15652

As used in this division, "trade secrets" has the same 15653  
meaning as in section 1333.61 of the Revised Code. 15654

**Sec. 1555.02.** It is hereby declared to be the public policy 15655  
of ~~the~~ this state through the operations of the Ohio coal 15656  
development office under this chapter to contribute toward one or 15657  
more of the following: to provide for the comfort, health, safety, 15658  
and general welfare of all employees and other inhabitants of ~~the~~ 15659  
this state through research and development directed toward the 15660  
discovery of new technologies or the demonstration or application 15661  
of existing technologies to enable the conversion or use of Ohio 15662  
coal as a fuel or chemical feedstock in an environmentally 15663  
acceptable manner thereby enhancing the marketability and 15664  
fostering the use of this state's vast reserves of coal, to assist 15665  
in the financing of coal research and development and coal 15666  
research and development projects or facilities for persons doing 15667  
business in this state and educational and scientific institutions 15668

located in this state, to create or preserve jobs and employment 15669  
opportunities or improve the economic welfare of the people of ~~the~~ 15670  
this state, or to assist and cooperate with such persons and 15671  
educational and scientific institutions in conducting coal 15672  
research and development. In furtherance of ~~such~~ this public 15673  
policy, the Ohio coal development office ~~may~~, with the advice of 15674  
the technical advisory committee created in section 1551.35 of the 15675  
Revised Code and the ~~approval of the director of development~~ 15676  
affirmative vote of a majority of the members of the Ohio air 15677  
quality development authority, may make loans, guarantee loans, 15678  
and make grants to persons doing business in this state or to 15679  
educational or scientific institutions located in this state for 15680  
coal research and development projects by such persons or 15681  
educational or scientific institutions; may, with the advice of 15682  
the technical advisory committee and the ~~approval of the director~~ 15683  
~~of development~~ affirmative vote of a majority of the members of 15684  
the Ohio air quality development authority, request the issuance 15685  
of coal research and development general obligations under section 15686  
151.07 of the Revised Code to provide funds for making such loans, 15687  
loan guarantees, and grants; and may, with the advice of the 15688  
technical advisory committee and the ~~approval of the director of~~ 15689  
~~development~~ affirmative vote of a majority of the members of the 15690  
Ohio air quality development authority, expend moneys credited to 15691  
the coal research and development fund created in section 1555.15 15692  
of the Revised Code for the purpose of making such loans, loan 15693  
guarantees, and grants. Determinations by the director of the Ohio 15694  
coal development office that coal research and development or a 15695  
coal research and development facility is a coal research and 15696  
development project under this chapter and is consistent with the 15697  
purposes of Section 15 of Article VIII, Ohio Constitution, and 15698  
this chapter shall be conclusive as to the validity and 15699  
enforceability of the coal research and development general 15700  
obligations issued to finance such project and of the 15701

authorizations, trust agreements or indentures, loan agreements, 15702  
loan guarantee agreements, or grant agreements, and other 15703  
agreements made in connection therewith, all in accordance with 15704  
their terms. 15705

**Sec. 1555.03.** For the purposes of this chapter, the director 15706  
of the Ohio coal development office may: 15707

(A) With the advice of the technical advisory committee 15708  
created in section 1551.35 of the Revised Code and the ~~approval of~~ 15709  
~~the director of development~~ affirmative vote of a majority of the 15710  
members of the Ohio air quality development authority, make loans, 15711  
guarantee loans, and make grants to persons doing business in this 15712  
state or to educational or scientific institutions located in this 15713  
state for coal research and development projects by any such 15714  
person or educational or scientific institution and adopt rules 15715  
under Chapter 119. of the Revised Code for making such loans, 15716  
guarantees, and grants. 15717

(B) In making loans, loan guarantees, and grants under 15718  
division (A) of this section and section 1555.04 of the Revised 15719  
Code, the director of the office shall ensure that an adequate 15720  
portion of the total amount of those loans, loan guarantees, and 15721  
grants, as determined by the director with the advice of the 15722  
technical advisory committee, ~~be~~ is used for conducting research 15723  
on fundamental scientific problems related to the utilization of 15724  
Ohio coal and shall ensure, to the maximum feasible extent, joint 15725  
financial participation by the federal government or other 15726  
investors or interested parties in conjunction with any such loan, 15727  
loan guarantee, or grant. The director, in each grant agreement or 15728  
contract under division (A) of this section, loan contract or 15729  
agreement under this division or section 1555.04 of the Revised 15730  
Code, and contract of guarantee under section 1555.05 of the 15731  
Revised Code, shall require that the facility or project be 15732

maintained and kept in good condition and repair by the person or 15733  
educational or scientific institution to whom the grant or loan 15734  
was made or for whom the guarantee was made. 15735

(C) From time to time, with the advice of the technical 15736  
advisory committee and the ~~approval of the director of development~~ 15737  
affirmative vote of a majority of the members of the Ohio air 15738  
quality development authority, request the issuance of coal 15739  
research and development general obligations under section 151.07 15740  
of the Revised Code, for any of the purposes set forth in Section 15741  
15 of Article VIII, Ohio Constitution, and subject to the 15742  
limitations therein upon the aggregate total amount of obligations 15743  
that may be outstanding at any time. 15744

(D) Include as a condition of any loan, loan guarantee, or 15745  
grant contract or agreement with any such person or educational or 15746  
scientific institution that the director of the office receive, in 15747  
addition to payments of principal and interest on any such loan or 15748  
service charges for any such guarantee, as appropriate, as 15749  
authorized by Section 15, Article VIII, Ohio Constitution, a 15750  
reasonable royalty or portion of the income or profits arising out 15751  
of the developments, discoveries, or inventions, including patents 15752  
or copyrights ~~which, that~~ result in whole or in part from coal 15753  
research and development projects conducted under any such 15754  
contract or agreement, in such amounts and for such period of 15755  
years as may be negotiated and provided by the contract or 15756  
agreement in advance of the making of the grant, loan, or loan 15757  
guarantee. Moneys so received by the director of the office shall 15758  
be credited to the coal research and development bond service 15759  
fund. 15760

(E) Employ managers, superintendents, and other employees and 15761  
retain or contract with consulting engineers, financial 15762  
consultants, accounting experts, architects, and such other 15763  
consultants and independent contractors as are necessary in the 15764

judgment of the director of the office to carry out this chapter, 15765  
and fix the compensation thereof. 15766

(F) Receive and accept from any federal agency, subject to 15767  
the approval of the governor, grants for or in aid of the 15768  
construction or operation of any coal research and development 15769  
project or for coal research and development, and receive and 15770  
accept aid or contributions from any source of money, property, 15771  
labor, or other things of value, to be held, used, and applied 15772  
only for the purposes for which such grants and contributions are 15773  
made. 15774

(G) Purchase fire and extended coverage and liability 15775  
insurance for any coal research and development project, insurance 15776  
protecting the office and its officers and employees against 15777  
liability for damage to property or injury to or death of persons 15778  
arising from its operations, and any other insurance the director 15779  
of the office determines necessary or proper under this chapter. 15780  
Any moneys received by the director from the proceeds of any such 15781  
insurance with respect to a coal research and development project 15782  
and any moneys received by the director from the proceeds of any 15783  
settlement, judgment, foreclosure, or other insurance with respect 15784  
to a coal research and development project or facility shall be 15785  
credited to the coal research and development bond service fund. 15786

(H) In the exercise of the powers of the director of the 15787  
office under this chapter, call to the director's assistance, 15788  
temporarily, from time to time, any engineers, technical experts, 15789  
financial experts, and other employees in any state department, 15790  
agency, or commission, or in the Ohio state university, or other 15791  
educational institutions financed wholly or partially by ~~the~~ this 15792  
state for purposes of assisting the director of the office with 15793  
reviewing and evaluating applications for financial assistance 15794  
under this chapter, monitoring performance of coal research and 15795  
development projects receiving financial assistance under this 15796

chapter, and reviewing and evaluating the progress and findings of 15797  
those projects. Such engineers, experts, and employees shall not 15798  
receive any additional compensation over that which they receive 15799  
from the department, agency, commission, or educational 15800  
institution by which they are employed, but they shall be 15801  
reimbursed for their actual and necessary expenses incurred while 15802  
working under the direction of the director. 15803

(I) Do all acts necessary or proper to carry out the powers 15804  
expressly granted in this chapter. 15805

**Sec. 1555.04.** (A) With respect to coal research and 15806  
development projects financed wholly or partially from a loan or 15807  
loan guarantee under this chapter, the director of the Ohio coal 15808  
development office ~~may~~, in addition to other powers under this 15809  
chapter, with the advice of the technical advisory committee 15810  
created in section 1551.35 of the Revised Code and the ~~approval~~ 15811  
affirmative vote of the director of development a majority of the 15812  
members of the Ohio air quality development authority, may enter 15813  
into loan agreements, accept notes and other forms of obligation 15814  
to evidence such indebtedness and mortgages, liens, pledges, 15815  
assignments, or other security interests to secure such 15816  
indebtedness, which may be prior or subordinate to or on a parity 15817  
with other indebtedness, obligations, mortgages, pledges, 15818  
assignments, other security interests, or liens or encumbrances, 15819  
and take such actions as ~~he~~ the director of the office considers 15820  
appropriate to protect such security and safeguard against losses, 15821  
including, without limitation, foreclosure and the bidding upon 15822  
and purchase of property upon foreclosure or other sale~~+~~. 15823

(B) The authority granted by this section is cumulative and 15824  
supplementary to all other authority granted in this chapter. The 15825  
authority granted by this section does not alter or impair any 15826  
similar authority granted elsewhere in this chapter with respect 15827

to other projects. 15828

**Sec. 1555.05.** (A) Subject to any limitations as to aggregate 15829  
amounts thereof that may from time to time be prescribed by the 15830  
general assembly and to other applicable provisions of this 15831  
chapter, and subject to the ~~one hundred million dollar~~ 15832  
one-hundred-million-dollar limitation provided in Section 15 of 15833  
Article VIII, Ohio Constitution, the director of the Ohio coal 15834  
development office ~~may~~, on behalf of ~~the~~ this state, with the 15835  
advice of the technical advisory committee created in section 15836  
1551.35 of the Revised Code and the ~~approval~~ affirmative vote of a 15837  
majority of the members of the director of development Ohio air 15838  
quality development authority, may enter into contracts to 15839  
guarantee the repayment or payment of the unpaid principal amount 15840  
of loans made to pay the costs of coal research and development 15841  
projects. 15842

(B) The contract of guarantee may make provision for the 15843  
conditions of, time for, and manner of fulfillment of the 15844  
guarantee commitment, subrogation of ~~the~~ this state to the rights 15845  
of the parties guaranteed and exercise of such parties' rights by 15846  
the state, giving the state the option of making payment of the 15847  
principal amount guaranteed in one or more installments and, if 15848  
deferred, to pay interest thereon from the source specified in 15849  
division (A) of this section, and any other terms or conditions 15850  
customary to such guarantees and as the director of the office may 15851  
approve, and may contain provisions for securing the guarantee in 15852  
the manner consistent with this section, covenants on behalf of 15853  
~~the~~ this state to issue obligations under section 1555.08 of the 15854  
Revised Code to provide moneys to fulfill such guarantees and 15855  
covenants, and covenants restricting the aggregate amount of 15856  
guarantees that may be contracted under this section and 15857  
obligations that may be issued under section 151.07 of the Revised 15858  
Code, and terms pertinent to either, to better secure the parties 15859

guaranteed. 15860

(C) The director of the office may fix service charges for 15861  
making a guarantee. Such charges shall be payable at such times 15862  
and place and in such amounts and manner as may be prescribed by 15863  
the director. Moneys received from such charges shall be credited 15864  
to the coal research and development bond service fund. 15865

(D) Any guaranteed parties under this section, by any 15866  
suitable form of legal proceedings and except to the extent that 15867  
their rights are restricted by the guarantee documents, may ~~by any~~ 15868  
~~suitable form of legal proceedings,~~ protect and enforce any rights 15869  
under the laws of this state or granted by such guarantee or 15870  
guarantee documents. Such rights include the right to compel the 15871  
performance of all duties of the office required by this section 15872  
or the guarantee or guarantee documents; and in the event of 15873  
default with respect to the payment of any guarantees, to apply to 15874  
a court having jurisdiction of the cause to appoint a receiver to 15875  
receive and administer the moneys pledged to such guarantee with 15876  
full power to pay, and to provide for payment of, such guarantee, 15877  
and with such powers, subject to the direction of the court, as 15878  
are accorded receivers in general equity cases, excluding any 15879  
power to pledge or apply additional revenues or receipts or other 15880  
income or moneys of ~~the~~ this state. Each duty of the office and 15881  
its director and employees required or undertaken under this 15882  
section or a guarantee made under this section is hereby 15883  
established as a duty of the office and of its director and each 15884  
such employee having authority to perform such duty, specifically 15885  
enjoined by the law resulting from an office, trust, or station 15886  
within the meaning of section 2731.01 of the Revised Code. The 15887  
persons who are at the time the director of the office, or its 15888  
employees, are not liable in their personal capacities on any 15889  
guarantees or contracts to make guarantees by the director. 15890

**Sec. 1555.06.** Upon application by the director of the Ohio 15891  
coal development office with the ~~approval~~ affirmative vote of a 15892  
majority of the ~~director of development~~ members of the Ohio air 15893  
quality development authority, the controlling board ~~may~~, from 15894  
appropriations available to the board, may provide funds for 15895  
surveys or studies by the office of any proposed coal research and 15896  
development project subject to repayment by the office from funds 15897  
available to it, within the time fixed by the board. Funds to be 15898  
repaid shall be charged by the office to the appropriate coal 15899  
research and development project and the amount thereof shall be a 15900  
cost of the project. This section does not abrogate the authority 15901  
of the controlling board to otherwise provide funds for use by the 15902  
office in the exercise of the powers granted to it by this 15903  
chapter. 15904

**Sec. 1555.08.** (A) Subject to the limitations provided in 15905  
Section 15 of Article VIII, Ohio Constitution, the commissioners 15906  
of the sinking fund, upon certification by the director of the 15907  
Ohio coal development office of the amount of moneys or additional 15908  
moneys needed in the coal research and development fund for the 15909  
purpose of making grants or loans for allowable costs, or needed 15910  
for capitalized interest, for funding reserves, and for paying 15911  
costs and expenses incurred in connection with the issuance, 15912  
carrying, securing, paying, redeeming, or retirement of the 15913  
obligations or any obligations refunded thereby, including payment 15914  
of costs and expenses relating to letters of credit, lines of 15915  
credit, insurance, put agreements, standby purchase agreements, 15916  
indexing, marketing, remarketing and administrative arrangements, 15917  
interest swap or hedging agreements, and any other credit 15918  
enhancement, liquidity, remarketing, renewal, or refunding 15919  
arrangements, all of which are authorized by this section, or 15920  
providing moneys for loan guarantees, shall issue obligations of 15921

the state under this section in amounts authorized by the general 15922  
assembly; provided that such obligations may be issued to the 15923  
extent necessary to satisfy the covenants in contracts of 15924  
guarantee made under section 1555.05 of the Revised Code to issue 15925  
obligations to meet such guarantees, notwithstanding limitations 15926  
otherwise applicable to the issuance of obligations under this 15927  
section except the one-hundred-million-dollar limitation provided 15928  
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 15929  
such obligations, except for the portion to be deposited in the 15930  
coal research and development bond service fund as may be provided 15931  
in the bond proceedings, shall as provided in the bond proceedings 15932  
be deposited in the coal research and development fund. The 15933  
commissioners of the sinking fund may appoint trustees, paying 15934  
agents, and transfer agents and may retain the services of 15935  
financial advisors, accounting experts, and attorneys, and retain 15936  
or contract for the services of marketing, remarketing, indexing, 15937  
and administrative agents, other consultants, and independent 15938  
contractors, including printing services, as are necessary in 15939  
their judgment to carry out this section. 15940

(B) The full faith and credit of the state of Ohio is hereby 15941  
pledged to obligations issued under this section. The right of the 15942  
holders and owners to payment of bond service charges is limited 15943  
to all or that portion of the moneys pledged thereto pursuant to 15944  
the bond proceedings in accordance with this section, and each 15945  
such obligation shall bear on its face a statement to that effect. 15946

(C) Obligations shall be authorized by resolution of the 15947  
commissioners of the sinking fund on request of the director of 15948  
the Ohio coal development office as provided in section 1555.02 of 15949  
the Revised Code and the bond proceedings shall provide for the 15950  
purpose thereof and the principal amount or amounts, and shall 15951  
provide for or authorize the manner or agency for determining the 15952  
principal maturity or maturities, not exceeding forty years from 15953

the date of issuance, the interest rate or rates or the maximum 15954  
interest rate, the date of the obligations and the dates of 15955  
payment of interest thereon, their denomination, and the 15956  
establishment within or without the state of a place or places of 15957  
payment of bond service charges. Sections 9.98 to 9.983 of the 15958  
Revised Code apply to obligations issued under this section. The 15959  
purpose of such obligations may be stated in the bond proceedings 15960  
in terms describing the general purpose or purposes to be served. 15961  
The bond proceedings shall also provide, subject to the provisions 15962  
of any other applicable bond proceedings, for the pledge of all, 15963  
or such part as the commissioners of the sinking fund may 15964  
determine, of the moneys credited to the coal research and 15965  
development bond service fund to the payment of bond service 15966  
charges, which pledges may be made either prior or subordinate to 15967  
other expenses, claims, or payments and may be made to secure the 15968  
obligations on a parity with obligations theretofore or thereafter 15969  
issued, if and to the extent provided in the bond proceedings. The 15970  
moneys so pledged and thereafter received by the state are 15971  
immediately subject to the lien of such pledge without any 15972  
physical delivery thereof or further act, and the lien of any such 15973  
pledges is valid and binding against all parties having claims of 15974  
any kind against the state or any governmental agency of the 15975  
state, irrespective of whether such parties have notice thereof, 15976  
and shall create a perfected security interest for all purposes of 15977  
Chapter 1309. of the Revised Code, without the necessity for 15978  
separation or delivery of funds or for the filing or recording of 15979  
the bond proceedings by which such pledge is created or any 15980  
certificate, statement or other document with respect thereto; and 15981  
the pledge of such moneys is effective and the money therefrom and 15982  
thereof may be applied to the purposes for which pledged without 15983  
necessity for any act of appropriation. Every pledge, and every 15984  
covenant and agreement made with respect thereto, made in the bond 15985  
proceedings may therein be extended to the benefit of the owners 15986

and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

(D) The bond proceedings may contain additional provisions as to:

(1) The redemption of obligations prior to maturity at the option of the commissioners of the sinking fund at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing the obligations or under which the obligations may be issued;

(5) The deposit, investment, and application of the coal research and development bond service fund, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular moneys; provided, that any bank or trust company which acts as depository of any moneys in the fund may furnish such indemnifying bonds or may pledge such securities as required by the commissioners of the sinking fund;

(6) Any other provision of the bond proceedings being binding upon the commissioners of the sinking fund, or such other body or person as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(7) Any provision which may be made in a trust agreement or indenture;

(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the

obligations or the security therefor, including the assignment of 16017  
mortgages or other security obtained or to be obtained for loans 16018  
under this chapter. 16019

(E) The obligations may have the great seal of the state or a 16020  
facsimile thereof affixed thereto or printed thereon. The 16021  
obligations shall be signed by such members of the commissioners 16022  
of the sinking fund as are designated in the resolution 16023  
authorizing the obligations or bear the facsimile signatures of 16024  
such members. Any coupons attached to the obligations shall bear 16025  
the facsimile signature of the treasurer of state. Any obligations 16026  
may be executed by the persons who, on the date of execution, are 16027  
the commissioners although on the date of such bonds the persons 16028  
were not the commissioners. Any coupons may be executed by the 16029  
person who, on the date of execution, is the treasurer of state 16030  
although on the date of such coupons the person was not the 16031  
treasurer of state. In case any officer or commissioner whose 16032  
signature or a facsimile of whose signature appears on any such 16033  
obligations or any coupons ceases to be such officer or 16034  
commissioner before delivery thereof, such signature or facsimile 16035  
is nevertheless valid and sufficient for all purposes as if the 16036  
individual had remained such officer or commissioner until such 16037  
delivery; and in case the seal to be affixed to obligations has 16038  
been changed after a facsimile of the seal has been imprinted on 16039  
such obligations, such facsimile seal shall continue to be 16040  
sufficient as to such obligations and obligations issued in 16041  
substitution or exchange therefor. 16042

(F) All obligations except loan guarantees are negotiable 16043  
instruments and securities under Chapter 1308. of the Revised 16044  
Code, subject to the provisions of the bond proceedings as to 16045  
registration. The obligations may be issued in coupon or in 16046  
registered form, or both, as the commissioners of the sinking fund 16047  
determine. Provision may be made for the registration of any 16048

obligations with coupons attached thereto as to principal alone or 16049  
as to both principal and interest, their exchange for obligations 16050  
so registered, and for the conversion or reconversion into 16051  
obligations with coupons attached thereto of any obligations 16052  
registered as to both principal and interest, and for reasonable 16053  
charges for such registration, exchange, conversion, and 16054  
reconversion. 16055

(G) Obligations may be sold at public sale or at private 16056  
sale, as determined in the bond proceedings. 16057

(H) Pending preparation of definitive obligations, the 16058  
commissioners of the sinking fund may issue interim receipts or 16059  
certificates which shall be exchanged for such definitive 16060  
obligations. 16061

(I) In the discretion of the commissioners of the sinking 16062  
fund, obligations may be secured additionally by a trust agreement 16063  
or indenture between the commissioners and a corporate trustee, 16064  
which may be any trust company or bank having its principal place 16065  
of business within the state. Any such agreement or indenture may 16066  
contain the resolution authorizing the issuance of the 16067  
obligations, any provisions that may be contained in any bond 16068  
proceedings, and other provisions that are customary or 16069  
appropriate in an agreement or indenture of such type, including, 16070  
but not limited to: 16071

(1) Maintenance of each pledge, trust agreement, indenture, 16072  
or other instrument comprising part of the bond proceedings until 16073  
the state has fully paid the bond service charges on the 16074  
obligations secured thereby, or provision therefor has been made; 16075

(2) In the event of default in any payments required to be 16076  
made by the bond proceedings, or any other agreement of the 16077  
commissioners of the sinking fund made as a part of the contract 16078  
under which the obligations were issued, enforcement of such 16079

payments or agreement by mandamus, the appointment of a receiver, 16080  
suit in equity, action at law, or any combination of the 16081  
foregoing; 16082

(3) The rights and remedies of the holders of obligations and 16083  
of the trustee, and provisions for protecting and enforcing them, 16084  
including limitations on rights of individual holders of 16085  
obligations; 16086

(4) The replacement of any obligations that become mutilated 16087  
or are destroyed, lost, or stolen; 16088

(5) Such other provisions as the trustee and the 16089  
commissioners of the sinking fund agree upon, including 16090  
limitations, conditions, or qualifications relating to any of the 16091  
foregoing. 16092

(J) Any holder of obligations or a trustee under the bond 16093  
proceedings, except to the extent that the holder's rights are 16094  
restricted by the bond proceedings, may by any suitable form of 16095  
legal proceedings protect and enforce any rights under the laws of 16096  
this state or granted by such bond proceedings. Such rights 16097  
include the right to compel the performance of all duties of the 16098  
commissioners of the sinking fund, the ~~director of development~~ 16099  
Ohio air quality development authority, or the Ohio coal 16100  
development office required by this chapter and Chapter 1551. of 16101  
the Revised Code or the bond proceedings; to enjoin unlawful 16102  
activities; and in the event of default with respect to the 16103  
payment of any bond service charges on any obligations or in the 16104  
performance of any covenant or agreement on the part of the 16105  
commissioners, the ~~director~~ authority, or the office in the bond 16106  
proceedings, to apply to a court having jurisdiction of the cause 16107  
to appoint a receiver to receive and administer the moneys 16108  
pledged, other than those in the custody of the treasurer of 16109  
state, that are pledged to the payment of the bond service charges 16110  
on such obligations or that are the subject of the covenant or 16111

agreement, with full power to pay, and to provide for payment of 16112  
bond service charges on, such obligations, and with such powers, 16113  
subject to the direction of the court, as are accorded receivers 16114  
in general equity cases, excluding any power to pledge additional 16115  
revenues or receipts or other income or moneys of the 16116  
commissioners of the sinking fund or the state or governmental 16117  
agencies of the state to the payment of such principal and 16118  
interest and excluding the power to take possession of, mortgage, 16119  
or cause the sale or otherwise dispose of any project. 16120

Each duty of the commissioners of the sinking fund and their 16121  
employees, and of each governmental agency and its officers, 16122  
members, or employees, undertaken pursuant to the bond proceedings 16123  
or any grant, loan, or loan guarantee agreement made under 16124  
authority of this chapter, and in every agreement by or with the 16125  
commissioners, is hereby established as a duty of the 16126  
commissioners, and of each such officer, member, or employee 16127  
having authority to perform such duty, specifically enjoined by 16128  
the law resulting from an office, trust, or station within the 16129  
meaning of section 2731.01 of the Revised Code. 16130

The persons who are at the time the commissioners of the 16131  
sinking fund, or their employees, are not liable in their personal 16132  
capacities on any obligations issued by the commissioners or any 16133  
agreements of or with the commissioners. 16134

(K) Obligations issued under this section are lawful 16135  
investments for banks, societies for savings, savings and loan 16136  
associations, deposit guarantee associations, trust companies, 16137  
trustees, fiduciaries, insurance companies, including domestic for 16138  
life and domestic not for life, trustees or other officers having 16139  
charge of sinking and bond retirement or other special funds of 16140  
political subdivisions and taxing districts of this state, the 16141  
commissioners of the sinking fund of the state, the administrator 16142  
of workers' compensation, the state teachers retirement system, 16143

the public employees retirement system, the school employees 16144  
retirement system, and the Ohio police and fire pension fund, 16145  
notwithstanding any other provisions of the Revised Code or rules 16146  
adopted pursuant thereto by any governmental agency of the state 16147  
with respect to investments by them, and are also acceptable as 16148  
security for the deposit of public moneys. 16149

(L) If the law or the instrument creating a trust pursuant to 16150  
division (I) of this section expressly permits investment in 16151  
direct obligations of the United States or an agency of the United 16152  
States, unless expressly prohibited by the instrument, such moneys 16153  
also may be invested in no-front-end-load money market mutual 16154  
funds consisting exclusively of obligations of the United States 16155  
or an agency of the United States and in repurchase agreements, 16156  
including those issued by the fiduciary itself, secured by 16157  
obligations of the United States or an agency of the United 16158  
States; and in collective investment funds established in 16159  
accordance with section 1111.14 of the Revised Code and consisting 16160  
exclusively of any such securities, notwithstanding division 16161  
(A)(1)(c) of that section. The income from such investments shall 16162  
be credited to such funds as the commissioners of the sinking fund 16163  
determine, and such investments may be sold at such times as the 16164  
commissioners determine or authorize. 16165

(M) Provision may be made in the applicable bond proceedings 16166  
for the establishment of separate accounts in the bond service 16167  
fund and for the application of such accounts only to the 16168  
specified bond service charges on obligations pertinent to such 16169  
accounts and bond service fund and for other accounts therein 16170  
within the general purposes of such fund. Moneys to the credit of 16171  
the bond service fund shall be disbursed on the order of the 16172  
treasurer of state; provided, that no such order is required for 16173  
the payment from the bond service fund when due of bond service 16174  
charges on obligations. 16175

(N) The commissioners of the sinking fund may pledge all, or 16176  
such portion as they determine, of the receipts of the bond 16177  
service fund to the payment of bond service charges on obligations 16178  
issued under this section, and for the establishment and 16179  
maintenance of any reserves, as provided in the bond proceedings, 16180  
and make other provisions therein with respect to pledged receipts 16181  
as authorized by this chapter, which provisions control 16182  
notwithstanding any other provisions of law pertaining thereto. 16183

(O) The commissioners of the sinking fund may covenant in the 16184  
bond proceedings, and any such covenants control notwithstanding 16185  
any other provision of law, that the state and applicable officers 16186  
and governmental agencies of the state, including the general 16187  
assembly, so long as any obligations are outstanding, shall: 16188

(1) Maintain statutory authority for and cause to be levied 16189  
and collected taxes so that the pledged receipts are sufficient in 16190  
amount to meet bond service charges, and the establishment and 16191  
maintenance of any reserves and other requirements provided for in 16192  
the bond proceedings, and, as necessary, to meet covenants 16193  
contained in any loan guarantees made under this chapter; 16194

(2) Take or permit no action, by statute or otherwise, that 16195  
would impair the exemption from federal income taxation of the 16196  
interest on the obligations. 16197

(P) All moneys received by or on account of the state and 16198  
required by the applicable bond proceedings, consistent with this 16199  
section, to be deposited, transferred, or credited to the coal 16200  
research and development bond service fund, and all other moneys 16201  
transferred or allocated to or received for the purposes of the 16202  
fund, shall be credited to such fund and to any separate accounts 16203  
therein, subject to applicable provisions of the bond proceedings, 16204  
but without necessity for any act of appropriation. During the 16205  
period beginning with the date of the first issuance of 16206  
obligations and continuing during such time as any such 16207

obligations are outstanding, and so long as moneys in the bond 16208  
service fund are insufficient to pay all bond service charges on 16209  
such obligations becoming due in each year, a sufficient amount of 16210  
moneys of the state are committed and shall be paid to the bond 16211  
service fund in each year for the purpose of paying the bond 16212  
service charges becoming due in that year without necessity for 16213  
further act of appropriation for such purpose. The bond service 16214  
fund is a trust fund and is hereby pledged to the payment of bond 16215  
service charges to the extent provided in the applicable bond 16216  
proceedings, and payment thereof from such fund shall be made or 16217  
provided for by the treasurer of state in accordance with such 16218  
bond proceedings without necessity for any act of appropriation. 16219  
All investment earnings of the fund shall be credited to the fund. 16220

(Q) For purposes of establishing the limitations contained in 16221  
Section 15 of Article VIII, Ohio Constitution, the "principal 16222  
amount" refers to the aggregate of the offering price of the bonds 16223  
or notes. "Principal amount" does not refer to the aggregate value 16224  
at maturity or redemption of the bonds or notes. 16225

(R) This section applies only with respect to obligations 16226  
issued and delivered prior to September 30, 2000. 16227

**Sec. 1555.17.** All final actions of the director of the Ohio 16228  
coal development office shall be journalized and such journal 16229  
shall be open to inspection of the public at all reasonable times. 16230  
Any materials or data, to the extent that they consist of trade 16231  
secrets, as defined in section 1333.61 of the Revised Code, or 16232  
other proprietary information, that are submitted or made 16233  
available to, or received by, the ~~director of development~~ Ohio air 16234  
quality development authority or the director of the Ohio coal 16235  
development office, in connection with agreements for assistance 16236  
entered into under this chapter or Chapter ~~1555.~~ 1551. of the 16237  
Revised Code, or any information taken from those materials or 16238

data, are not public records for the ~~proposes~~ purposes of section 16239  
149.43 of the Revised Code. 16240

**Sec. 1563.42.** The operator of a mine, before the pillars are 16241  
drawn previous to the abandonment of any part of the mine, shall 16242  
have a correct map of such part of the mine made, showing its area 16243  
and workings to the day of the abandonment and the pillars drawn 16244  
previous to abandonment, and file such map within ninety days 16245  
after the abandonment of such mine, in the office of the county 16246  
recorder of the county where such mine is located, and with the 16247  
chief of the division of mineral resources management. Such map 16248  
shall have attached the usual certificate of the mining engineer 16249  
making it, and the mine foreperson in charge of the underground 16250  
workings of the mine, and such operator shall pay to the recorder 16251  
for filing such map, a base fee of five dollars for services and a 16252  
housing trust fee of five dollars pursuant to section 317.36 of 16253  
the Revised Code. 16254

No operator of a mine shall refuse or neglect to comply with 16255  
this section. 16256

**Sec. 1702.59.** (A) Every nonprofit corporation, incorporated 16257  
under the general corporation laws of this state, or previous 16258  
laws, or under special provisions of the Revised Code, or created 16259  
before September 1, 1851, which corporation has expressedly or 16260  
impliedly elected to be governed by the laws passed since that 16261  
date, and whose articles or other documents are filed with the 16262  
secretary of state, shall file with the secretary of state a 16263  
verified statement of continued existence, signed by a director, 16264  
officer, or three members in good standing, setting forth the 16265  
corporate name, the place where the principal office of the 16266  
corporation is located, the date of incorporation, the fact that 16267  
the corporation is still actively engaged in exercising its 16268  
corporate privileges, and the name and address of its agent 16269

appointed pursuant to section 1702.06 of the Revised Code. 16270

(B) Each corporation required to file a statement of 16271  
continued existence shall file it with the secretary of state 16272  
within each five years after the date of incorporation or of the 16273  
last corporate filing. 16274

(C) Corporations specifically exempted by division (N) of 16275  
section 1702.06 of the Revised Code, or whose activities are 16276  
regulated or supervised by another state official, agency, bureau, 16277  
department, or commission are exempted from this section. 16278

(D) The secretary of state shall give notice in writing and 16279  
provide a form for compliance with this section to each 16280  
corporation required by this section to file the statement of 16281  
continued existence, such notice and form to be mailed to the last 16282  
known address of the corporation as it appears on the records of 16283  
the secretary of state or which the secretary of state may 16284  
ascertain upon a reasonable search. 16285

(E) If any nonprofit corporation required by this section to 16286  
file a statement of continued existence fails to file the 16287  
statement required every fifth year, then the secretary of state 16288  
shall cancel the articles of such corporation, make a notation of 16289  
the cancellation on the records, and mail to the corporation a 16290  
certificate of the action so taken. 16291

(F) A corporation whose articles have been canceled may be 16292  
reinstated by filing an application for reinstatement and paying 16293  
to the secretary of state the fee specified in division (Q) of 16294  
section 111.16 of the Revised Code. The name of a corporation 16295  
whose articles have been canceled shall be reserved for a period 16296  
of one year after the date of cancellation. If the reinstatement 16297  
is not made within one year from the date of the cancellation of 16298  
its articles of incorporation and it appears that a corporate 16299  
name, limited liability company name, limited liability 16300

partnership name, limited partnership name, or trade name has been 16301  
filed, the name of which is not distinguishable upon the record as 16302  
provided in section 1702.06 of the Revised Code, the applicant for 16303  
reinstatement shall be required by the secretary of state, as a 16304  
condition prerequisite to such reinstatement, to amend its 16305  
articles by changing its name. A certificate of reinstatement may 16306  
be filed in the recorder's office of any county in the state, for 16307  
which the recorder shall charge and collect a base fee of one 16308  
dollar for services and a housing trust fund fee of one dollar 16309  
pursuant to section 317.36 of the Revised Code. The rights, 16310  
privileges, and franchises of a corporation whose articles have 16311  
been reinstated are subject to section 1702.60 of the Revised 16312  
Code. 16313

(G) The secretary of state shall furnish the tax commissioner 16314  
a list of all corporations failing to file the required statement 16315  
of continued existence. 16316

**Sec. 1711.13.** County agricultural societies are hereby 16317  
declared bodies corporate and politic, and as such they shall be 16318  
capable of suing and being sued and of holding in fee simple any 16319  
real estate purchased by them as sites for their fairs. ~~They~~ In 16320  
addition, they may mortgage do either or both of the following: 16321

(A) Mortgage their grounds for the purpose of renewing or 16322  
extending pre-existing debts, and for the purpose of furnishing 16323  
money to purchase additional land~~+~~, but if the board of county 16324  
commissioners has caused money to be paid out of the county 16325  
treasury to aid in the purchase of ~~such~~ the grounds, no mortgage 16326  
shall be given without the consent of ~~such~~ the board. 16327

Deeds, conveyances, and agreements in writing, made to and by 16328  
such societies, for the purchase of real estate as sites for their 16329  
fairs, shall vest a title in fee simple to the real estate ~~therein~~ 16330  
described in those documents, without words of inheritance. 16331

(B) Enter into agreements to obtain loans and credit for expenses related to the purposes of the county agricultural society, provided that the agreements are in writing and are first approved by the board of directors of the society. The total net indebtedness incurred by a county agricultural society pursuant to this division shall not exceed an amount equal to twenty-five per cent of its annual revenues. 16332  
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**Sec. 1711.131.** (A) The board of directors of a county agricultural society or an independent agricultural society may authorize by resolution an officer or employee of the agricultural society to use a credit card held by the board to pay for expenses related to the purposes of the agricultural society. If a board elects to authorize the use of a credit card held by the board as described in this section, the board first shall adopt a policy specifying the purposes for which the credit card may be used. 16339  
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(B) An officer or employee of an agricultural society who makes unauthorized use of a credit card held by the society's board of directors is personally liable for the unauthorized use. The prosecuting attorney of the appropriate county shall recover the amount of any unauthorized expenses incurred by the officer or employee through the misuse of the credit card in a civil action in any court of competent jurisdiction. This section does not limit any other liability of the officer or employee for the unauthorized use of a credit card held by the board of directors. 16347  
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(C) An officer or employee who is authorized to use a credit card held by the board of directors of an agricultural society and who suspects the loss, theft, or possibility of unauthorized use of the credit card immediately shall notify the board in writing of the suspected loss, theft, or possible unauthorized use. The officer or employee may be held personally liable for not more than fifty dollars in unauthorized debt incurred before the board 16356  
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receives the notification. 16363

(D) The misuse by an officer or employee of an agricultural society of a credit card held by the society's board of directors is a violation of section 2913.21 of the Revised Code. 16364  
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**Sec. 1711.15.** In any county in which there is a duly 16367  
organized county agricultural society, the board of county 16368  
commissioners or the county agricultural society itself may 16369  
purchase or lease, for a term of not less than twenty years, real 16370  
estate on which to hold fairs under the management and control of 16371  
the county agricultural society, and may erect ~~thereon~~ suitable 16372  
buildings on the real estate and otherwise improve it. 16373

In counties in which there is a county agricultural society 16374  
that has purchased, or leased, for a term of not less than twenty 16375  
years, real estate as a site on which to hold fairs or in which 16376  
the title to the site is vested in fee in the county, the board of 16377  
county commissioners may erect or repair buildings or otherwise 16378  
improve the site and pay the rental ~~thereof~~ of it, or contribute 16379  
to or pay any other form of indebtedness of the society, if the 16380  
director of agriculture has certified to the board that the county 16381  
agricultural society is complying with all laws and rules 16382  
governing the operation of county agricultural societies. The 16383  
board may appropriate from the general fund any amount that it 16384  
considers necessary for any of those purposes. 16385

**Sec. 1711.17. (A)** In any counties in which there is a duly 16386  
organized independent agricultural society, the respective boards 16387  
of county commissioners may purchase or lease jointly, for a term 16388  
of not less than twenty years, real estate on which to hold fairs 16389  
under the management and control of the society, and may erect 16390  
suitable buildings and otherwise improve the property, and pay the 16391  
rental thereof, or contribute to or pay any other form of 16392

indebtedness of the society, if the director of agriculture has 16393  
certified to the board that the independent agricultural society 16394  
is complying with all laws and rules governing the operation of 16395  
county agricultural societies. The boards may appropriate from 16396  
their respective general funds such an amount as they consider 16397  
necessary for any of those purposes. 16398

(B) An independent agricultural society may purchase or 16399  
lease, for a term of not less than twenty years, real estate on 16400  
which to hold fairs under its management and control and may erect 16401  
suitable buildings on the real estate and otherwise improve it. 16402

**Sec. 1751.05.** (A) The superintendent of insurance shall issue 16403  
or deny a certificate of authority to establish or operate a 16404  
health insuring corporation to any corporation filing an 16405  
application pursuant to section 1751.03 of the Revised Code within 16406  
forty-five days of the superintendent's receipt of the 16407  
certification from the director of health under division (C) of 16408  
section 1751.04 of the Revised Code. A certificate of authority 16409  
shall be issued upon payment of the application fee prescribed in 16410  
section 1751.44 of the Revised Code if the superintendent is 16411  
satisfied that the following conditions are met: 16412

(1) The persons responsible for the conduct of the affairs of 16413  
the applicant are competent, trustworthy, and possess good 16414  
reputations. 16415

(2) The director certifies, in accordance with division (C) 16416  
of section 1751.04 of the Revised Code, that the organization's 16417  
proposed plan of operation meets the requirements of division (B) 16418  
of that section and sections 3702.51 to 3702.62 of the Revised 16419  
Code. If, after the director has certified compliance, the 16420  
application is amended in a manner that affects its approval under 16421  
section 1751.04 of the Revised Code, the superintendent shall 16422  
request the director to review and recertify the amended plan of 16423

operation. Within forty-five days of receipt of the amended plan 16424  
from the superintendent, the director shall certify to the 16425  
superintendent, pursuant to section 1751.04 of the Revised Code, 16426  
whether or not the amended plan meets the requirements of section 16427  
1751.04 of the Revised Code. The superintendent's forty-five-day 16428  
review period shall cease to run as of the date on which the 16429  
amended plan is transmitted to the director and shall remain 16430  
suspended until the superintendent receives a new certification 16431  
from the director. 16432

(3) The applicant constitutes an appropriate mechanism to 16433  
effectively provide or arrange for the provision of the basic 16434  
health care services, supplemental health care services, or 16435  
specialty health care services to be provided to enrollees. 16436

(4) The applicant is financially responsible, complies with 16437  
section 1751.28 of the Revised Code, and may reasonably be 16438  
expected to meet its obligations to enrollees and prospective 16439  
enrollees. In making this determination, the superintendent may 16440  
consider: 16441

(a) The financial soundness of the applicant's arrangements 16442  
for health care services, including the applicant's proposed 16443  
contractual periodic prepayments or premiums and the use of 16444  
copayments and deductibles; 16445

(b) The adequacy of working capital; 16446

(c) Any agreement with an insurer, a government, or any other 16447  
person for insuring the payment of the cost of health care 16448  
services or providing for automatic applicability of an 16449  
alternative coverage in the event of discontinuance of the health 16450  
insuring corporation's operations; 16451

(d) Any agreement with providers or health care facilities 16452  
for the provision of health care services; 16453

(e) Any deposit of securities submitted in accordance with 16454

section 1751.27 of the Revised Code as a guarantee that the obligations will be performed.

(5) The applicant has submitted documentation of an arrangement to provide health care services to its enrollees until the expiration of the enrollees' contracts with the applicant if a health care plan or the operations of the health insuring corporation are discontinued prior to the expiration of the enrollees' contracts. An arrangement to provide health care services may be made by using any one, or any combination, of the following methods:

(a) The maintenance of insolvency insurance;

(b) A provision in contracts with providers and health care facilities, but no health insuring corporation shall rely solely on such a provision for more than thirty days;

(c) An agreement with other health insuring corporations or insurers, providing enrollees with automatic conversion rights upon the discontinuation of a health care plan or the health insuring corporation's operations;

(d) Such other methods as approved by the superintendent.

(6) Nothing in the applicant's proposed method of operation, as shown by the information submitted pursuant to section 1751.03 of the Revised Code or by independent investigation, will cause harm to an enrollee or to the public at large, as determined by the superintendent.

(7) Any deficiencies certified by the director have been corrected.

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

(B) If an applicant elects to fulfill the requirements of division (A)(5) of this section through an agreement with other

health insuring corporations or insurers, the agreement shall 16485  
require those health insuring corporations or insurers to give 16486  
thirty days' notice to the superintendent prior to cancellation or 16487  
discontinuation of the agreement for any reason. 16488

(C) A certificate of authority shall be denied only after 16489  
compliance with the requirements of section 1751.36 of the Revised 16490  
Code. 16491

**Sec. 1751.11.** (A) Every subscriber of a health insuring 16492  
corporation is entitled to an evidence of coverage for the health 16493  
care plan under which health care benefits are provided. 16494

(B) Every subscriber of a health insuring corporation that 16495  
offers basic health care services is entitled to an identification 16496  
card or similar document that specifies the health insuring 16497  
corporation's name as stated in its articles of incorporation, and 16498  
any trade or fictitious names used by the health insuring 16499  
corporation. The identification card or document shall list at 16500  
least one toll-free telephone number that provides the subscriber 16501  
with access, to information on a twenty-four-hours-per-day, 16502  
seven-days-per-week basis, as to how health care services may be 16503  
obtained. The identification card or document shall also list at 16504  
least one toll-free number that, during normal business hours, 16505  
provides the subscriber with access to information on the coverage 16506  
available under the subscriber's health care plan and information 16507  
on the health care plan's internal and external review processes. 16508

(C) No evidence of coverage, or amendment to the evidence of 16509  
coverage, shall be delivered, issued for delivery, renewed, or 16510  
used, until the form of the evidence of coverage or amendment has 16511  
been filed by the health insuring corporation with the 16512  
superintendent of insurance. If the superintendent does not 16513  
disapprove the evidence of coverage or amendment within sixty days 16514  
after it is filed it shall be deemed approved, unless the 16515

superintendent sooner gives approval for the evidence of coverage 16516  
or amendment. With respect to an amendment to an approved evidence 16517  
of coverage, the superintendent only may disapprove provisions 16518  
amended or added to the evidence of coverage. If the 16519  
superintendent determines within the sixty-day period that any 16520  
evidence of coverage or amendment fails to meet the requirements 16521  
of this section, the superintendent shall so notify the health 16522  
insuring corporation and it shall be unlawful for the health 16523  
insuring corporation to use such evidence of coverage or 16524  
amendment. At any time, the superintendent, upon at least thirty 16525  
days' written notice to a health insuring corporation, may 16526  
withdraw an approval, deemed or actual, of any evidence of 16527  
coverage or amendment on any of the grounds stated in this 16528  
section. Such disapproval shall be effected by a written order, 16529  
which shall state the grounds for disapproval and shall be issued 16530  
in accordance with Chapter 119. of the Revised Code. 16531

(D) No evidence of coverage or amendment shall be delivered, 16532  
issued for delivery, renewed, or used: 16533

(1) If it contains provisions or statements that are 16534  
inequitable, untrue, misleading, or deceptive; 16535

(2) Unless it contains a clear, concise, and complete 16536  
statement of the following: 16537

(a) The health care services and insurance or other benefits, 16538  
if any, to which an enrollee is entitled under the health care 16539  
plan; 16540

(b) Any exclusions or limitations on the health care 16541  
services, type of health care services, benefits, or type of 16542  
benefits to be provided, including copayments and deductibles; 16543

(c) An enrollee's personal financial obligation for 16544  
noncovered services; 16545

(d) Where and in what manner general information and 16546

information as to how health care services may be obtained is 16547  
available, including a toll-free telephone number; 16548

(e) The premium rate with respect to individual and 16549  
conversion contracts, and relevant copayment and deductible 16550  
provisions with respect to all contracts. The statement of the 16551  
premium rate, however, may be contained in a separate insert. 16552

(f) The method utilized by the health insuring corporation 16553  
for resolving enrollee complaints; 16554

(g) The utilization review, internal review, and external 16555  
review procedures established under sections 1751.77 to 1751.85 of 16556  
the Revised Code. 16557

(3) Unless it provides for the continuation of an enrollee's 16558  
coverage, in the event that the enrollee's coverage under the 16559  
group policy, contract, certificate, or agreement terminates while 16560  
the enrollee is receiving inpatient care in a hospital. This 16561  
continuation of coverage shall terminate at the earliest 16562  
occurrence of any of the following: 16563

(a) The enrollee's discharge from the hospital; 16564

(b) The determination by the enrollee's attending physician 16565  
that inpatient care is no longer medically indicated for the 16566  
enrollee; however, nothing in division (D)(3)(b) of this section 16567  
precludes a health insuring corporation from engaging in 16568  
utilization review as described in the evidence of coverage. 16569

(c) The enrollee's reaching the limit for contractual 16570  
benefits; 16571

(d) The effective date of any new coverage. 16572

(4) Unless it contains a provision that states, in substance, 16573  
that the health insuring corporation is not a member of any 16574  
guaranty fund, and that in the event of the health insuring 16575  
corporation's insolvency, an enrollee is protected only to the 16576

extent that the hold harmless provision required by section 16577  
1751.13 of the Revised Code applies to the health care services 16578  
rendered; 16579

(5) Unless it contains a provision that states, in substance, 16580  
that in the event of the insolvency of the health insuring 16581  
corporation, an enrollee may be financially responsible for health 16582  
care services rendered by a provider or health care facility that 16583  
is not under contract to the health insuring corporation, whether 16584  
or not the health insuring corporation authorized the use of the 16585  
provider or health care facility. 16586

(E) Notwithstanding divisions (C) and (D) of this section, a 16587  
health insuring corporation may use an evidence of coverage that 16588  
provides for the coverage of beneficiaries enrolled in Title XVIII 16589  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 16590  
301, as amended, pursuant to a medicare contract, or an evidence 16591  
of coverage that provides for the coverage of beneficiaries 16592  
enrolled in the federal employees health benefits program pursuant 16593  
to 5 U.S.C.A. 8905, or an evidence of coverage that provides for 16594  
the coverage of beneficiaries enrolled in Title XIX of the "Social 16595  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 16596  
known as the medical assistance program or medicaid, provided by 16597  
the Ohio department of job and family services under Chapter 5111. 16598  
of the Revised Code, or an evidence of coverage that provides for 16599  
the coverage of beneficiaries under any other federal health care 16600  
program regulated by a federal regulatory body, or an evidence of 16601  
coverage that provides for the coverage of beneficiaries under any 16602  
contract covering officers or employees of the state that has been 16603  
entered into by the department of administrative services, if both 16604  
of the following apply: 16605

(1) The evidence of coverage has been approved by the United 16606  
States department of health and human services, the United States 16607  
office of personnel management, the Ohio department of job and 16608

family services, or the department of administrative services. 16609

(2) The evidence of coverage is filed with the superintendent 16610  
of insurance prior to use and is accompanied by documentation of 16611  
approval from the United States department of health and human 16612  
services, the United States office of personnel management, the 16613  
Ohio department of job and family services, or the department of 16614  
administrative services. 16615

**Sec. 1751.12.** (A)(1) No contractual periodic prepayment and 16616  
no premium rate for nongroup and conversion policies for health 16617  
care services, or any amendment to them, may be used by any health 16618  
insuring corporation at any time until the contractual periodic 16619  
prepayment and premium rate, or amendment, have been filed with 16620  
the superintendent of insurance, and shall not be effective until 16621  
the expiration of sixty days after their filing unless the 16622  
superintendent sooner gives approval. The filing shall be 16623  
accompanied by an actuarial certification in the form prescribed 16624  
by the superintendent. The superintendent shall disapprove the 16625  
filing, if the superintendent determines within the sixty-day 16626  
period that the contractual periodic prepayment or premium rate, 16627  
or amendment, is not in accordance with sound actuarial principles 16628  
or is not reasonably related to the applicable coverage and 16629  
characteristics of the applicable class of enrollees. The 16630  
superintendent shall notify the health insuring corporation of the 16631  
disapproval, and it shall thereafter be unlawful for the health 16632  
insuring corporation to use the contractual periodic prepayment or 16633  
premium rate, or amendment. 16634

(2) No contractual periodic prepayment for group policies for 16635  
health care services shall be used until the contractual periodic 16636  
prepayment has been filed with the superintendent. The filing 16637  
shall be accompanied by an actuarial certification in the form 16638  
prescribed by the superintendent. The superintendent may reject a 16639

filing made under division (A)(2) of this section at any time, 16640  
with at least thirty days' written notice to a health insuring 16641  
corporation, if the contractual periodic prepayment is not in 16642  
accordance with sound actuarial principles or is not reasonably 16643  
related to the applicable coverage and characteristics of the 16644  
applicable class of enrollees. 16645

(3) At any time, the superintendent, upon at least thirty 16646  
days' written notice to a health insuring corporation, may 16647  
withdraw the approval given under division (A)(1) of this section, 16648  
deemed or actual, of any contractual periodic prepayment or 16649  
premium rate, or amendment, based on information that either of 16650  
the following applies: 16651

(a) The contractual periodic prepayment or premium rate, or 16652  
amendment, is not in accordance with sound actuarial principles. 16653

(b) The contractual periodic prepayment or premium rate, or 16654  
amendment, is not reasonably related to the applicable coverage 16655  
and characteristics of the applicable class of enrollees. 16656

(4) Any disapproval under division (A)(1) of this section, 16657  
any rejection of a filing made under division (A)(2) of this 16658  
section, or any withdrawal of approval under division (A)(3) of 16659  
this section, shall be effected by a written notice, which shall 16660  
state the specific basis for the disapproval, rejection, or 16661  
withdrawal and shall be issued in accordance with Chapter 119. of 16662  
the Revised Code. 16663

(B) Notwithstanding division (A) of this section, a health 16664  
insuring corporation may use a contractual periodic prepayment or 16665  
premium rate for policies used for the coverage of beneficiaries 16666  
enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620 16667  
(1935), 42 U.S.C.A. 301, as amended, pursuant to a medicare risk 16668  
contract or medicare cost contract, or for policies used for the 16669  
coverage of beneficiaries enrolled in the federal employees health 16670

benefits program pursuant to 5 U.S.C.A. 8905, or for policies used 16671  
for the coverage of beneficiaries enrolled in Title XIX of the 16672  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 16673  
amended, known as the medical assistance program or medicaid, 16674  
provided by the department of job and family services under 16675  
Chapter 5111. of the Revised Code, or for policies used for the 16676  
coverage of beneficiaries under any other federal health care 16677  
program regulated by a federal regulatory body, or for policies 16678  
used for the coverage of beneficiaries under any contract covering 16679  
officers or employees of the state that has been entered into by 16680  
the department of administrative services, if both of the 16681  
following apply: 16682

(1) The contractual periodic prepayment or premium rate has 16683  
been approved by the United States department of health and human 16684  
services, the United States office of personnel management, the 16685  
department of job and family services, or the department of 16686  
administrative services. 16687

(2) The contractual periodic prepayment or premium rate is 16688  
filed with the superintendent prior to use and is accompanied by 16689  
documentation of approval from the United States department of 16690  
health and human services, the United States office of personnel 16691  
management, the department of job and family services, or the 16692  
department of administrative services. 16693

(C) The administrative expense portion of all contractual 16694  
periodic prepayment or premium rate filings submitted to the 16695  
superintendent for review must reflect the actual cost of 16696  
administering the product. The superintendent may require that the 16697  
administrative expense portion of the filings be itemized and 16698  
supported. 16699

(D)(1) Copayments must be reasonable and must not be a 16700  
barrier to the necessary utilization of services by enrollees. 16701

(2) A health insuring corporation, in order to ensure that 16702  
copayments are reasonable and not a barrier to the necessary 16703  
utilization of basic health care services by enrollees, may ~~not~~ 16704  
~~impose~~ do one of the following: 16705

(a) Impose copayment charges on any single covered basic 16706  
health care ~~services~~ service that does not exceed ~~thirty~~ forty per 16707  
cent of the ~~total~~ average cost to the health insuring corporation 16708  
of providing ~~any single covered health care~~ the service, ~~except~~ 16709  
~~for physician office visits, emergency health services, and urgent~~ 16710  
~~care services.~~ 16711

(b) Impose copayment charges that annually do not exceed 16712  
twenty per cent of the total annual cost to the health insuring 16713  
corporation of providing all covered basic health care services, 16714  
including physician office visits, urgent care services, and 16715  
emergency health services, when aggregated as to all persons 16716  
covered under the filed product in question. In addition, annual 16717  
copayment charges as to each enrollee shall not exceed twenty per 16718  
cent of the total annual cost to the health insuring corporation 16719  
of providing all covered basic health care services, including 16720  
physician office visits, urgent care services, and emergency 16721  
health services, as to such enrollee. The total annual cost of 16722  
providing a health care service is the cost to the health insuring 16723  
corporation of providing the health care service to its enrollees 16724  
as reduced by any applicable provider discount. ~~An open panel plan~~ 16725  
~~may not impose copayments on out-of-network benefits that exceed~~ 16726  
~~fifty per cent of the total cost of providing any single covered~~ 16727  
~~health care service.~~ 16728

(3) To ensure that copayments are reasonable and not a 16729  
barrier to the utilization of basic health care services, a health 16730  
insuring corporation may not impose, in any contract year, on any 16731  
subscriber or enrollee, copayments that exceed two hundred per 16732  
cent of the ~~total~~ average annual premium rate to ~~the subscriber~~ 16733

~~subscribers or enrollees. This limitation of two hundred per cent 16734  
does not include any reasonable copayments that are not a barrier 16735  
to the necessary utilization of health care services by enrollees 16736  
and that are imposed on physician office visits, emergency health 16737  
services, urgent care services, supplemental health care services, 16738  
or specialty health care services. 16739~~

(E) A health insuring corporation shall not impose lifetime 16740  
maximums on basic health care services. However, a health insuring 16741  
corporation may establish a benefit limit for inpatient hospital 16742  
services that are provided pursuant to a policy, contract, 16743  
certificate, or agreement for supplemental health care services. 16744

(F) A health insuring corporation may require that an 16745  
enrollee pay an annual deductible that does not exceed one 16746  
thousand dollars per enrollee or two thousand dollars per family. 16747  
The superintendent may adopt rules defining different annual 16748  
deductible amounts for plans with an employer-sponsored medical 16749  
savings account, health reimbursement arrangement, or flexible 16750  
spending account. 16751

**Sec. 1751.13.** (A)(1)(a) A health insuring corporation shall, 16752  
either directly or indirectly, enter into contracts for the 16753  
provision of health care services with a sufficient number and 16754  
types of providers and health care facilities to ensure that all 16755  
covered health care services will be accessible to enrollees from 16756  
a contracted provider or health care facility. 16757

(b) A health insuring corporation shall not refuse to 16758  
contract with a physician for the provision of health care 16759  
services or refuse to recognize a physician as a specialist on the 16760  
basis that the physician attended an educational program or a 16761  
residency program approved or certified by the American 16762  
osteopathic association. A health insuring corporation shall not 16763  
refuse to contract with a health care facility for the provision 16764

of health care services on the basis that the health care facility 16765  
is certified or accredited by the American osteopathic association 16766  
or that the health care facility is an osteopathic hospital as 16767  
defined in section 3702.51 of the Revised Code. 16768

(c) Nothing in division (A)(1)(b) of this section shall be 16769  
construed to require a health insuring corporation to make a 16770  
benefit payment under a closed panel plan to a physician or health 16771  
care facility with which the health insuring corporation does not 16772  
have a contract, provided that none of the bases set forth in that 16773  
division are used as a reason for failing to make a benefit 16774  
payment. 16775

(2) When a health insuring corporation is unable to provide a 16776  
covered health care service from a contracted provider or health 16777  
care facility, the health insuring corporation must provide that 16778  
health care service from a noncontracted provider or health care 16779  
facility consistent with the terms of the enrollee's policy, 16780  
contract, certificate, or agreement. The health insuring 16781  
corporation shall either ensure that the health care service be 16782  
provided at no greater cost to the enrollee than if the enrollee 16783  
had obtained the health care service from a contracted provider or 16784  
health care facility, or make other arrangements acceptable to the 16785  
superintendent of insurance. 16786

(3) Nothing in this section shall prohibit a health insuring 16787  
corporation from entering into contracts with out-of-state 16788  
providers or health care facilities that are licensed, certified, 16789  
accredited, or otherwise authorized in that state. 16790

(B)(1) A health insuring corporation shall, either directly 16791  
or indirectly, enter into contracts with all providers and health 16792  
care facilities through which health care services are provided to 16793  
its enrollees. 16794

(2) A health insuring corporation, upon written request, 16795

shall assist its contracted providers in finding stop-loss or 16796  
reinsurance carriers. 16797

(C) A health insuring corporation shall file an annual 16798  
certificate with the superintendent certifying that all provider 16799  
contracts and contracts with health care facilities through which 16800  
health care services are being provided contain the following: 16801

(1) A description of the method by which the provider or 16802  
health care facility will be notified of the specific health care 16803  
services for which the provider or health care facility will be 16804  
responsible, including any limitations or conditions on such 16805  
services; 16806

(2) The specific hold harmless provision specifying 16807  
protection of enrollees set forth as follows: 16808

"[Provider/Health Care Facility] agrees that in no event, 16809  
including but not limited to nonpayment by the health insuring 16810  
corporation, insolvency of the health insuring corporation, or 16811  
breach of this agreement, shall [Provider/Health Care Facility] 16812  
bill, charge, collect a deposit from, seek remuneration or 16813  
reimbursement from, or have any recourse against, a subscriber, 16814  
enrollee, person to whom health care services have been provided, 16815  
or person acting on behalf of the covered enrollee, for health 16816  
care services provided pursuant to this agreement. This does not 16817  
prohibit [Provider/Health Care Facility] from collecting 16818  
co-insurance, deductibles, or copayments as specifically provided 16819  
in the evidence of coverage, or fees for uncovered health care 16820  
services delivered on a fee-for-service basis to persons 16821  
referenced above, nor from any recourse against the health 16822  
insuring corporation or its successor." 16823

(3) Provisions requiring the provider or health care facility 16824  
to continue to provide covered health care services to enrollees 16825  
in the event of the health insuring corporation's insolvency or 16826

discontinuance of operations. The provisions shall require the 16827  
provider or health care facility to continue to provide covered 16828  
health care services to enrollees as needed to complete any 16829  
medically necessary procedures commenced but unfinished at the 16830  
time of the health insuring corporation's insolvency or 16831  
discontinuance of operations. The completion of a medically 16832  
necessary procedure shall include the rendering of all covered 16833  
health care services that constitute medically necessary follow-up 16834  
care for that procedure. If an enrollee is receiving necessary 16835  
inpatient care at a hospital, the provisions may limit the 16836  
required provision of covered health care services relating to 16837  
that inpatient care in accordance with division (D)(3) of section 16838  
1751.11 of the Revised Code, and may also limit such required 16839  
provision of covered health care services to the period ending 16840  
thirty days after the health insuring corporation's insolvency or 16841  
discontinuance of operations. 16842

The provisions required by division (C)(3) of this section 16843  
shall not require any provider or health care facility to continue 16844  
to provide any covered health care service after the occurrence of 16845  
any of the following: 16846

(a) The end of the thirty-day period following the entry of a 16847  
liquidation order under Chapter 3903. of the Revised Code; 16848

(b) The end of the enrollee's period of coverage for a 16849  
contractual prepayment or premium; 16850

(c) The enrollee obtains equivalent coverage with another 16851  
health insuring corporation or insurer, or the enrollee's employer 16852  
obtains such coverage for the enrollee; 16853

(d) The enrollee or the enrollee's employer terminates 16854  
coverage under the contract; 16855

(e) A liquidator effects a transfer of the health insuring 16856  
corporation's obligations under the contract under division (A)(8) 16857

of section 3903.21 of the Revised Code. 16858

(4) A provision clearly stating the rights and 16859  
responsibilities of the health insuring corporation, and of the 16860  
contracted providers and health care facilities, with respect to 16861  
administrative policies and programs, including, but not limited 16862  
to, payments systems, utilization review, quality assurance, 16863  
assessment, and improvement programs, credentialing, 16864  
confidentiality requirements, and any applicable federal or state 16865  
programs; 16866

(5) A provision regarding the availability and 16867  
confidentiality of those health records maintained by providers 16868  
and health care facilities to monitor and evaluate the quality of 16869  
care, to conduct evaluations and audits, and to determine on a 16870  
concurrent or retrospective basis the necessity of and 16871  
appropriateness of health care services provided to enrollees. The 16872  
provision shall include terms requiring the provider or health 16873  
care facility to make these health records available to 16874  
appropriate state and federal authorities involved in assessing 16875  
the quality of care or in investigating the grievances or 16876  
complaints of enrollees, and requiring the provider or health care 16877  
facility to comply with applicable state and federal laws related 16878  
to the confidentiality of medical or health records. 16879

(6) A provision that states that contractual rights and 16880  
responsibilities may not be assigned or delegated by the provider 16881  
or health care facility without the prior written consent of the 16882  
health insuring corporation; 16883

(7) A provision requiring the provider or health care 16884  
facility to maintain adequate professional liability and 16885  
malpractice insurance. The provision shall also require the 16886  
provider or health care facility to notify the health insuring 16887  
corporation not more than ten days after the provider's or health 16888  
care facility's receipt of notice of any reduction or cancellation 16889

of such coverage.	16890
(8) A provision requiring the provider or health care facility to observe, protect, and promote the rights of enrollees as patients;	16891 16892 16893
(9) A provision requiring the provider or health care facility to provide health care services without discrimination on the basis of a patient's participation in the health care plan, age, sex, ethnicity, religion, sexual preference, health status, or disability, and without regard to the source of payments made for health care services rendered to a patient. This requirement shall not apply to circumstances when the provider or health care facility appropriately does not render services due to limitations arising from the provider's or health care facility's lack of training, experience, or skill, or due to licensing restrictions.	16894 16895 16896 16897 16898 16899 16900 16901 16902 16903
(10) A provision containing the specifics of any obligation on the primary care provider to provide, or to arrange for the provision of, covered health care services twenty-four hours per day, seven days per week;	16904 16905 16906 16907
(11) A provision setting forth procedures for the resolution of disputes arising out of the contract;	16908 16909
(12) A provision stating that the hold harmless provision required by division (C)(2) of this section shall survive the termination of the contract with respect to services covered and provided under the contract during the time the contract was in effect, regardless of the reason for the termination, including the insolvency of the health insuring corporation;	16910 16911 16912 16913 16914 16915
(13) A provision requiring those terms that are used in the contract and that are defined by this chapter, be used in the contract in a manner consistent with those definitions.	16916 16917 16918
This division does not apply to the coverage of beneficiaries enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620	16919 16920

(1935), 42 U.S.C.A. 301, as amended, pursuant to a medicare risk contract or medicare cost contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of beneficiaries enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of administrative services.

(D)(1) No health insuring corporation contract with a provider or health care facility shall contain any of the following:

(a) A provision that directly or indirectly offers an inducement to the provider or health care facility to reduce or limit medically necessary health care services to a covered enrollee;

(b) A provision that penalizes a provider or health care facility that assists an enrollee to seek a reconsideration of the health insuring corporation's decision to deny or limit benefits to the enrollee;

(c) A provision that limits or otherwise restricts the provider's or health care facility's ethical and legal responsibility to fully advise enrollees about their medical condition and about medically appropriate treatment options;

(d) A provision that penalizes a provider or health care facility for principally advocating for medically necessary health care services;

(e) A provision that penalizes a provider or health care facility for providing information or testimony to a legislative or regulatory body or agency. This shall not be construed to prohibit a health insuring corporation from penalizing a provider or health care facility that provides information or testimony that is libelous or slanderous or that discloses trade secrets which the provider or health care facility has no privilege or permission to disclose.

(2) Nothing in this division shall be construed to prohibit a health insuring corporation from doing either of the following:

(a) Making a determination not to reimburse or pay for a particular medical treatment or other health care service;

(b) Enforcing reasonable peer review or utilization review protocols, or determining whether a particular provider or health care facility has complied with these protocols.

(E) Any contract between a health insuring corporation and an intermediary organization shall clearly specify that the health insuring corporation must approve or disapprove the participation of any provider or health care facility with which the intermediary organization contracts.

(F) If an intermediary organization that is not a health delivery network contracting solely with self-insured employers subcontracts with a provider or health care facility, the subcontract with the provider or health care facility shall do all of the following:

(1) Contain the provisions required by divisions (C) and (G) of this section, as made applicable to an intermediary organization, without the inclusion of inducements or penalties described in division (D) of this section;

(2) Acknowledge that the health insuring corporation is a third-party beneficiary to the agreement;

(3) Acknowledge the health insuring corporation's role in approving the participation of the provider or health care facility, pursuant to division (E) of this section.

(G) Any provider contract or contract with a health care facility shall clearly specify the health insuring corporation's statutory responsibility to monitor and oversee the offering of covered health care services to its enrollees.

(H)(1) A health insuring corporation shall maintain its provider contracts and its contracts with health care facilities at one or more of its places of business in this state, and shall provide copies of these contracts to facilitate regulatory review upon written notice by the superintendent of insurance.

(2) Any contract with an intermediary organization that accepts compensation shall include provisions requiring the intermediary organization to provide the superintendent with regulatory access to all books, records, financial information, and documents related to the provision of health care services to subscribers and enrollees under the contract. The contract shall require the intermediary organization to maintain such books, records, financial information, and documents at its principal place of business in this state and to preserve them for at least three years in a manner that facilitates regulatory review.

(I)(1) A health insuring corporation shall notify its affected enrollees of the termination of a contract for the provision of health care services between the health insuring corporation and a primary care physician or hospital, by mail, within thirty days after the termination of the contract.

(a) Notice shall be given to subscribers of the termination of a contract with a primary care physician if the subscriber, or a dependent covered under the subscriber's health care coverage, has received health care services from the primary care physician

within the previous twelve months or if the subscriber or 17014  
dependent has selected the physician as the subscriber's or 17015  
dependent's primary care physician within the previous twelve 17016  
months. 17017

(b) Notice shall be given to subscribers of the termination 17018  
of a contract with a hospital if the subscriber, or a dependent 17019  
covered under the subscriber's health care coverage, has received 17020  
health care services from that hospital within the previous twelve 17021  
months. 17022

(2) The health insuring corporation shall pay, in accordance 17023  
with the terms of the contract, for all covered health care 17024  
services rendered to an enrollee by a primary care physician or 17025  
hospital between the date of the termination of the contract and 17026  
five days after the notification of the contract termination is 17027  
mailed to a subscriber at the subscriber's last known address. 17028

(J) Divisions (A) and (B) of this section do not apply to any 17029  
health insuring corporation that, on June 4, 1997, holds a 17030  
certificate of authority or license to operate under Chapter 1740. 17031  
of the Revised Code. 17032

(K) Nothing in this section shall restrict the governing body 17033  
of a hospital from exercising the authority granted it pursuant to 17034  
section 3701.351 of the Revised Code. 17035

**Sec. 1751.16.** (A) Except as provided in division (F) of this 17036  
section, every group contract issued by a health insuring 17037  
corporation shall provide an option for conversion to an 17038  
individual contract issued on a direct-payment basis to any 17039  
subscriber covered by the group contract who terminates employment 17040  
or membership in the group, unless: 17041

(1) Termination of the conversion option or contract is based 17042  
upon nonpayment of premium after reasonable notice in writing has 17043

been given by the health insuring corporation to the subscriber. 17044

(2) The subscriber is, or is eligible to be, covered for 17045  
benefits at least comparable to the group contract under any of 17046  
the following: 17047

(a) Title XVIII of the "Social Security Act," 49 Stat. 620 17048  
(1935), 42 U.S.C.A. 301, as amended; 17049

(b) Any act of congress or law under this or any other state 17050  
of the United States providing coverage at least comparable to the 17051  
benefits under division (A)(2)(a) of this section; 17052

(c) Any policy of insurance or health care plan providing 17053  
coverage at least comparable to the benefits under division 17054  
(A)(2)(a) of this section. 17055

(B)(1) The direct-payment contract offered by the health 17056  
insuring corporation pursuant to division (A) of this section 17057  
shall provide the following: 17058

(a) In the case of an individual who is not a federally 17059  
eligible individual, benefits comparable to benefits in any of the 17060  
individual contracts then being issued to individual subscribers 17061  
by the health insuring corporation; 17062

(b) In the case of a federally eligible individual, a basic 17063  
and standard plan established by the board of directors of the 17064  
Ohio health reinsurance program or plans substantially similar to 17065  
the basic and standard plan in benefit design and scope of covered 17066  
services. For purposes of division (B)(1)(b) of this section, the 17067  
superintendent of insurance shall determine whether a plan is 17068  
substantially similar to the basic or standard plan in benefit 17069  
design and scope of covered services. The contractual periodic 17070  
prepayments charged for such plans may not exceed an amount that 17071  
is two times the midpoint of the standard rate charged any other 17072  
individual of a group to which the organization is currently 17073  
accepting new business and for which similar copayments and 17074

<u>deductibles</u> are applied.	17075
(2) The direct payment contract offered pursuant to division	17076
(A) of this section may include a coordination of benefits	17077
provision as approved by the superintendent.	17078
(3) For purposes of division (B) of this section "federally	17079
eligible individual" means an eligible individual as defined in 45	17080
C.F.R. 148.103.	17081
(C) The option for conversion shall be available:	17082
(1) Upon the death of the subscriber, to the surviving spouse	17083
with respect to such of the spouse and dependents as are then	17084
covered by the group contract;	17085
(2) To a child solely with respect to the child upon the	17086
child's attaining the limiting age of coverage under the group	17087
contract while covered as a dependent under the contract;	17088
(3) Upon the divorce, dissolution, or annulment of the	17089
marriage of the subscriber, to the divorced spouse, or, in the	17090
event of annulment, to the former spouse of the subscriber.	17091
(D) No health insuring corporation shall use age as the basis	17092
for refusing to renew a converted contract.	17093
(E) Written notice of the conversion option provided by this	17094
section shall be given to the subscriber by the health insuring	17095
corporation by mail. The notice shall be sent to the subscriber's	17096
address in the records of the employer upon receipt of notice from	17097
the employer of the event giving rise to the conversion option. If	17098
the subscriber has not received notice of the conversion privilege	17099
at least fifteen days prior to the expiration of the thirty-day	17100
conversion period, then the subscriber shall have an additional	17101
period within which to exercise the privilege. This additional	17102
period shall expire fifteen days after the subscriber receives	17103
notice, but in no event shall the period extend beyond sixty days	17104

after the expiration of the thirty-day conversion period. 17105

(F) This section does not apply to any group contract 17106  
offering only supplemental health care services or specialty 17107  
health care services. 17108

**Sec. 1751.60.** (A) Except as provided for in divisions (E) and 17109  
(F) of this section, every provider or health care facility that 17110  
contracts with a health insuring corporation to provide health 17111  
care services to the health insuring corporation's enrollees or 17112  
subscribers shall seek compensation for covered services solely 17113  
from the health insuring corporation and not, under any 17114  
circumstances, from the enrollees or subscribers, except for 17115  
approved copayments and deductibles. 17116

(B) No subscriber or enrollee of a health insuring 17117  
corporation is liable to any contracting provider or health care 17118  
facility for the cost of any covered health care services, if the 17119  
subscriber or enrollee has acted in accordance with the evidence 17120  
of coverage. 17121

(C) Except as provided for in divisions (E) and (F) of this 17122  
section, every contract between a health insuring corporation and 17123  
provider or health care facility shall contain a provision 17124  
approved by the superintendent of insurance requiring the provider 17125  
or health care facility to seek compensation solely from the 17126  
health insuring corporation and not, under any circumstances, from 17127  
the subscriber or enrollee, except for approved copayments and 17128  
deductibles. 17129

(D) Nothing in this section shall be construed as preventing 17130  
a provider or health care facility from billing the enrollee or 17131  
subscriber of a health insuring corporation for noncovered 17132  
services. 17133

(E) Upon application by a health insuring corporation and a 17134

provider or health care facility, the superintendent may waive the 17135  
requirements of divisions (A) and (C) of this section when, in 17136  
addition to the reserve requirements contained in section 1751.28 17137  
of the Revised Code, the health insuring corporation provides 17138  
sufficient assurances to the superintendent that the provider or 17139  
health care facility has been provided with financial guarantees. 17140  
No waiver of the requirements of divisions (A) and (C) of this 17141  
section is effective as to enrollees or subscribers for whom the 17142  
health insuring corporation is compensated under a provider 17143  
agreement or risk contract entered into pursuant to Chapter 5111. 17144  
or 5115. of the Revised Code. 17145

(F) The requirements of divisions (A) to (C) of this section 17146  
apply only to health care services provided to an enrollee or 17147  
subscriber prior to the effective date of a termination of a 17148  
contract between the health insuring corporation and the provider 17149  
or health care facility. 17150

**Sec. 2101.16.** (A) The fees enumerated in this division shall 17151  
be charged and collected, if possible, by the probate judge and 17152  
shall be in full for all services rendered in the respective 17153  
proceedings: 17154

- |  |         |       |
|--|---------|-------|
| (1) Account, in addition to advertising charges .....  | \$12.00 | 17155 |
| Waivers and proof of notice of hearing on account, per |         | 17156 |
| page, minimum one dollar .....                         | \$ 1.00 | 17157 |
| (2) Account of distribution, in addition to            |         | 17158 |
| advertising charges .....                              | \$ 7.00 | 17159 |
| (3) Adoption of child, petition for .....              | \$50.00 | 17160 |
| (4) Alter or cancel contract for sale or purchase of   |         | 17161 |
| real estate, petition to .....                         | \$20.00 | 17162 |
| (5) Application and order not otherwise provided       |         | 17163 |
| for in this section or by rule adopted pursuant to     |         | 17164 |
| division (E) of this section .....                     | \$ 5.00 | 17165 |

(6) Appropriation suit, per day, hearing in .....	\$20.00	17166
(7) Birth, application for registration of .....	\$ 7.00	17167
(8) Birth record, application to correct .....	\$ 5.00	17168
(9) Bond, application for new or additional .....	\$ 5.00	17169
(10) Bond, application for release of surety or reduction of .....	\$ 5.00	17170 17171
(11) Bond, receipt for securities deposited in lieu of ....	\$ 5.00	17172
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar .....	\$ 1.00	17173 17174
(13) Citation and issuing citation, application for .....	\$ 5.00	17175
(14) Change of name, petition for .....	\$20.00	17176
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own .....	\$10.00	17177 17178
(16) Claim, application to compromise or settle .....	\$10.00	17179
(17) Claim, authority to present .....	\$10.00	17180
(18) Commissioner, appointment of .....	\$ 5.00	17181
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for .....	\$ 5.00	17182 17183
(20) Competency, application to procure adjudication of ...	\$20.00	17184
(21) Complete contract, application to .....	\$10.00	17185
(22) Concealment of assets, citation for .....	\$10.00	17186
(23) Construction of will, petition for .....	\$20.00	17187
(24) Continue decedent's business, application to .....	\$10.00	17188
Monthly reports of operation .....	\$ 5.00	17189
(25) Declaratory judgment, petition for .....	\$20.00	17190
(26) Deposit of will .....	\$ 5.00	17191
(27) Designation of heir .....	\$20.00	17192
(28) Distribution in kind, application, assent, and order for .....	\$ 5.00	17193 17194
(29) Distribution under section 2109.36 of the Revised Code, application for an order of .....	\$ 7.00	17195 17196
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum		17197 17198

fee, fifteen dollars .....	\$15.00	17199
(31) Exceptions to any proceeding named in this section,		17200
contest of appointment or .....	\$10.00	17201
(32) Election of surviving partner to purchase assets of		17202
partnership, proceedings relating to .....	\$10.00	17203
(33) Election of surviving spouse under will .....	\$ 5.00	17204
(34) Fiduciary, including an assignee or trustee of an		17205
insolvent debtor or any guardian or conservator		17206
accountable to the probate court, appointment of .....	\$35.00	17207
(35) Foreign will, application to record .....	\$10.00	17208
Record of foreign will, additional, per page .....	\$ 1.00	17209
(36) Forms when supplied by the probate court, not to		17210
exceed .....	\$10.00	17211
(37) Heirship, petition to determine .....	\$20.00	17212
(38) Injunction proceedings .....	\$20.00	17213
(39) Improve real estate, petition to .....	\$20.00	17214
(40) Inventory with appraisalment .....	\$10.00	17215
(41) Inventory without appraisalment .....	\$ 7.00	17216
(42) Investment or expenditure of funds, application for ..	\$10.00	17217
(43) Invest in real estate, application to .....	\$10.00	17218
(44) Lease for oil, gas, coal, or other mineral, petition		17219
to .....	\$20.00	17220
(45) Lease or lease and improve real estate, petition to ..	\$20.00	17221
(46) Marriage license .....	\$10.00	17222
Certified abstract of each marriage .....	\$ 2.00	17223
(47) Minor or mentally ill person, etc., disposal of estate		17224
under ten thousand dollars of .....	\$10.00	17225
(48) Mortgage or mortgage and repair or improve real		17226
estate, petition to .....	\$20.00	17227
(49) Newly discovered assets, report of .....	\$ 7.00	17228
(50) Nonresident executor or administrator to bar		17229
creditors' claims, proceedings by .....	\$20.00	17230
(51) Power of attorney or revocation of power,		17231

bonding company .....	\$10.00	17232
(52) Presumption of death, petition to establish .....	\$20.00	17233
(53) Probating will .....	\$15.00	17234
Proof of notice to beneficiaries .....	\$ 5.00	17235
(54) Purchase personal property, application of surviving spouse to .....	\$10.00	17237
(55) Purchase real estate at appraised value, petition of surviving spouse to .....	\$20.00	17239
(56) Receipts in addition to advertising charges, application and order to record .....	\$ 5.00	17241
Record of those receipts, additional, per page .....	\$ 1.00	17242
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page .....	\$ 1.00	17244
(58) Release of estate by mortgagee or other lienholder ...	\$ 5.00	17245
(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code .....	\$60.00	17249
(60) Removal of fiduciary, application for .....	\$10.00	17250
(61) Requalification of executor or administrator .....	\$10.00	17251
(62) Resignation of fiduciary .....	\$ 5.00	17252
(63) Sale bill, public sale of personal property .....	\$10.00	17253
(64) Sale of personal property and report, application for .....	\$10.00	17255
(65) Sale of real estate, petition for .....	\$25.00	17256
(66) Terminate guardianship, petition to .....	\$10.00	17257
(67) Transfer of real estate, application, entry, and certificate for .....	\$ 7.00	17259
(68) Unclaimed money, application to invest .....	\$ 7.00	17260
(69) Vacate approval of account or order of distribution, motion to .....	\$10.00	17262
(70) Writ of execution .....	\$ 5.00	17263
(71) Writ of possession .....	\$ 5.00	17264

(72) Wrongful death, application and settlement of claim		17265
for .....	\$20.00	17266
(73) Year's allowance, petition to review .....	\$ 7.00	17267
(74) Guardian's report, filing and review of .....	\$ 5.00	17268
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.		17269 17270 17271 17272 17273 17274 17275 17276 17277 17278 17279 17280
(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.		17281 17282 17283 17284 17285 17286 17287 17288 17289
(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.		17290 17291 17292 17293 17294 17295
(D) The fees of witnesses, jurors, sheriffs, coroners, and		17296

constables for services rendered in the probate court or by order 17297  
of the probate judge shall be the same as provided for like 17298  
services in the court of common pleas. 17299

(E) The probate court, by rule, may require an advance 17300  
deposit for costs, not to exceed one hundred twenty-five dollars, 17301  
at the time application is made for an appointment as executor or 17302  
administrator or at the time a will is presented for probate. 17303

(F) The probate court, by rule, shall establish a reasonable 17304  
fee, not to exceed fifty dollars, for the filing of a petition for 17305  
the release of information regarding an adopted person's name by 17306  
birth and the identity of the adopted person's biological parents 17307  
and biological siblings pursuant to section 3107.41 of the Revised 17308  
Code, all proceedings relative to the petition, the entry of an 17309  
order relative to the petition, and all services required to be 17310  
performed in connection with the petition. The probate court may 17311  
use a reasonable portion of a fee charged under authority of this 17312  
division to reimburse any agency, as defined in section 3107.39 of 17313  
the Revised Code, for any services it renders in performing a task 17314  
described in section 3107.41 of the Revised Code relative to or in 17315  
connection with the petition for which the fee was charged. 17316

(G)(1) Thirty dollars of the fifty-dollar fee collected 17317  
pursuant to division (A)(3) of this section shall be deposited 17318  
into the "putative father registry fund," which is hereby created 17319  
in the state treasury. The department of job and family services 17320  
shall use the money in the fund to fund the department's costs of 17321  
performing its duties related to the putative father registry 17322  
established under section 3107.062 of the Revised Code. 17323

(2) If the department determines that money in the putative 17324  
father registry fund is more than is needed for its duties related 17325  
to the putative father registry, the department may use the 17326  
surplus moneys in the fund as permitted in division (C) of section 17327  
2151.3529, division (B) of section 2151.3530, or section 5103.155 17328

of the Revised Code. 17329

Sec. 2113.041. (A) The administrator of the estate recovery 17330  
program established pursuant to section 5111.11 of the Revised 17331  
Code may present an affidavit to a financial institution 17332  
requesting that the financial institution release account proceeds 17333  
to recover the cost of services correctly provided to a medicaid 17334  
recipient. The affidavit shall include all of the following 17335  
information: 17336

(1) The name of the decedent; 17337

(2) The name of any person who gave notice that the decedent 17338  
was a medicaid recipient and that person's relationship to the 17339  
decedent; 17340

(3) The name of the financial institution; 17341

(4) The account number; 17342

(5) A description of the claim for estate recovery; 17343

(6) The amount of funds to be recovered. 17344

(B) A financial institution may release account proceeds to 17345  
the administrator of the estate recovery program if all of the 17346  
following apply: 17347

(1) The decedent held an account at the financial institution 17348  
that was in the decedent's name only. 17349

(2) No estate has been, and it is reasonable to assume that 17350  
no estate will be, opened for the decedent. 17351

(3) The decedent has no outstanding debts known to the 17352  
administrator of the estate recovery program. 17353

(4) The financial institution has received no objections or 17354  
has determined that no valid objections to release of proceeds 17355  
have been received. 17356

(C) If proceeds have been released pursuant to division (B) of this section and the department of job and family services receives notice of a valid claim to the proceeds that has a higher priority under section 2117.25 of the Revised Code than the claim of the estate recovery program, the department may refund the proceeds to the financial institution or pay them to the person or government entity with the claim.

**Sec. 2117.06.** (A) All creditors having claims against an estate, including claims arising out of contract, out of tort, on cognovit notes, or on judgments, whether due or not due, secured or unsecured, liquidated or unliquidated, shall present their claims in one of the following manners:

(1) To the executor or administrator in a writing;

(2) To the executor or administrator in a writing, and to the probate court by filing a copy of the writing with it;

(3) In a writing that is sent by ordinary mail addressed to the decedent and that is actually received by the executor or administrator within the appropriate time specified in division (B) of this section. For purposes of this division, if an executor or administrator is not a natural person, the writing shall be considered as being actually received by the executor or administrator only if the person charged with the primary responsibility of administering the estate of the decedent actually receives the writing within the appropriate time specified in division (B) of this section.

(B) ~~All~~ Except as provided in section 2117.061 of the Revised Code, all claims shall be presented within one year after the death of the decedent, whether or not the estate is released from administration or an executor or administrator is appointed during that one-year period. Every claim presented shall set forth the claimant's address.

(C) A Except as provided in section 2117.061 of the Revised Code, a claim that is not presented within one year after the death of the decedent shall be forever barred as to all parties, including, but not limited to, devisees, legatees, and distributees. No payment shall be made on the claim and no action shall be maintained on the claim, except as otherwise provided in sections 2117.37 to 2117.42 of the Revised Code with reference to contingent claims.

(D) In the absence of any prior demand for allowance, the executor or administrator shall allow or reject all claims, except tax assessment claims, within thirty days after their presentation, provided that failure of the executor or administrator to allow or reject within that time shall not prevent the executor or administrator from doing so after that time and shall not prejudice the rights of any claimant. Upon the allowance of a claim, the executor or the administrator, on demand of the creditor, shall furnish the creditor with a written statement or memorandum of the fact and date of the allowance.

(E) If the executor or administrator has actual knowledge of a pending action commenced against the decedent prior to the decedent's death in a court of record in this state, the executor or administrator shall file a notice of the appointment of the executor or administrator in the pending action within ten days after acquiring that knowledge. If the administrator or executor is not a natural person, actual knowledge of a pending suit against the decedent shall be limited to the actual knowledge of the person charged with the primary responsibility of administering the estate of the decedent. Failure to file the notice within the ten-day period does not extend the claim period established by this section.

(F) This section applies to any person who is required to give written notice to the executor or administrator of a motion

or application to revive an action pending against the decedent at 17420  
the date of the death of the decedent. 17421

(G) Nothing in this section or in section 2117.07 of the 17422  
Revised Code shall be construed to reduce the time mentioned in 17423  
section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 17424  
of the Revised Code, provided that no portion of any recovery on a 17425  
claim brought pursuant to any of those sections shall come from 17426  
the assets of an estate unless the claim has been presented 17427  
against the estate in accordance with Chapter 2117. of the Revised 17428  
Code. 17429

(H) Any person whose claim has been presented and has not 17430  
been rejected after presentment is a creditor as that term is used 17431  
in Chapters 2113. to 2125. of the Revised Code. Claims that are 17432  
contingent need not be presented except as provided in sections 17433  
2117.37 to 2117.42 of the Revised Code, but, whether presented 17434  
pursuant to those sections or this section, contingent claims may 17435  
be presented in any of the manners described in division (A) of 17436  
this section. 17437

(I) If a creditor presents a claim against an estate in 17438  
accordance with division (A)(2) of this section, the probate court 17439  
shall not close the administration of the estate until that claim 17440  
is allowed or rejected. 17441

(J) The probate court shall not require an executor or 17442  
administrator to make and return into the court a schedule of 17443  
claims against the estate. 17444

(K) If the executor or administrator makes a distribution of 17445  
the assets of the estate prior to the expiration of the time for 17446  
the filing of claims as set forth in this section, the executor or 17447  
administrator shall provide notice on the account delivered to 17448  
each distributee that the distributee may be liable to the estate 17449  
up to the value of the distribution and may be required to return 17450

all or any part of the value of the distribution if a valid claim 17451  
is subsequently made against the estate within the time permitted 17452  
under this section. 17453

Sec. 2117.061. (A) As used in this section, "person 17454  
responsible for the estate" means the executor, administrator, 17455  
commissioner, or person who filed pursuant to section 2113.03 of 17456  
the Revised Code for release from administration of an estate. 17457

(B) If the decedent was fifty-five years of age or older at 17458  
the time of death, the person responsible for an estate shall 17459  
determine whether the decedent was a recipient of medical 17460  
assistance under Chapter 5111. of the Revised Code. If the 17461  
decedent was a recipient, the person responsible for the estate 17462  
shall give written notice to that effect to the administrator of 17463  
the estate recovery program instituted under section 5111.11 of 17464  
the Revised Code not later than thirty days after the occurrence 17465  
of any of the following: 17466

(1) The granting of letters testamentary; 17467

(2) The administration of the estate; 17468

(3) The filing of an application for release from 17469  
administration or summary release from administration. 17470

(C) The person responsible for an estate shall mark the 17471  
appropriate box on the appropriate probate form to indicate 17472  
compliance with the requirements of division (B) of this section. 17473

(D) The estate recovery program administrator shall present a 17474  
claim for estate recovery to the person responsible for the estate 17475  
or the person's legal representative not later than ninety days 17476  
after the date on which notice is received under division (B) of 17477  
this section or one year after the decedent's death, whichever is 17478  
later. 17479

Sec. 2117.25. (A) Every executor or administrator shall	17480
proceed with diligence to pay the debts of the decedent and shall	17481
apply the assets in the following order:	17482
(1) Costs and expenses of administration;	17483
(2) An amount, not exceeding two thousand dollars, for	17484
funeral expenses that are included in the bill of a funeral	17485
director, funeral expenses other than those in the bill of a	17486
funeral director that are approved by the probate court, and an	17487
amount, not exceeding two thousand dollars, for burial and	17488
cemetery expenses, including that portion of the funeral	17489
director's bill allocated to cemetery expenses that have been paid	17490
to the cemetery by the funeral director.	17491
For purposes of this division, burial and cemetery expenses	17492
shall be limited to the following:	17493
(a) The purchase of a place of interment;	17494
(b) Monuments or other markers;	17495
(c) The outer burial container;	17496
(d) The cost of opening and closing the place of interment;	17497
(e) The urn.	17498
(3) The allowance for support made to the surviving spouse,	17499
minor children, or both under section 2106.13 of the Revised Code;	17500
(4) Debts entitled to a preference under the laws of the	17501
United States;	17502
(5) Expenses of the last sickness of the decedent;	17503
(6) If the total bill of a funeral director for funeral	17504
expenses exceeds two thousand dollars, then, in addition to the	17505
amount described in division (A)(2) of this section, an amount,	17506
not exceeding one thousand dollars, for funeral expenses that are	17507
included in the bill and that exceed two thousand dollars;	17508

(7) Personal property taxes, <u>claims made under the estate recovery program instituted pursuant to section 5111.11 of the Revised Code,</u> and obligations for which the decedent was personally liable to the state or any of its subdivisions;	17509 17510 17511 17512
(8) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three hundred dollars to any one person;	17513 17514 17515
(9) Other debts for which claims have been presented and finally allowed.	17516 17517
(B) The part of the bill of a funeral director that exceeds the total of three thousand dollars as described in divisions (A)(2) and (6) of this section, and the part of a claim included in division (A)(8) of this section that exceeds three hundred dollars shall be included as a debt under division (A)(9) of this section, depending upon the time when the claim for the additional amount is presented.	17518 17519 17520 17521 17522 17523 17524
(C) Any natural person or fiduciary who pays a claim of any creditor described in division (A) of this section shall be subrogated to the rights of that creditor proportionate to the amount of the payment and shall be entitled to reimbursement for that amount in accordance with the priority of payments set forth in that division.	17525 17526 17527 17528 17529 17530
(D)(1) Chapters 2113. to 2125. of the Revised Code, relating to the manner in which and the time within which claims shall be presented, shall apply to claims set forth in divisions (A)(2), (6), and (8) of this section. Claims for an expense of administration or for the allowance for support need not be presented. The executor or administrator shall pay debts included in divisions (A)(4) and (7) of this section, of which the executor or administrator has knowledge, regardless of presentation.	17531 17532 17533 17534 17535 17536 17537 17538
(2) The giving of written notice to an executor or	17539

administrator of a motion or application to revive an action 17540  
pending against the decedent at the date of death shall be 17541  
equivalent to the presentation of a claim to the executor or 17542  
administrator for the purpose of determining the order of payment 17543  
of any judgment rendered or decree entered in such an action. 17544

(E) No payments shall be made to creditors of one class until 17545  
all those of the preceding class are fully paid or provided for. 17546  
If the assets are insufficient to pay all the claims of one class, 17547  
the creditors of that class shall be paid ratably. 17548

(F) If it appears at any time that the assets have been 17549  
exhausted in paying prior or preferred charges, allowances, or 17550  
claims, those payments shall be a bar to an action on any claim 17551  
not entitled to that priority or preference. 17552

**Sec. 2133.01.** Unless the context otherwise requires, as used 17553  
in sections 2133.01 to 2133.15 of the Revised Code: 17554

(A) "Adult" means an individual who is eighteen years of age 17555  
or older. 17556

(B) "Attending physician" means the physician to whom a 17557  
declarant or other patient, or the family of a declarant or other 17558  
patient, has assigned primary responsibility for the treatment or 17559  
care of the declarant or other patient, or, if the responsibility 17560  
has not been assigned, the physician who has accepted that 17561  
responsibility. 17562

(C) "Comfort care" means any of the following: 17563

(1) Nutrition when administered to diminish the pain or 17564  
discomfort of a declarant or other patient, but not to postpone 17565  
the declarant's or other patient's death; 17566

(2) Hydration when administered to diminish the pain or 17567  
discomfort of a declarant or other patient, but not to postpone 17568  
the declarant's or other patient's death; 17569

(3) Any other medical or nursing procedure, treatment, 17570  
intervention, or other measure that is taken to diminish the pain 17571  
or discomfort of a declarant or other patient, but not to postpone 17572  
the declarant's or other patient's death. 17573

(D) "Consulting physician" means a physician who, in 17574  
conjunction with the attending physician of a declarant or other 17575  
patient, makes one or more determinations that are required to be 17576  
made by the attending physician, or to be made by the attending 17577  
physician and one other physician, by an applicable provision of 17578  
this chapter, to a reasonable degree of medical certainty and in 17579  
accordance with reasonable medical standards. 17580

(E) "Declarant" means any adult who has executed a 17581  
declaration in accordance with section 2133.02 of the Revised 17582  
Code. 17583

(F) "Declaration" means a written document executed in 17584  
accordance with section 2133.02 of the Revised Code. 17585

(G) "Durable power of attorney for health care" means a 17586  
document created pursuant to sections 1337.11 to 1337.17 of the 17587  
Revised Code. 17588

(H) "Guardian" means a person appointed by a probate court 17589  
pursuant to Chapter 2111. of the Revised Code to have the care and 17590  
management of the person of an incompetent. 17591

(I) "Health care facility" means any of the following: 17592

(1) A hospital; 17593

(2) A hospice care program or other institution that 17594  
specializes in comfort care of patients in a terminal condition or 17595  
in a permanently unconscious state; 17596

(3) A nursing home or residential care facility, as defined 17597  
in section 3721.01 of the Revised Code; 17598

(4) A home health agency and any residential facility where a 17599

person is receiving care under the direction of a home health agency;	17600 17601
(5) An intermediate care facility for the mentally retarded.	17602
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	17603 17604 17605 17606 17607 17608
(K) "Home health agency" has the same meaning as in section <del>3701.88</del> <u>3701.881</u> of the Revised Code.	17609 17610
(L) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	17611 17612
(M) "Hospital" has the same meanings as in sections 2108.01, 3701.01, and 5122.01 of the Revised Code.	17613 17614
(N) "Hydration" means fluids that are artificially or technologically administered.	17615 17616
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	17617 17618
(P) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	17619 17620
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.	17621 17622 17623 17624
(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code.	17625 17626 17627 17628
(S) "Nursing home" has the same meaning as in section 3721.01	17629

of the Revised Code. 17630

(T) "Nutrition" means sustenance that is artificially or 17631  
technologically administered. 17632

(U) "Permanently unconscious state" means a state of 17633  
permanent unconsciousness in a declarant or other patient that, to 17634  
a reasonable degree of medical certainty as determined in 17635  
accordance with reasonable medical standards by the declarant's or 17636  
other patient's attending physician and one other physician who 17637  
has examined the declarant or other patient, is characterized by 17638  
both of the following: 17639

(1) Irreversible unawareness of one's being and environment. 17640

(2) Total loss of cerebral cortical functioning, resulting in 17641  
the declarant or other patient having no capacity to experience 17642  
pain or suffering. 17643

(V) "Person" has the same meaning as in section 1.59 of the 17644  
Revised Code and additionally includes political subdivisions and 17645  
governmental agencies, boards, commissions, departments, 17646  
institutions, offices, and other instrumentalities. 17647

(W) "Physician" means a person who is authorized under 17648  
Chapter 4731. of the Revised Code to practice medicine and surgery 17649  
or osteopathic medicine and surgery. 17650

(X) "Political subdivision" and "state" have the same 17651  
meanings as in section 2744.01 of the Revised Code. 17652

(Y) "Professional disciplinary action" means action taken by 17653  
the board or other entity that regulates the professional conduct 17654  
of health care personnel, including the state medical board and 17655  
the board of nursing. 17656

(Z) "Qualified patient" means an adult who has executed a 17657  
declaration and has been determined to be in a terminal condition 17658  
or in a permanently unconscious state. 17659

(AA) "Terminal condition" means an irreversible, incurable, 17660  
and untreatable condition caused by disease, illness, or injury 17661  
from which, to a reasonable degree of medical certainty as 17662  
determined in accordance with reasonable medical standards by a 17663  
declarant's or other patient's attending physician and one other 17664  
physician who has examined the declarant or other patient, both of 17665  
the following apply: 17666

(1) There can be no recovery. 17667

(2) Death is likely to occur within a relatively short time 17668  
if life-sustaining treatment is not administered. 17669

(BB) "Tort action" means a civil action for damages for 17670  
injury, death, or loss to person or property, other than a civil 17671  
action for damages for breach of a contract or another agreement 17672  
between persons. 17673

**Sec. 2151.352.** A Except as otherwise provided in this 17674  
section, a child, or the child's parents, or custodian, or any 17675  
other person in loco parentis of ~~such~~ the child is entitled to 17676  
representation by legal counsel at all stages of the proceedings 17677  
under this chapter or Chapter 2152. of the Revised Code ~~and if,~~ 17678  
If, as an indigent person, ~~any such person~~ a party is unable to 17679  
employ counsel, the party is entitled to have counsel provided for 17680  
the person pursuant to Chapter 120. of the Revised Code. If a 17681  
party appears without counsel, the court shall ascertain whether 17682  
the party knows of the party's right to counsel and of the party's 17683  
right to be provided with counsel if the party is an indigent 17684  
person. The court may continue the case to enable a party to 17685  
obtain counsel or to be represented by the county public defender 17686  
or the joint county public defender and shall provide counsel upon 17687  
request pursuant to Chapter 120. of the Revised Code. Counsel must 17688  
be provided for a child not represented by the child's parent, 17689  
guardian, or custodian. If the interests of two or more ~~such~~ 17690

parties conflict, separate counsel shall be provided for each of 17691  
them. 17692

This section does not confer the right to court-appointed 17693  
counsel in civil actions arising under division (A)(2), (D), or 17694  
(F) of section 2151.23 or division (C) of section 3111.13 of the 17695  
Revised Code. 17696

Section 2935.14 of the Revised Code applies to any child 17697  
taken into custody. The parents, custodian, or guardian of ~~such a~~ 17698  
child taken into custody, and any attorney at law representing 17699  
them or the child, shall be entitled to visit ~~such~~ the child at 17700  
any reasonable time, be present at any hearing involving the 17701  
child, and be given reasonable notice of ~~such~~ the hearing. 17702

Any report or part ~~thereof~~ of a report concerning ~~such the~~ 17703  
child, which is used in the hearing and is pertinent ~~thereto~~ to 17704  
the hearing, shall for good cause shown be made available to any 17705  
attorney at law representing ~~such the~~ child and to any attorney at 17706  
law representing the parents, custodian, or guardian of ~~such the~~ 17707  
child, upon written request prior to any hearing involving ~~such~~ 17708  
the child. 17709

**Sec. 2151.3529.** (A) The director of job and family services 17710  
shall promulgate forms designed to gather pertinent medical 17711  
information concerning a deserted child and the child's parents. 17712  
The forms shall clearly and unambiguously state on each page that 17713  
the information requested is to facilitate medical care for the 17714  
child, that the forms may be fully or partially completed or left 17715  
blank, that completing the forms or parts of the forms is 17716  
completely voluntary, and that no adverse legal consequence will 17717  
result from failure to complete any part of the forms. 17718

(B) The director shall promulgate written materials to be 17719  
given to the parents of a child delivered pursuant to section 17720

2151.3516 of the Revised Code. The materials shall describe 17721  
services available to assist parents and newborns and shall 17722  
include information directly relevant to situations that might 17723  
cause parents to desert a child and information on the procedures 17724  
for a person to follow in order to reunite with a child the person 17725  
delivered under section 2151.3516 of the Revised Code, including 17726  
notice that the person will be required to submit to a DNA test, 17727  
at that person's expense, to prove that the person is the parent 17728  
of the child. 17729

(C) If the department of job and family services determines 17730  
that money in the putative father registry fund created under 17731  
section 2101.16 of the Revised Code is more than is needed for its 17732  
duties related to the putative father registry, the department may 17733  
use surplus moneys in the fund for costs related to the 17734  
development and publication of forms and materials promulgated 17735  
pursuant to divisions (A) and (B) of this section. 17736

**Sec. 2151.3530.** (A) The director of job and family services 17737  
shall distribute the medical information forms and written 17738  
materials promulgated under section 2151.3529 of the Revised Code 17739  
to entities permitted to receive a deserted child, to public 17740  
children services agencies, and to other public or private 17741  
agencies that, in the discretion of the director, are best able to 17742  
disseminate the forms and materials to the persons who are most in 17743  
need of the forms and materials. 17744

(B) If the department of job and family services determines 17745  
that money in the putative father registry fund created under 17746  
section 2101.16 of the Revised Code is more than is needed to 17747  
perform its duties related to the putative father registry, the 17748  
department may use surplus moneys in the fund for costs related to 17749  
the distribution of forms and materials pursuant to this section. 17750

Sec. 2151.83. (A) A public children services agency or 17751  
private child placing agency, on the request of a young adult, 17752  
shall enter into a jointly prepared written agreement with the 17753  
young adult that obligates the agency to ensure that independent 17754  
living services are provided to the young adult and sets forth the 17755  
responsibilities of the young adult regarding the services. The 17756  
agreement shall be developed based on the young adult's strengths, 17757  
needs, and circumstances ~~and the availability of funds provided~~ 17758  
~~pursuant to section 2151.84 of the Revised Code.~~ The agreement 17759  
shall be designed to promote the young adult's successful 17760  
transition to independent adult living and emotional and economic 17761  
self-sufficiency. 17762

(B) If the young adult appears to be eligible for services 17763  
from one or more of the following entities, the agency must 17764  
contact the appropriate entity to determine eligibility: 17765

(1) An entity, other than the agency, that is represented on 17766  
a county family and children first council established pursuant to 17767  
section 121.37 of the Revised Code. If the entity is a board of 17768  
alcohol, drug addiction, and mental health services, an alcohol 17769  
and drug addiction services board, or a community mental health 17770  
board, the agency shall contact the provider of alcohol, drug 17771  
addiction, or mental health services that has been designated by 17772  
the board to determine the young adult's eligibility for services. 17773

(2) The rehabilitation services commission; 17774

(3) A metropolitan housing authority established pursuant to 17775  
section 3735.27 of the Revised Code. 17776

If an entity described in this division determines that the 17777  
young adult qualifies for services from the entity, that entity, 17778  
the young adult, and the agency to which the young adult made the 17779  
request for independent living services shall enter into a written 17780  
addendum to the jointly prepared agreement entered into under 17781

division (A) of this section. The addendum shall indicate how 17782  
services under the agreement and addendum are to be coordinated 17783  
and allocate the service responsibilities among the entities and 17784  
agency that signed the addendum. 17785

**Sec. 2151.84.** The department of job and family services shall 17786  
establish model agreements that may be used by public children 17787  
services agencies and private child placing agencies required to 17788  
provide services under an agreement with a young adult pursuant to 17789  
section 2151.83 of the Revised Code. The model agreements shall 17790  
include provisions describing the specific independent living 17791  
services to be provided ~~to the extent funds are provided pursuant~~ 17792  
~~to this section~~, the duration of the services and the agreement, 17793  
the duties and responsibilities of each party under the agreement, 17794  
and grievance procedures regarding disputes that arise regarding 17795  
the agreement or services provided under it. 17796

~~To facilitate the provision of independent living services,~~ 17797  
~~the department shall provide funds to meet the requirement of~~ 17798  
~~state matching funds needed to qualify for federal funds under the~~ 17799  
~~"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42~~ 17800  
~~U.S.C. 677, as amended. The department shall seek controlling~~ 17801  
~~board approval of any fund transfers necessary to meet this~~ 17802  
~~requirement.~~ 17803

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 17804  
child, the court may make any of the following orders of 17805  
disposition, in addition to any other disposition authorized or 17806  
required by this chapter: 17807

(1) Any order that is authorized by section 2151.353 of the 17808  
Revised Code for the care and protection of an abused, neglected, 17809  
or dependent child; 17810

(2) Commit the child to the temporary custody of any school, 17811

camp, institution, or other facility operated for the care of 17812  
delinquent children by the county, by a district organized under 17813  
section 2152.41 or 2151.65 of the Revised Code, or by a private 17814  
agency or organization, within or without the state, that is 17815  
authorized and qualified to provide the care, treatment, or 17816  
placement required, including, but not limited to, a school, camp, 17817  
or facility operated under section 2151.65 of the Revised Code; 17818

(3) Place the child in a detention facility or district 17819  
detention facility operated under section 2152.41 of the Revised 17820  
Code, for up to ninety days; 17821

(4) Place the child on community control under any sanctions, 17822  
services, and conditions that the court prescribes. As a condition 17823  
of community control in every case and in addition to any other 17824  
condition that it imposes upon the child, the court shall require 17825  
the child to abide by the law during the period of community 17826  
control. As referred to in this division, community control 17827  
includes, but is not limited to, the following sanctions and 17828  
conditions: 17829

(a) A period of basic probation supervision in which the 17830  
child is required to maintain contact with a person appointed to 17831  
supervise the child in accordance with sanctions imposed by the 17832  
court; 17833

(b) A period of intensive probation supervision in which the 17834  
child is required to maintain frequent contact with a person 17835  
appointed by the court to supervise the child while the child is 17836  
seeking or maintaining employment and participating in training, 17837  
education, and treatment programs as the order of disposition; 17838

(c) A period of day reporting in which the child is required 17839  
each day to report to and leave a center or another approved 17840  
reporting location at specified times in order to participate in 17841  
work, education or training, treatment, and other approved 17842

programs at the center or outside the center;	17843
(d) A period of community service of up to five hundred hours	17844
for an act that would be a felony or a misdemeanor of the first	17845
degree if committed by an adult, up to two hundred hours for an	17846
act that would be a misdemeanor of the second, third, or fourth	17847
degree if committed by an adult, or up to thirty hours for an act	17848
that would be a minor misdemeanor if committed by an adult;	17849
(e) A requirement that the child obtain a high school	17850
diploma, a certificate of high school equivalence, vocational	17851
training, or employment;	17852
(f) A period of drug and alcohol use monitoring;	17853
(g) A requirement of alcohol or drug assessment or	17854
counseling, or a period in an alcohol or drug treatment program	17855
with a level of security for the child as determined necessary by	17856
the court;	17857
(h) A period in which the court orders the child to observe a	17858
curfew that may involve daytime or evening hours;	17859
(i) A requirement that the child serve monitored time;	17860
(j) A period of house arrest with or without electronic	17861
monitoring;	17862
(k) A period of electronic monitoring without house arrest or	17863
electronically monitored house arrest that does not exceed the	17864
maximum sentence of imprisonment that could be imposed upon an	17865
adult who commits the same act.	17866
A period of electronically monitored house arrest imposed	17867
under this division shall not extend beyond the child's	17868
twenty-first birthday. If a court imposes a period of	17869
electronically monitored house arrest upon a child under this	17870
division, it shall require the child: to wear, otherwise have	17871
attached to the child's person, or otherwise be subject to	17872

monitoring by a certified electronic monitoring device or to 17873  
participate in the operation of and monitoring by a certified 17874  
electronic monitoring system; to remain in the child's home or 17875  
other specified premises for the entire period of electronically 17876  
monitored house arrest except when the court permits the child to 17877  
leave those premises to go to school or to other specified 17878  
premises; to be monitored by a central system that can determine 17879  
the child's location at designated times; to report periodically 17880  
to a person designated by the court; and to enter into a written 17881  
contract with the court agreeing to comply with all requirements 17882  
imposed by the court, agreeing to pay any fee imposed by the court 17883  
for the costs of the electronically monitored house arrest, and 17884  
agreeing to waive the right to receive credit for any time served 17885  
on electronically monitored house arrest toward the period of any 17886  
other dispositional order imposed upon the child if the child 17887  
violates any of the requirements of the dispositional order of 17888  
electronically monitored house arrest. The court also may impose 17889  
other reasonable requirements upon the child. 17890

Unless ordered by the court, a child shall not receive credit 17891  
for any time served on electronically monitored house arrest 17892  
toward any other dispositional order imposed upon the child for 17893  
the act for which was imposed the dispositional order of 17894  
electronically monitored house arrest. 17895

(1) A suspension of the driver's license, probationary 17896  
driver's license, or temporary instruction permit issued to the 17897  
child or a suspension of the registration of all motor vehicles 17898  
registered in the name of the child. A child whose license or 17899  
permit is so suspended is ineligible for issuance of a license or 17900  
permit during the period of suspension. At the end of the period 17901  
of suspension, the child shall not be reissued a license or permit 17902  
until the child has paid any applicable reinstatement fee and 17903  
complied with all requirements governing license reinstatement. 17904

(5) Commit the child to the custody of the court;	17905
(6) Require the child to not be absent without legitimate excuse from the public school the child is supposed to attend for five or more consecutive days, seven or more school days in one school month, or twelve or more school days in a school year;	17906 17907 17908 17909
(7)(a) If a child is adjudicated a delinquent child for being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being a habitual truant, do either or both of the following:	17910 17911 17912 17913
(i) Require the child to participate in a truancy prevention mediation program;	17914 17915
(ii) Make any order of disposition as authorized by this section, except that the court shall not commit the child to a facility described in division (A)(2) or (3) of this section unless the court determines that the child violated a lawful court order made pursuant to division (C)(1)(e) of section 2151.354 of the Revised Code or division (A)(6) of this section.	17916 17917 17918 17919 17920 17921
(b) If a child is adjudicated a delinquent child for being a chronic truant or a habitual truant who previously has been adjudicated an unruly child for being a habitual truant and the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, do either or both of the following:	17922 17923 17924 17925 17926 17927 17928
(i) Require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program;	17929 17930 17931
(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care	17932 17933 17934 17935

of the child in the school attended by the child. 17936

(8) Make any further disposition that the court finds proper, 17937  
except that the child shall not be placed in any of the following: 17938

(a) A state correctional institution, a county, multicounty, 17939  
or municipal jail or workhouse, or another place in which an adult 17940  
convicted of a crime, under arrest, or charged with a crime is 17941  
held; 17942

(b) A community corrections facility, if the child would be 17943  
covered by the definition of public safety beds for purposes of 17944  
sections 5139.41 to ~~5139.45~~ 5139.43 of the Revised Code if the 17945  
court exercised its authority to commit the child to the legal 17946  
custody of the department of youth services for 17947  
institutionalization or institutionalization in a secure facility 17948  
pursuant to this chapter. 17949

(B) If a child is adjudicated a delinquent child, in addition 17950  
to any order of disposition made under division (A) of this 17951  
section, the court, in the following situations, shall suspend the 17952  
child's temporary instruction permit, restricted license, 17953  
probationary driver's license, or nonresident operating privilege, 17954  
or suspend the child's ability to obtain such a permit: 17955

(1) The child is adjudicated a delinquent child for violating 17956  
section 2923.122 of the Revised Code, with the suspension and 17957  
denial being in accordance with division (E)(1)(a), (c), (d), or 17958  
(e) of section 2923.122 of the Revised Code. 17959

(2) The child is adjudicated a delinquent child for 17960  
committing an act that if committed by an adult would be a drug 17961  
abuse offense or for violating division (B) of section 2917.11 of 17962  
the Revised Code, with the suspension continuing until the child 17963  
attends and satisfactorily completes a drug abuse or alcohol abuse 17964  
education, intervention, or treatment program specified by the 17965  
court. During the time the child is attending the program, the 17966

court shall retain any temporary instruction permit, probationary 17967  
driver's license, or driver's license issued to the child, and the 17968  
court shall return the permit or license when the child 17969  
satisfactorily completes the program. 17970

(C) The court may establish a victim-offender mediation 17971  
program in which victims and their offenders meet to discuss the 17972  
offense and suggest possible restitution. If the court obtains the 17973  
assent of the victim of the delinquent act committed by the child, 17974  
the court may require the child to participate in the program. 17975

(D)(1) If a child is adjudicated a delinquent child for 17976  
committing an act that would be a felony if committed by an adult 17977  
and if the child caused, attempted to cause, threatened to cause, 17978  
or created a risk of physical harm to the victim of the act, the 17979  
court, prior to issuing an order of disposition under this 17980  
section, shall order the preparation of a victim impact statement 17981  
by the probation department of the county in which the victim of 17982  
the act resides, by the court's own probation department, or by a 17983  
victim assistance program that is operated by the state, a county, 17984  
a municipal corporation, or another governmental entity. The court 17985  
shall consider the victim impact statement in determining the 17986  
order of disposition to issue for the child. 17987

(2) Each victim impact statement shall identify the victim of 17988  
the act for which the child was adjudicated a delinquent child, 17989  
itemize any economic loss suffered by the victim as a result of 17990  
the act, identify any physical injury suffered by the victim as a 17991  
result of the act and the seriousness and permanence of the 17992  
injury, identify any change in the victim's personal welfare or 17993  
familial relationships as a result of the act and any 17994  
psychological impact experienced by the victim or the victim's 17995  
family as a result of the act, and contain any other information 17996  
related to the impact of the act upon the victim that the court 17997  
requires. 17998

(3) A victim impact statement shall be kept confidential and 17999  
is not a public record. However, the court may furnish copies of 18000  
the statement to the department of youth services if the 18001  
delinquent child is committed to the department or to both the 18002  
adjudicated delinquent child or the adjudicated delinquent child's 18003  
counsel and the prosecuting attorney. The copy of a victim impact 18004  
statement furnished by the court to the department pursuant to 18005  
this section shall be kept confidential and is not a public 18006  
record. If an officer is preparing pursuant to section 2947.06 or 18007  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 18008  
investigation report pertaining to a person, the court shall make 18009  
available to the officer, for use in preparing the report, a copy 18010  
of any victim impact statement regarding that person. The copies 18011  
of a victim impact statement that are made available to the 18012  
adjudicated delinquent child or the adjudicated delinquent child's 18013  
counsel and the prosecuting attorney pursuant to this division 18014  
shall be returned to the court by the person to whom they were 18015  
made available immediately following the imposition of an order of 18016  
disposition for the child under this chapter. 18017

The copy of a victim impact statement that is made available 18018  
pursuant to this division to an officer preparing a criminal 18019  
presentence investigation report shall be returned to the court by 18020  
the officer immediately following its use in preparing the report. 18021

(4) The department of youth services shall work with local 18022  
probation departments and victim assistance programs to develop a 18023  
standard victim impact statement. 18024

(E) If a child is adjudicated a delinquent child for being a 18025  
chronic truant or an habitual truant who previously has been 18026  
adjudicated an unruly child for being an habitual truant and the 18027  
court determines that the parent, guardian, or other person having 18028  
care of the child has failed to cause the child's attendance at 18029  
school in violation of section 3321.38 of the Revised Code, in 18030

addition to any order of disposition it makes under this section, 18031  
the court shall warn the parent, guardian, or other person having 18032  
care of the child that any subsequent adjudication of the child as 18033  
an unruly or delinquent child for being an habitual or chronic 18034  
truant may result in a criminal charge against the parent, 18035  
guardian, or other person having care of the child for a violation 18036  
of division (C) of section 2919.21 or section 2919.24 of the 18037  
Revised Code. 18038

(F)(1) During the period of a delinquent child's community 18039  
control granted under this section, authorized probation officers 18040  
who are engaged within the scope of their supervisory duties or 18041  
responsibilities may search, with or without a warrant, the person 18042  
of the delinquent child, the place of residence of the delinquent 18043  
child, and a motor vehicle, another item of tangible or intangible 18044  
personal property, or other real property in which the delinquent 18045  
child has a right, title, or interest or for which the delinquent 18046  
child has the express or implied permission of a person with a 18047  
right, title, or interest to use, occupy, or possess if the 18048  
probation officers have reasonable grounds to believe that the 18049  
delinquent child is not abiding by the law or otherwise is not 18050  
complying with the conditions of the delinquent child's community 18051  
control. The court that places a delinquent child on community 18052  
control under this section shall provide the delinquent child with 18053  
a written notice that informs the delinquent child that authorized 18054  
probation officers who are engaged within the scope of their 18055  
supervisory duties or responsibilities may conduct those types of 18056  
searches during the period of community control if they have 18057  
reasonable grounds to believe that the delinquent child is not 18058  
abiding by the law or otherwise is not complying with the 18059  
conditions of the delinquent child's community control. The court 18060  
also shall provide the written notice described in division (E)(2) 18061  
of this section to each parent, guardian, or custodian of the 18062  
delinquent child who is described in that division. 18063

(2) The court that places a child on community control under this section shall provide the child's parent, guardian, or other custodian with a written notice that informs them that authorized probation officers may conduct searches pursuant to division (E)(1) of this section. The notice shall specifically state that a permissible search might extend to a motor vehicle, another item of tangible or intangible personal property, or a place of residence or other real property in which a notified parent, guardian, or custodian has a right, title, or interest and that the parent, guardian, or custodian expressly or impliedly permits the child to use, occupy, or possess.

(G) If a juvenile court commits a delinquent child to the custody of any person, organization, or entity pursuant to this section and if the delinquent act for which the child is so committed is a sexually oriented offense, the court in the order of disposition shall do one of the following:

(1) Require that the child be provided treatment as described in division (A)(2) of section 5139.13 of the Revised Code;

(2) Inform the person, organization, or entity that it is the preferred course of action in this state that the child be provided treatment as described in division (A)(2) of section 5139.13 of the Revised Code and encourage the person, organization, or entity to provide that treatment.

**Sec. 2301.02.** The number of judges of the court of common pleas for each county, the time for the next election of the judges in the several counties, and the beginning of their terms shall be as follows:

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, elected in 1956, term to begin February 9, 1957;

In Brown, Crawford, Defiance, Highland, Holmes, Morgan,

Ottawa, and Union counties, one judge, to be elected in 1954, term to begin February 9, 1955;	18094 18095
In Auglaize county, one judge, to be elected in 1956, term to begin January 9, 1957;	18096 18097
In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, Jackson, Knox, Logan, Madison, Mercer, Monroe, Morrow, Paulding, Vinton, and Wyandot counties, one judge, to be elected in 1956, term to begin January 1, 1957;	18098 18099 18100 18101
In Carroll, Champaign, Clinton, Hocking, Meigs, Pickaway, Preble, Shelby, Van Wert, and Williams counties, one judge, to be elected in 1952, term to begin January 1, 1953;	18102 18103 18104
In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;	18105 18106
In Henry and Putnam counties, one judge, to be elected in 1956, term to begin May 9, 1957;	18107 18108
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	18109 18110
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	18111 18112
In Sandusky county, two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;	18113 18114 18115
(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;	18116 18117 18118 18119
In Ashtabula county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961, and one to be elected in 1978, term to begin January 2, 1979;	18120 18121 18122 18123

In Athens county, two judges, one to be elected in 1954, term 18124  
to begin February 9, 1955, and one to be elected in 1990, term to 18125  
begin July 1, 1991; 18126

In Erie county, two judges, one to be elected in 1956, term 18127  
to begin January 1, 1957, and the second to be elected in 1970, 18128  
term to begin January 2, 1971; 18129

In Fairfield county, three judges, one to be elected in 1954, 18130  
term to begin February 9, 1955, the second to be elected in 1970, 18131  
term to begin January 1, 1971, and the third to be elected in 18132  
1994, term to begin January 2, 1995; 18133

In Geauga county, two judges, one to be elected in 1956, term 18134  
to begin January 1, 1957, and the second to be elected in 1976, 18135  
term to begin January 6, 1977; 18136

In Greene county, four judges, one to be elected in 1956, 18137  
term to begin February 9, 1957, the second to be elected in 1960, 18138  
term to begin January 1, 1961, the third to be elected in 1978, 18139  
term to begin January 2, 1979, and the fourth to be elected in 18140  
1994, term to begin January 1, 1995; 18141

In Hancock county, two judges, one to be elected in 1952, 18142  
term to begin January 1, 1953, and the second to be elected in 18143  
1978, term to begin January 1, 1979; 18144

In Lawrence county, two judges, one to be elected in 1954, 18145  
term to begin February 9, 1955, and the second to be elected in 18146  
1976, term to begin January 1, 1977; 18147

In Marion county, three judges, one to be elected in 1952, 18148  
term to begin January 1, 1953, the second to be elected in 1976, 18149  
term to begin January 2, 1977, and the third to be elected in 18150  
1998, term to begin February 9, 1999; 18151

In Medina county, three judges, one to be elected in 1956, 18152  
term to begin January 1, 1957, the second to be elected in 1966, 18153

term to begin January 1, 1967, and the third to be elected in	18154
1994, term to begin January 1, 1995;	18155
In Miami county, two judges, one to be elected in 1954, term	18156
to begin February 9, 1955, and one to be elected in 1970, term to	18157
begin on January 1, 1971;	18158
In Muskingum county, three judges, one to be elected in 1968,	18159
term to begin August 9, 1969, one to be elected in 1978, term to	18160
begin January 1, 1979, and one to be elected in 2002, term to	18161
begin January 2, 2003;	18162
In Portage county, three judges, one to be elected in 1956,	18163
term to begin January 1, 1957, the second to be elected in 1960,	18164
term to begin January 1, 1961, and the third to be elected in	18165
1986, term to begin January 2, 1987;	18166
In Ross county, two judges, one to be elected in 1956, term	18167
to begin February 9, 1957, and the second to be elected in 1976,	18168
term to begin January 1, 1977;	18169
In Scioto county, three judges, one to be elected in 1954,	18170
term to begin February 10, 1955, the second to be elected in 1960,	18171
term to begin January 1, 1961, and the third to be elected in	18172
1994, term to begin January 2, 1995;	18173
In Seneca county, two judges, one to be elected in 1956, term	18174
to begin January 1, 1957, and the second to be elected in 1986,	18175
term to begin January 2, 1987;	18176
In Warren county, three judges, one to be elected in 1954,	18177
term to begin February 9, 1955, the second to be elected in 1970,	18178
term to begin January 1, 1971, and the third to be elected in	18179
1986, term to begin January 1, 1987;	18180
In Washington county, two judges, one to be elected in 1952,	18181
term to begin January 1, 1953, and one to be elected in 1986, term	18182
to begin January 1, 1987;	18183

In Wood county, three judges, one to be elected in 1968, term 18184  
beginning January 1, 1969, the second to be elected in 1970, term 18185  
to begin January 2, 1971, and the third to be elected in 1990, 18186  
term to begin January 1, 1991; 18187

In Belmont and Jefferson counties, two judges, to be elected 18188  
in 1954, terms to begin January 1, 1955, and February 9, 1955, 18189  
respectively; 18190

In Clark county, four judges, one to be elected in 1952, term 18191  
to begin January 1, 1953, the second to be elected in 1956, term 18192  
to begin January 2, 1957, the third to be elected in 1986, term to 18193  
begin January 3, 1987, and the fourth to be elected in 1994, term 18194  
to begin January 2, 1995. 18195

In Clermont county, four judges, one to be elected in 1956, 18196  
term to begin January 1, 1957, the second to be elected in 1964, 18197  
term to begin January 1, 1965, the third to be elected in 1982, 18198  
term to begin January 2, 1983, and the fourth to be elected in 18199  
1986, term to begin January 2, 1987; 18200

In Columbiana county, two judges, one to be elected in 1952, 18201  
term to begin January 1, 1953, and the second to be elected in 18202  
1956, term to begin January 1, 1957; 18203

In Delaware county, two judges, one to be elected in 1990, 18204  
term to begin February 9, 1991, the second to be elected in 1994, 18205  
term to begin January 1, 1995; 18206

In Lake county, six judges, one to be elected in 1958, term 18207  
to begin January 1, 1959, the second to be elected in 1960, term 18208  
to begin January 2, 1961, the third to be elected in 1964, term to 18209  
begin January 3, 1965, the fourth and fifth to be elected in 1978, 18210  
terms to begin January 4, 1979, and January 5, 1979, respectively, 18211  
and the sixth to be elected in 2000, term to begin January 6, 18212  
2001; 18213

In Licking county, three judges, one to be elected in 1954, 18214

term to begin February 9, 1955, one to be elected in 1964, term to 18215  
begin January 1, 1965, and one to be elected in 1990, term to 18216  
begin January 1, 1991; 18217

In Lorain county, eight judges, two to be elected in 1952, 18218  
terms to begin January 1, 1953, and January 2, 1953, respectively, 18219  
one to be elected in 1958, term to begin January 3, 1959, one to 18220  
be elected in 1968, term to begin January 1, 1969, two to be 18221  
elected in 1988, terms to begin January 4, 1989, and January 5, 18222  
1989, respectively, and two to be elected in 1998, terms to begin 18223  
January 2, 1999, and January 3, 1999, respectively; 18224

In Butler county, ten judges, one to be elected in 1956, term 18225  
to begin January 1, 1957; two to be elected in 1954, terms to 18226  
begin January 1, 1955, and February 9, 1955, respectively; one to 18227  
be elected in 1968, term to begin January 2, 1969; one to be 18228  
elected in 1986, term to begin January 3, 1987; two to be elected 18229  
in 1988, terms to begin January 1, 1989, and January 2, 1989, 18230  
respectively; one to be elected in 1992, term to begin January 4, 18231  
1993; and two to be elected in 2002, terms to begin January 2, 18232  
2003, and January 3, 2003, respectively; 18233

In Richland county, ~~three~~ four judges, one to be elected in 18234  
1956, term to begin January 1, 1957, the second to be elected in 18235  
1960, term to begin February 9, 1961, ~~and~~ the third to be elected 18236  
in 1968, term to begin January 2, 1969, and the fourth to be 18237  
elected in 2004, term to begin January 3, 2005; 18238

In Tuscarawas county, two judges, one to be elected in 1956, 18239  
term to begin January 1, 1957, and the second to be elected in 18240  
1960, term to begin January 2, 1961; 18241

In Wayne county, two judges, one to be elected in 1956, term 18242  
beginning January 1, 1957, and one to be elected in 1968, term to 18243  
begin January 2, 1969; 18244

In Trumbull county, six judges, one to be elected in 1952, 18245

term to begin January 1, 1953, the second to be elected in 1954, 18246  
term to begin January 1, 1955, the third to be elected in 1956, 18247  
term to begin January 1, 1957, the fourth to be elected in 1964, 18248  
term to begin January 1, 1965, the fifth to be elected in 1976, 18249  
term to begin January 2, 1977, and the sixth to be elected in 18250  
1994, term to begin January 3, 1995; 18251

(C) In Cuyahoga county, thirty-nine judges; eight to be 18252  
elected in 1954, terms to begin on successive days beginning from 18253  
January 1, 1955, to January 7, 1955, and February 9, 1955, 18254  
respectively; eight to be elected in 1956, terms to begin on 18255  
successive days beginning from January 1, 1957, to January 8, 18256  
1957; three to be elected in 1952, terms to begin from January 1, 18257  
1953, to January 3, 1953; two to be elected in 1960, terms to 18258  
begin on January 8, 1961, and January 9, 1961, respectively; two 18259  
to be elected in 1964, terms to begin January 4, 1965, and January 18260  
5, 1965, respectively; one to be elected in 1966, term to begin on 18261  
January 10, 1967; four to be elected in 1968, terms to begin on 18262  
successive days beginning from January 9, 1969, to January 12, 18263  
1969; two to be elected in 1974, terms to begin on January 18, 18264  
1975, and January 19, 1975, respectively; five to be elected in 18265  
1976, terms to begin on successive days beginning January 6, 1977, 18266  
to January 10, 1977; two to be elected in 1982, terms to begin 18267  
January 11, 1983, and January 12, 1983, respectively; and two to 18268  
be elected in 1986, terms to begin January 13, 1987, and January 18269  
14, 1987, respectively; 18270

In Franklin county, twenty-one judges; two to be elected in 18271  
1954, terms to begin January 1, 1955, and February 9, 1955, 18272  
respectively; four to be elected in 1956, terms to begin January 18273  
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 18274  
begin January 1, 1959, to January 4, 1959; three to be elected in 18275  
1968, terms to begin January 5, 1969, to January 7, 1969; three to 18276  
be elected in 1976, terms to begin on successive days beginning 18277

January 5, 1977, to January 7, 1977; one to be elected in 1982, 18278  
term to begin January 8, 1983; one to be elected in 1986, term to 18279  
begin January 9, 1987; two to be elected in 1990, terms to begin 18280  
July 1, 1991, and July 2, 1991, respectively; and one to be 18281  
elected in 1996, term to begin January 2, 1997; 18282

In Hamilton county, twenty-one judges; eight to be elected in 18283  
1966, terms to begin January 1, 1967, January 2, 1967, and from 18284  
February 9, 1967, to February 14, 1967, respectively; five to be 18285  
elected in 1956, terms to begin from January 1, 1957, to January 18286  
5, 1957; one to be elected in 1964, term to begin January 1, 1965; 18287  
one to be elected in 1974, term to begin January 15, 1975; one to 18288  
be elected in 1980, term to begin January 16, 1981; two to be 18289  
elected at large in the general election in 1982, terms to begin 18290  
April 1, 1983; one to be elected in 1990, term to begin July 1, 18291  
1991; and two to be elected in 1996, terms to begin January 3, 18292  
1997, and January 4, 1997, respectively; 18293

In Lucas county, fourteen judges; two to be elected in 1954, 18294  
terms to begin January 1, 1955, and February 9, 1955, 18295  
respectively; two to be elected in 1956, terms to begin January 1, 18296  
1957, and October 29, 1957, respectively; two to be elected in 18297  
1952, terms to begin January 1, 1953, and January 2, 1953, 18298  
respectively; one to be elected in 1964, term to begin January 3, 18299  
1965; one to be elected in 1968, term to begin January 4, 1969; 18300  
two to be elected in 1976, terms to begin January 4, 1977, and 18301  
January 5, 1977, respectively; one to be elected in 1982, term to 18302  
begin January 6, 1983; one to be elected in 1988, term to begin 18303  
January 7, 1989; one to be elected in 1990, term to begin January 18304  
2, 1991; and one to be elected in 1992, term to begin January 2, 18305  
1993; 18306

In Mahoning county, seven judges; three to be elected in 18307  
1954, terms to begin January 1, 1955, January 2, 1955, and 18308  
February 9, 1955, respectively; one to be elected in 1956, term to 18309

begin January 1, 1957; one to be elected in 1952, term to begin 18310  
January 1, 1953; one to be elected in 1968, term to begin January 18311  
2, 1969; and one to be elected in 1990, term to begin July 1, 18312  
1991; 18313

In Montgomery county, fifteen judges; three to be elected in 18314  
1954, terms to begin January 1, 1955, January 2, 1955, and January 18315  
3, 1955, respectively; four to be elected in 1952, terms to begin 18316  
January 1, 1953, January 2, 1953, July 1, 1953, July 2, 1953, 18317  
respectively; one to be elected in 1964, term to begin January 3, 18318  
1965; one to be elected in 1968, term to begin January 3, 1969; 18319  
three to be elected in 1976, terms to begin on successive days 18320  
beginning January 4, 1977, to January 6, 1977; two to be elected 18321  
in 1990, terms to begin July 1, 1991, and July 2, 1991, 18322  
respectively; and one to be elected in 1992, term to begin January 18323  
1, 1993. 18324

In Stark county, eight judges; one to be elected in 1958, 18325  
term to begin on January 2, 1959; two to be elected in 1954, terms 18326  
to begin on January 1, 1955, and February 9, 1955, respectively; 18327  
two to be elected in 1952, terms to begin January 1, 1953, and 18328  
April 16, 1953, respectively; one to be elected in 1966, term to 18329  
begin on January 4, 1967; and two to be elected in 1992, terms to 18330  
begin January 1, 1993, and January 2, 1993, respectively; 18331

In Summit county, eleven judges; four to be elected in 1954, 18332  
terms to begin January 1, 1955, January 2, 1955, January 3, 1955, 18333  
and February 9, 1955, respectively; three to be elected in 1958, 18334  
terms to begin January 1, 1959, January 2, 1959, and May 17, 1959, 18335  
respectively; one to be elected in 1966, term to begin January 4, 18336  
1967; one to be elected in 1968, term to begin January 5, 1969; 18337  
one to be elected in 1990, term to begin May 1, 1991; and one to 18338  
be elected in 1992, term to begin January 6, 1993. 18339

Notwithstanding the foregoing provisions, in any county 18340  
having two or more judges of the court of common pleas, in which 18341

more than one-third of the judges plus one were previously elected 18342  
at the same election, if the office of one of those judges so 18343  
elected becomes vacant more than forty days prior to the second 18344  
general election preceding the expiration of that judge's term, 18345  
the office that that judge had filled shall be abolished as of the 18346  
date of the next general election, and a new office of judge of 18347  
the court of common pleas shall be created. The judge who is to 18348  
fill that new office shall be elected for a six-year term at the 18349  
next general election, and the term of that judge shall commence 18350  
on the first day of the year following that general election, on 18351  
which day no other judge's term begins, so that the number of 18352  
judges that the county shall elect shall not be reduced. 18353

Judges of the probate division of the court of common pleas 18354  
are judges of the court of common pleas but shall be elected 18355  
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 18356  
except in Adams, Harrison, Henry, Morgan, Morrow, Noble, and 18357  
Wyandot counties in which the judge of the court of common pleas 18358  
elected pursuant to this section also shall serve as judge of the 18359  
probate division. 18360

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 18361  
of common pleas whose terms begin on January 1, 1953, January 2, 18362  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 18363  
successors, shall have the same qualifications, exercise the same 18364  
powers and jurisdiction, and receive the same compensation as 18365  
other judges of the court of common pleas of Franklin county and 18366  
shall be elected and designated as judges of the court of common 18367  
pleas, division of domestic relations. They shall have all the 18368  
powers relating to juvenile courts, and all cases under Chapters 18369  
2151. and 2152. of the Revised Code, all parentage proceedings 18370  
under Chapter 3111. of the Revised Code over which the juvenile 18371  
court has jurisdiction, and all divorce, dissolution of marriage, 18372  
legal separation, and annulment cases shall be assigned to them. 18373

In addition to the judge's regular duties, the judge who is senior 18374  
in point of service shall serve on the children services board and 18375  
the county advisory board and shall be the administrator of the 18376  
domestic relations division and its subdivisions and departments. 18377  
18378

(B) In Hamilton county: 18379

(1) The judge of the court of common pleas, whose term begins 18380  
on January 1, 1957, and successors, and the judge of the court of 18381  
common pleas, whose term begins on February 14, 1967, and 18382  
successors, shall be the juvenile judges as provided in Chapters 18383  
2151. and 2152. of the Revised Code, with the powers and 18384  
jurisdiction conferred by those chapters. 18385

(2) The judges of the court of common pleas whose terms begin 18386  
on January 5, 1957, January 16, 1981, and July 1, 1991, and 18387  
successors, shall be elected and designated as judges of the court 18388  
of common pleas, division of domestic relations, and shall have 18389  
assigned to them all divorce, dissolution of marriage, legal 18390  
separation, and annulment cases coming before the court. On or 18391  
after the first day of July and before the first day of August of 18392  
1991 and each year thereafter, a majority of the judges of the 18393  
division of domestic relations shall elect one of the judges of 18394  
the division as administrative judge of that division. If a 18395  
majority of the judges of the division of domestic relations are 18396  
unable for any reason to elect an administrative judge for the 18397  
division before the first day of August, a majority of the judges 18398  
of the Hamilton county court of common pleas, as soon as possible 18399  
after that date, shall elect one of the judges of the division of 18400  
domestic relations as administrative judge of that division. The 18401  
term of the administrative judge shall begin on the earlier of the 18402  
first day of August of the year in which the administrative judge 18403  
is elected or the date on which the administrative judge is 18404

elected by a majority of the judges of the Hamilton county court 18405  
of common pleas and shall terminate on the date on which the 18406  
administrative judge's successor is elected in the following year. 18407

In addition to the judge's regular duties, the administrative 18408  
judge of the division of domestic relations shall be the 18409  
administrator of the domestic relations division and its 18410  
subdivisions and departments and shall have charge of the 18411  
employment, assignment, and supervision of the personnel of the 18412  
division engaged in handling, servicing, or investigating divorce, 18413  
dissolution of marriage, legal separation, and annulment cases, 18414  
including any referees considered necessary by the judges in the 18415  
discharge of their various duties. 18416

The administrative judge of the division of domestic 18417  
relations also shall designate the title, compensation, expense 18418  
allowances, hours, leaves of absence, and vacations of the 18419  
personnel of the division, and shall fix the duties of its 18420  
personnel. The duties of the personnel, in addition to those 18421  
provided for in other sections of the Revised Code, shall include 18422  
the handling, servicing, and investigation of divorce, dissolution 18423  
of marriage, legal separation, and annulment cases and counseling 18424  
and conciliation services that may be made available to persons 18425  
requesting them, whether or not the persons are parties to an 18426  
action pending in the division. 18427

The board of county commissioners shall appropriate the sum 18428  
of money each year as will meet all the administrative expenses of 18429  
the division of domestic relations, including reasonable expenses 18430  
of the domestic relations judges and the division counselors and 18431  
other employees designated to conduct the handling, servicing, and 18432  
investigation of divorce, dissolution of marriage, legal 18433  
separation, and annulment cases, conciliation and counseling, and 18434  
all matters relating to those cases and counseling, and the 18435  
expenses involved in the attendance of division personnel at 18436

domestic relations and welfare conferences designated by the 18437  
division, and the further sum each year as will provide for the 18438  
adequate operation of the division of domestic relations. 18439

The compensation and expenses of all employees and the salary 18440  
and expenses of the judges shall be paid by the county treasurer 18441  
from the money appropriated for the operation of the division, 18442  
upon the warrant of the county auditor, certified to by the 18443  
administrative judge of the division of domestic relations. 18444

The summonses, warrants, citations, subpoenas, and other 18445  
writs of the division may issue to a bailiff, constable, or staff 18446  
investigator of the division or to the sheriff of any county or 18447  
any marshal, constable, or police officer, and the provisions of 18448  
law relating to the subpoenaing of witnesses in other cases shall 18449  
apply insofar as they are applicable. When a summons, warrant, 18450  
citation, subpoena, or other writ is issued to an officer, other 18451  
than a bailiff, constable, or staff investigator of the division, 18452  
the expense of serving it shall be assessed as a part of the costs 18453  
in the case involved. 18454

(3) The judge of the court of common pleas of Hamilton county 18455  
whose term begins on January 3, 1997, and the successor to that 18456  
judge whose term begins on January 3, 2003, shall each be elected 18457  
and designated for one term only as the drug court judge of the 18458  
court of common pleas of Hamilton county. The successors to the 18459  
judge whose term begins on January 3, 2003, shall be elected and 18460  
designated as judges of the general division of the court of 18461  
common pleas of Hamilton county and shall not have the authority 18462  
granted by division (B)(3) of this section. The drug court judge 18463  
may accept or reject any case referred to the drug court judge 18464  
under division (B)(3) of this section. After the drug court judge 18465  
accepts a referred case, the drug court judge has full authority 18466  
over the case, including the authority to conduct arraignment, 18467  
accept pleas, enter findings and dispositions, conduct trials, 18468

order treatment, and if treatment is not successfully completed 18469  
pronounce and enter sentence. 18470

A judge of the general division of the court of common pleas 18471  
of Hamilton county and a judge of the Hamilton county municipal 18472  
court may refer to the drug court judge any case, and any 18473  
companion cases, the judge determines meet the criteria described 18474  
under divisions (B)(3)(a) and (b) of this section. If the drug 18475  
court judge accepts referral of a referred case, the case, and any 18476  
companion cases, shall be transferred to the drug court judge. A 18477  
judge may refer a case meeting the criteria described in divisions 18478  
(B)(3)(a) and (b) of this section that involves a violation of a 18479  
term of probation to the drug court judge, and, if the drug court 18480  
judge accepts the referral, the referring judge and the drug court 18481  
judge have concurrent jurisdiction over the case. 18482

A judge of the general division of the court of common pleas 18483  
of Hamilton county and a judge of the Hamilton county municipal 18484  
court may refer a case to the drug court judge under division 18485  
(B)(3) of this section if the judge determines that both of the 18486  
following apply: 18487

(a) One of the following applies: 18488

(i) The case involves a drug abuse offense, as defined in 18489  
section 2925.01 of the Revised Code, that is a felony of the third 18490  
or fourth degree if the offense is committed prior to July 1, 18491  
1996, a felony of the third, fourth, or fifth degree if the 18492  
offense is committed on or after July 1, 1996, or a misdemeanor. 18493

(ii) The case involves a theft offense, as defined in section 18494  
2913.01 of the Revised Code, that is a felony of the third or 18495  
fourth degree if the offense is committed prior to July 1, 1996, a 18496  
felony of the third, fourth, or fifth degree if the offense is 18497  
committed on or after July 1, 1996, or a misdemeanor, and the 18498  
defendant is drug or alcohol dependent or in danger of becoming 18499

drug or alcohol dependent and would benefit from treatment.	18500
(b) All of the following apply:	18501
(i) The case involves a probationable offense or a case in which a mandatory prison term is not required to be imposed.	18502 18503
(ii) The defendant has no history of violent behavior.	18504
(iii) The defendant has no history of mental illness.	18505
(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.	18506 18507
(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.	18508 18509
(vi) The defendant has no acute health condition.	18510
(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.	18511 18512
(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.	18513 18514 18515 18516 18517 18518 18519 18520 18521 18522 18523
(C) In Lorain county, the judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of	18524 18525 18526 18527 18528 18529

the court of common pleas, division of domestic relations. They 18530  
shall have all of the powers relating to juvenile courts, and all 18531  
cases under Chapters 2151. and 2152. of the Revised Code, all 18532  
parentage proceedings over which the juvenile court has 18533  
jurisdiction, and all divorce, dissolution of marriage, legal 18534  
separation, and annulment cases shall be assigned to them, except 18535  
cases that for some special reason are assigned to some other 18536  
judge of the court of common pleas. 18537

(D) In Lucas county: 18538

(1) The judges of the court of common pleas whose terms begin 18539  
on January 1, 1955, and January 3, 1965, and successors, shall 18540  
have the same qualifications, exercise the same powers and 18541  
jurisdiction, and receive the same compensation as other judges of 18542  
the court of common pleas of Lucas county and shall be elected and 18543  
designated as judges of the court of common pleas, division of 18544  
domestic relations. All divorce, dissolution of marriage, legal 18545  
separation, and annulment cases shall be assigned to them. 18546

The judge of the division of domestic relations, senior in 18547  
point of service, shall be considered as the presiding judge of 18548  
the court of common pleas, division of domestic relations, and 18549  
shall be charged exclusively with the assignment and division of 18550  
the work of the division and the employment and supervision of all 18551  
other personnel of the domestic relations division. 18552

(2) The judges of the court of common pleas whose terms begin 18553  
on January 5, 1977, and January 2, 1991, and successors shall have 18554  
the same qualifications, exercise the same powers and 18555  
jurisdiction, and receive the same compensation as other judges of 18556  
the court of common pleas of Lucas county, shall be elected and 18557  
designated as judges of the court of common pleas, juvenile 18558  
division, and shall be the juvenile judges as provided in Chapters 18559  
2151. and 2152. of the Revised Code with the powers and 18560  
jurisdictions conferred by those chapters. In addition to the 18561

judge's regular duties, the judge of the court of common pleas, 18562  
juvenile division, senior in point of service, shall be the 18563  
administrator of the juvenile division and its subdivisions and 18564  
departments and shall have charge of the employment, assignment, 18565  
and supervision of the personnel of the division engaged in 18566  
handling, servicing, or investigating juvenile cases, including 18567  
any referees considered necessary by the judges of the division in 18568  
the discharge of their various duties. 18569

The judge of the court of common pleas, juvenile division, 18570  
senior in point of service, also shall designate the title, 18571  
compensation, expense allowance, hours, leaves of absence, and 18572  
vacation of the personnel of the division and shall fix the duties 18573  
of the personnel of the division. The duties of the personnel, in 18574  
addition to other statutory duties include the handling, 18575  
servicing, and investigation of juvenile cases and counseling and 18576  
conciliation services that may be made available to persons 18577  
requesting them, whether or not the persons are parties to an 18578  
action pending in the division. 18579

(3) If one of the judges of the court of common pleas, 18580  
division of domestic relations, or one of the judges of the 18581  
juvenile division is sick, absent, or unable to perform that 18582  
judge's judicial duties or the volume of cases pending in that 18583  
judge's division necessitates it, the duties shall be performed by 18584  
the judges of the other of those divisions. 18585

(E) In Mahoning county: 18586

(1) The judge of the court of common pleas whose term began 18587  
on January 1, 1955, and successors, shall have the same 18588  
qualifications, exercise the same powers and jurisdiction, and 18589  
receive the same compensation as other judges of the court of 18590  
common pleas of Mahoning county, shall be elected and designated 18591  
as judge of the court of common pleas, division of domestic 18592  
relations, and shall be assigned all the divorce, dissolution of 18593

marriage, legal separation, and annulment cases coming before the 18594  
court. In addition to the judge's regular duties, the judge of the 18595  
court of common pleas, division of domestic relations, shall be 18596  
the administrator of the domestic relations division and its 18597  
subdivisions and departments and shall have charge of the 18598  
employment, assignment, and supervision of the personnel of the 18599  
division engaged in handling, servicing, or investigating divorce, 18600  
dissolution of marriage, legal separation, and annulment cases, 18601  
including any referees considered necessary in the discharge of 18602  
the various duties of the judge's office. 18603

The judge also shall designate the title, compensation, 18604  
expense allowances, hours, leaves of absence, and vacations of the 18605  
personnel of the division and shall fix the duties of the 18606  
personnel of the division. The duties of the personnel, in 18607  
addition to other statutory duties, include the handling, 18608  
servicing, and investigation of divorce, dissolution of marriage, 18609  
legal separation, and annulment cases and counseling and 18610  
conciliation services that may be made available to persons 18611  
requesting them, whether or not the persons are parties to an 18612  
action pending in the division. 18613

(2) The judge of the court of common pleas whose term began 18614  
on January 2, 1969, and successors, shall have the same 18615  
qualifications, exercise the same powers and jurisdiction, and 18616  
receive the same compensation as other judges of the court of 18617  
common pleas of Mahoning county, shall be elected and designated 18618  
as judge of the court of common pleas, juvenile division, and 18619  
shall be the juvenile judge as provided in Chapters 2151. and 18620  
2152. of the Revised Code, with the powers and jurisdictions 18621  
conferred by those chapters. In addition to the judge's regular 18622  
duties, the judge of the court of common pleas, juvenile division, 18623  
shall be the administrator of the juvenile division and its 18624  
subdivisions and departments and shall have charge of the 18625

employment, assignment, and supervision of the personnel of the 18626  
division engaged in handling, servicing, or investigating juvenile 18627  
cases, including any referees considered necessary by the judge in 18628  
the discharge of the judge's various duties. 18629

The judge also shall designate the title, compensation, 18630  
expense allowances, hours, leaves of absence, and vacation of the 18631  
personnel of the division and shall fix the duties of the 18632  
personnel of the division. The duties of the personnel, in 18633  
addition to other statutory duties, include the handling, 18634  
servicing, and investigation of juvenile cases and counseling and 18635  
conciliation services that may be made available to persons 18636  
requesting them, whether or not the persons are parties to an 18637  
action pending in the division. 18638

(3) If a judge of the court of common pleas, division of 18639  
domestic relations or juvenile division, is sick, absent, or 18640  
unable to perform that judge's judicial duties, or the volume of 18641  
cases pending in that judge's division necessitates it, that 18642  
judge's duties shall be performed by another judge of the court of 18643  
common pleas. 18644

(F) In Montgomery county: 18645

(1) The judges of the court of common pleas whose terms begin 18646  
on January 2, 1953, and January 4, 1977, and successors, shall 18647  
have the same qualifications, exercise the same powers and 18648  
jurisdiction, and receive the same compensation as other judges of 18649  
the court of common pleas of Montgomery county and shall be 18650  
elected and designated as judges of the court of common pleas, 18651  
division of domestic relations. These judges shall have assigned 18652  
to them all divorce, dissolution of marriage, legal separation, 18653  
and annulment cases. 18654

The judge of the division of domestic relations, senior in 18655  
point of service, shall be charged exclusively with the assignment 18656

and division of the work of the division and shall have charge of 18657  
the employment and supervision of the personnel of the division 18658  
engaged in handling, servicing, or investigating divorce, 18659  
dissolution of marriage, legal separation, and annulment cases, 18660  
including any necessary referees, except those employees who may 18661  
be appointed by the judge, junior in point of service, under this 18662  
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 18663  
Code. The judge of the division of domestic relations, senior in 18664  
point of service, also shall designate the title, compensation, 18665  
expense allowances, hours, leaves of absence, and vacation of the 18666  
personnel of the division and shall fix their duties. 18667

(2) The judges of the court of common pleas whose terms begin 18668  
on January 1, 1953, and January 1, 1993, and successors, shall 18669  
have the same qualifications, exercise the same powers and 18670  
jurisdiction, and receive the same compensation as other judges of 18671  
the court of common pleas of Montgomery county, shall be elected 18672  
and designated as judges of the court of common pleas, juvenile 18673  
division, and shall be, and have the powers and jurisdiction of, 18674  
the juvenile judge as provided in Chapters 2151. and 2152. of the 18675  
Revised Code. 18676

In addition to the judge's regular duties, the judge of the 18677  
court of common pleas, juvenile division, senior in point of 18678  
service, shall be the administrator of the juvenile division and 18679  
its subdivisions and departments and shall have charge of the 18680  
employment, assignment, and supervision of the personnel of the 18681  
juvenile division, including any necessary referees, who are 18682  
engaged in handling, servicing, or investigating juvenile cases. 18683  
The judge, senior in point of service, also shall designate the 18684  
title, compensation, expense allowances, hours, leaves of absence, 18685  
and vacation of the personnel of the division and shall fix their 18686  
duties. The duties of the personnel, in addition to other 18687  
statutory duties, shall include the handling, servicing, and 18688

investigation of juvenile cases and of any counseling and 18689  
conciliation services that are available upon request to persons, 18690  
whether or not they are parties to an action pending in the 18691  
division. 18692

If one of the judges of the court of common pleas, division 18693  
of domestic relations, or one of the judges of the court of common 18694  
pleas, juvenile division, is sick, absent, or unable to perform 18695  
that judge's duties or the volume of cases pending in that judge's 18696  
division necessitates it, the duties of that judge may be 18697  
performed by the judge or judges of the other of those divisions. 18698

(G) In Richland county, ~~the~~: 18699

(1) The judge of the court of common pleas whose term begins 18700  
on January 1, 1957, and successors, shall have the same 18701  
qualifications, exercise the same powers and jurisdiction, and 18702  
receive the same compensation as the other judges of the court of 18703  
common pleas of Richland county and shall be elected and 18704  
designated as judge of the court of common pleas, division of 18705  
domestic relations. That judge shall have ~~all of the powers~~ 18706  
~~relating to juvenile courts, and all cases under Chapters 2151.~~ 18707  
~~and 2152. of the Revised Code, all parentage proceedings over~~ 18708  
~~which the juvenile court has jurisdiction, and assigned to that~~ 18709  
judge and hear all divorce, dissolution of marriage, legal 18710  
separation, and annulment cases ~~shall be assigned to that judge,~~ 18711  
~~except in cases that for some special reason are assigned to some~~ 18712  
~~other judge of the court of common pleas that come before the~~ 18713  
court. Except in cases that are subject to the exclusive original 18714  
jurisdiction of the juvenile court, the judge of the division of 18715  
domestic relations shall have assigned to that judge and hear all 18716  
cases pertaining to paternity, custody, visitation, child support, 18717  
or the allocation of parental rights and responsibilities for the 18718  
care of children and all post-decree proceedings arising from any 18719  
case pertaining to any of those matters. The judge of the division 18720

of domestic relations shall have assigned to that judge and hear 18721  
all proceedings under the uniform interstate family support act 18722  
contained in Chapter 3115. of the Revised Code. 18723

(2) The judge of the court of common pleas whose term begins 18724  
on January 3, 2005, and successors, shall have the same 18725  
qualifications, exercise the same powers and jurisdiction, and 18726  
receive the same compensation as other judges of the court of 18727  
common pleas of Richland county, shall be elected and designated 18728  
as judge of the court of common pleas, juvenile division, and 18729  
shall be, and have the powers and jurisdiction of, the juvenile 18730  
judge as provided in Chapters 2151. and 2152. of the Revised Code. 18731  
Except in cases that are subject to the exclusive original 18732  
jurisdiction of the juvenile court, the judge of the juvenile 18733  
division shall not have jurisdiction or the power to hear, and 18734  
shall not be assigned, any case pertaining to paternity, custody, 18735  
visitation, child support, or the allocation of parental rights 18736  
and responsibilities for the care of children or any post-decree 18737  
proceeding arising from any case pertaining to any of those 18738  
matters. The judge of the juvenile division shall not have 18739  
jurisdiction or the power to hear, and shall not be assigned, any 18740  
proceeding under the uniform interstate family support act 18741  
contained in Chapter 3115. of the Revised Code. The judge of the 18742  
juvenile division shall be the administrator of the juvenile 18743  
division and its subdivisions and departments. The judge shall 18744  
have charge of the employment, assignment, and supervision of the 18745  
personnel of the juvenile division who are engaged in handling, 18746  
servicing, or investigating juvenile cases, including any 18747  
magistrates whom the judge considers necessary for the discharge 18748  
of the judge's various duties. 18749

The judge of the juvenile division also shall designate the 18750  
title, compensation, expense allowances, hours, leaves of absence, 18751  
and vacation of the personnel of the division and shall fix their 18752

duties. The duties of the personnel, in addition to other 18753  
statutory duties, include the handling, servicing, and 18754  
investigation of juvenile cases and providing any counseling, 18755  
conciliation, and mediation services that the court makes 18756  
available to persons, whether or not the persons are parties to an 18757  
action pending in the court, who request the services. 18758

(H) In Stark county, the judges of the court of common pleas 18759  
whose terms begin on January 1, 1953, January 2, 1959, and January 18760  
1, 1993, and successors, shall have the same qualifications, 18761  
exercise the same powers and jurisdiction, and receive the same 18762  
compensation as other judges of the court of common pleas of Stark 18763  
county and shall be elected and designated as judges of the court 18764  
of common pleas, division of domestic relations. They shall have 18765  
all the powers relating to juvenile courts, and all cases under 18766  
Chapters 2151. and 2152. of the Revised Code, all parentage 18767  
proceedings over which the juvenile court has jurisdiction, and 18768  
all divorce, dissolution of marriage, legal separation, and 18769  
annulment cases, except cases that are assigned to some other 18770  
judge of the court of common pleas for some special reason, shall 18771  
be assigned to the judges. 18772

The judge of the division of domestic relations, second most 18773  
senior in point of service, shall have charge of the employment 18774  
and supervision of the personnel of the division engaged in 18775  
handling, servicing, or investigating divorce, dissolution of 18776  
marriage, legal separation, and annulment cases, and necessary 18777  
referees required for the judge's respective court. 18778

The judge of the division of domestic relations, senior in 18779  
point of service, shall be charged exclusively with the 18780  
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 18781  
of the Revised Code and with the assignment and division of the 18782  
work of the division and the employment and supervision of all 18783  
other personnel of the division, including, but not limited to, 18784

that judge's necessary referees, but excepting those employees who 18785  
may be appointed by the judge second most senior in point of 18786  
service. The senior judge further shall serve in every other 18787  
position in which the statutes permit or require a juvenile judge 18788  
to serve. 18789

(I) In Summit county: 18790

(1) The judges of the court of common pleas whose terms begin 18791  
on January 4, 1967, and January 6, 1993, and successors, shall 18792  
have the same qualifications, exercise the same powers and 18793  
jurisdiction, and receive the same compensation as other judges of 18794  
the court of common pleas of Summit county and shall be elected 18795  
and designated as judges of the court of common pleas, division of 18796  
domestic relations. The judges of the division of domestic 18797  
relations shall have assigned to them and hear all divorce, 18798  
dissolution of marriage, legal separation, and annulment cases 18799  
that come before the court. Except in cases that are subject to 18800  
the exclusive original jurisdiction of the juvenile court, the 18801  
judges of the division of domestic relations shall have assigned 18802  
to them and hear all cases pertaining to paternity, custody, 18803  
visitation, child support, or the allocation of parental rights 18804  
and responsibilities for the care of children and all post-decree 18805  
proceedings arising from any case pertaining to any of those 18806  
matters. The judges of the division of domestic relations shall 18807  
have assigned to them and hear all proceedings under the uniform 18808  
interstate family support act contained in Chapter 3115. of the 18809  
Revised Code. 18810

The judge of the division of domestic relations, senior in 18811  
point of service, shall be the administrator of the domestic 18812  
relations division and its subdivisions and departments and shall 18813  
have charge of the employment, assignment, and supervision of the 18814  
personnel of the division, including any necessary referees, who 18815  
are engaged in handling, servicing, or investigating divorce, 18816

dissolution of marriage, legal separation, and annulment cases. 18817  
That judge also shall designate the title, compensation, expense 18818  
allowances, hours, leaves of absence, and vacations of the 18819  
personnel of the division and shall fix their duties. The duties 18820  
of the personnel, in addition to other statutory duties, shall 18821  
include the handling, servicing, and investigation of divorce, 18822  
dissolution of marriage, legal separation, and annulment cases and 18823  
of any counseling and conciliation services that are available 18824  
upon request to all persons, whether or not they are parties to an 18825  
action pending in the division. 18826

(2) The judge of the court of common pleas whose term begins 18827  
on January 1, 1955, and successors, shall have the same 18828  
qualifications, exercise the same powers and jurisdiction, and 18829  
receive the same compensation as other judges of the court of 18830  
common pleas of Summit county, shall be elected and designated as 18831  
judge of the court of common pleas, juvenile division, and shall 18832  
be, and have the powers and jurisdiction of, the juvenile judge as 18833  
provided in Chapters 2151. and 2152. of the Revised Code. Except 18834  
in cases that are subject to the exclusive original jurisdiction 18835  
of the juvenile court, the judge of the juvenile division shall 18836  
not have jurisdiction or the power to hear, and shall not be 18837  
assigned, any case pertaining to paternity, custody, visitation, 18838  
child support, or the allocation of parental rights and 18839  
responsibilities for the care of children or any post-decree 18840  
proceeding arising from any case pertaining to any of those 18841  
matters. The judge of the juvenile division shall not have 18842  
jurisdiction or the power to hear, and shall not be assigned, any 18843  
proceeding under the uniform interstate family support act 18844  
contained in Chapter 3115. of the Revised Code. 18845

The juvenile judge shall be the administrator of the juvenile 18846  
division and its subdivisions and departments and shall have 18847  
charge of the employment, assignment, and supervision of the 18848

personnel of the juvenile division, including any necessary 18849  
referees, who are engaged in handling, servicing, or investigating 18850  
juvenile cases. The judge also shall designate the title, 18851  
compensation, expense allowances, hours, leaves of absence, and 18852  
vacation of the personnel of the division and shall fix their 18853  
duties. The duties of the personnel, in addition to other 18854  
statutory duties, shall include the handling, servicing, and 18855  
investigation of juvenile cases and of any counseling and 18856  
conciliation services that are available upon request to persons, 18857  
whether or not they are parties to an action pending in the 18858  
division. 18859

(J) In Trumbull county, the judges of the court of common 18860  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 18861  
and successors, shall have the same qualifications, exercise the 18862  
same powers and jurisdiction, and receive the same compensation as 18863  
other judges of the court of common pleas of Trumbull county and 18864  
shall be elected and designated as judges of the court of common 18865  
pleas, division of domestic relations. They shall have all the 18866  
powers relating to juvenile courts, and all cases under Chapters 18867  
2151. and 2152. of the Revised Code, all parentage proceedings 18868  
over which the juvenile court has jurisdiction, and all divorce, 18869  
dissolution of marriage, legal separation, and annulment cases 18870  
shall be assigned to them, except cases that for some special 18871  
reason are assigned to some other judge of the court of common 18872  
pleas. 18873

(K) In Butler county: 18874

(1) The judges of the court of common pleas whose terms begin 18875  
on January 1, 1957, and January 4, 1993, and successors, shall 18876  
have the same qualifications, exercise the same powers and 18877  
jurisdiction, and receive the same compensation as other judges of 18878  
the court of common pleas of Butler county and shall be elected 18879  
and designated as judges of the court of common pleas, division of 18880

domestic relations. The judges of the division of domestic 18881  
relations shall have assigned to them all divorce, dissolution of 18882  
marriage, legal separation, and annulment cases coming before the 18883  
court, except in cases that for some special reason are assigned 18884  
to some other judge of the court of common pleas. The judge senior 18885  
in point of service shall be charged with the assignment and 18886  
division of the work of the division and with the employment and 18887  
supervision of all other personnel of the domestic relations 18888  
division. 18889

The judge senior in point of service also shall designate the 18890  
title, compensation, expense allowances, hours, leaves of absence, 18891  
and vacations of the personnel of the division and shall fix their 18892  
duties. The duties of the personnel, in addition to other 18893  
statutory duties, shall include the handling, servicing, and 18894  
investigation of divorce, dissolution of marriage, legal 18895  
separation, and annulment cases and providing any counseling and 18896  
conciliation services that the division makes available to 18897  
persons, whether or not the persons are parties to an action 18898  
pending in the division, who request the services. 18899

(2) The judges of the court of common pleas whose terms begin 18900  
on January 3, 1987, and January 2, 2003, and successors, shall 18901  
have the same qualifications, exercise the same powers and 18902  
jurisdiction, and receive the same compensation as other judges of 18903  
the court of common pleas of Butler county, shall be elected and 18904  
designated as judges of the court of common pleas, juvenile 18905  
division, and shall be the juvenile judges as provided in Chapters 18906  
2151. and 2152. of the Revised Code, with the powers and 18907  
jurisdictions conferred by those chapters. The judge of the court 18908  
of common pleas, juvenile division, who is senior in point of 18909  
service, shall be the administrator of the juvenile division and 18910  
its subdivisions and departments. The judge, senior in point of 18911  
service, shall have charge of the employment, assignment, and 18912

supervision of the personnel of the juvenile division who are 18913  
engaged in handling, servicing, or investigating juvenile cases, 18914  
including any referees whom the judge considers necessary for the 18915  
discharge of the judge's various duties. 18916

The judge, senior in point of service, also shall designate 18917  
the title, compensation, expense allowances, hours, leaves of 18918  
absence, and vacation of the personnel of the division and shall 18919  
fix their duties. The duties of the personnel, in addition to 18920  
other statutory duties, include the handling, servicing, and 18921  
investigation of juvenile cases and providing any counseling and 18922  
conciliation services that the division makes available to 18923  
persons, whether or not the persons are parties to an action 18924  
pending in the division, who request the services. 18925

(3) If a judge of the court of common pleas, division of 18926  
domestic relations or juvenile division, is sick, absent, or 18927  
unable to perform that judge's judicial duties or the volume of 18928  
cases pending in the judge's division necessitates it, the duties 18929  
of that judge shall be performed by the other judges of the 18930  
domestic relations and juvenile divisions. 18931

(L)(1) In Cuyahoga county, the judges of the court of common 18932  
pleas whose terms begin on January 8, 1961, January 9, 1961, 18933  
January 18, 1975, January 19, 1975, and January 13, 1987, and 18934  
successors, shall have the same qualifications, exercise the same 18935  
powers and jurisdiction, and receive the same compensation as 18936  
other judges of the court of common pleas of Cuyahoga county and 18937  
shall be elected and designated as judges of the court of common 18938  
pleas, division of domestic relations. They shall have all the 18939  
powers relating to all divorce, dissolution of marriage, legal 18940  
separation, and annulment cases, except in cases that are assigned 18941  
to some other judge of the court of common pleas for some special 18942  
reason. 18943

(2) The administrative judge is administrator of the domestic 18944

relations division and its subdivisions and departments and has 18945  
the following powers concerning division personnel: 18946

(a) Full charge of the employment, assignment, and 18947  
supervision; 18948

(b) Sole determination of compensation, duties, expenses, 18949  
allowances, hours, leaves, and vacations. 18950

(3) "Division personnel" include persons employed or referees 18951  
engaged in hearing, servicing, investigating, counseling, or 18952  
conciliating divorce, dissolution of marriage, legal separation 18953  
and annulment matters. 18954

(M) In Lake county: 18955

(1) The judge of the court of common pleas whose term begins 18956  
on January 2, 1961, and successors, shall have the same 18957  
qualifications, exercise the same powers and jurisdiction, and 18958  
receive the same compensation as the other judges of the court of 18959  
common pleas of Lake county and shall be elected and designated as 18960  
judge of the court of common pleas, division of domestic 18961  
relations. The judge shall be assigned all the divorce, 18962  
dissolution of marriage, legal separation, and annulment cases 18963  
coming before the court, except in cases that for some special 18964  
reason are assigned to some other judge of the court of common 18965  
pleas. The judge shall be charged with the assignment and division 18966  
of the work of the division and with the employment and 18967  
supervision of all other personnel of the domestic relations 18968  
division. 18969

The judge also shall designate the title, compensation, 18970  
expense allowances, hours, leaves of absence, and vacations of the 18971  
personnel of the division and shall fix their duties. The duties 18972  
of the personnel, in addition to other statutory duties, shall 18973  
include the handling, servicing, and investigation of divorce, 18974  
dissolution of marriage, legal separation, and annulment cases and 18975

providing any counseling and conciliation services that the 18976  
division makes available to persons, whether or not the persons 18977  
are parties to an action pending in the division, who request the 18978  
services. 18979

(2) The judge of the court of common pleas whose term begins 18980  
on January 4, 1979, and successors, shall have the same 18981  
qualifications, exercise the same powers and jurisdiction, and 18982  
receive the same compensation as other judges of the court of 18983  
common pleas of Lake county, shall be elected and designated as 18984  
judge of the court of common pleas, juvenile division, and shall 18985  
be the juvenile judge as provided in Chapters 2151. and 2152. of 18986  
the Revised Code, with the powers and jurisdictions conferred by 18987  
those chapters. The judge of the court of common pleas, juvenile 18988  
division, shall be the administrator of the juvenile division and 18989  
its subdivisions and departments. The judge shall have charge of 18990  
the employment, assignment, and supervision of the personnel of 18991  
the juvenile division who are engaged in handling, servicing, or 18992  
investigating juvenile cases, including any referees whom the 18993  
judge considers necessary for the discharge of the judge's various 18994  
duties. 18995

The judge also shall designate the title, compensation, 18996  
expense allowances, hours, leaves of absence, and vacation of the 18997  
personnel of the division and shall fix their duties. The duties 18998  
of the personnel, in addition to other statutory duties, include 18999  
the handling, servicing, and investigation of juvenile cases and 19000  
providing any counseling and conciliation services that the 19001  
division makes available to persons, whether or not the persons 19002  
are parties to an action pending in the division, who request the 19003  
services. 19004

(3) If a judge of the court of common pleas, division of 19005  
domestic relations or juvenile division, is sick, absent, or 19006  
unable to perform that judge's judicial duties or the volume of 19007

cases pending in the judge's division necessitates it, the duties 19008  
of that judge shall be performed by the other judges of the 19009  
domestic relations and juvenile divisions. 19010

(N) In Erie county, the judge of the court of common pleas 19011  
whose term begins on January 2, 1971, and successors, shall have 19012  
the same qualifications, exercise the same powers and 19013  
jurisdiction, and receive the same compensation as the other judge 19014  
of the court of common pleas of Erie county and shall be elected 19015  
and designated as judge of the court of common pleas, division of 19016  
domestic relations. The judge shall have all the powers relating 19017  
to juvenile courts, and shall be assigned all cases under Chapters 19018  
2151. and 2152. of the Revised Code, parentage proceedings over 19019  
which the juvenile court has jurisdiction, and divorce, 19020  
dissolution of marriage, legal separation, and annulment cases, 19021  
except cases that for some special reason are assigned to some 19022  
other judge. 19023

(O) In Greene county: 19024

(1) The judge of the court of common pleas whose term begins 19025  
on January 1, 1961, and successors, shall have the same 19026  
qualifications, exercise the same powers and jurisdiction, and 19027  
receive the same compensation as the other judges of the court of 19028  
common pleas of Greene county and shall be elected and designated 19029  
as the judge of the court of common pleas, division of domestic 19030  
relations. The judge shall be assigned all divorce, dissolution of 19031  
marriage, legal separation, annulment, uniform reciprocal support 19032  
enforcement, and domestic violence cases and all other cases 19033  
related to domestic relations, except cases that for some special 19034  
reason are assigned to some other judge of the court of common 19035  
pleas. 19036

The judge shall be charged with the assignment and division 19037  
of the work of the division and with the employment and 19038  
supervision of all other personnel of the division. The judge also 19039

shall designate the title, compensation, hours, leaves of absence, 19040  
and vacations of the personnel of the division and shall fix their 19041  
duties. The duties of the personnel of the division, in addition 19042  
to other statutory duties, shall include the handling, servicing, 19043  
and investigation of divorce, dissolution of marriage, legal 19044  
separation, and annulment cases and the provision of counseling 19045  
and conciliation services that the division considers necessary 19046  
and makes available to persons who request the services, whether 19047  
or not the persons are parties in an action pending in the 19048  
division. The compensation for the personnel shall be paid from 19049  
the overall court budget and shall be included in the 19050  
appropriations for the existing judges of the general division of 19051  
the court of common pleas. 19052

(2) The judge of the court of common pleas whose term begins 19053  
on January 1, 1995, and successors, shall have the same 19054  
qualifications, exercise the same powers and jurisdiction, and 19055  
receive the same compensation as the other judges of the court of 19056  
common pleas of Greene county, shall be elected and designated as 19057  
judge of the court of common pleas, juvenile division, and, on or 19058  
after January 1, 1995, shall be the juvenile judge as provided in 19059  
Chapters 2151. and 2152. of the Revised Code with the powers and 19060  
jurisdiction conferred by those chapters. The judge of the court 19061  
of common pleas, juvenile division, shall be the administrator of 19062  
the juvenile division and its subdivisions and departments. The 19063  
judge shall have charge of the employment, assignment, and 19064  
supervision of the personnel of the juvenile division who are 19065  
engaged in handling, servicing, or investigating juvenile cases, 19066  
including any referees whom the judge considers necessary for the 19067  
discharge of the judge's various duties. 19068

The judge also shall designate the title, compensation, 19069  
expense allowances, hours, leaves of absence, and vacation of the 19070  
personnel of the division and shall fix their duties. The duties 19071

of the personnel, in addition to other statutory duties, include 19072  
the handling, servicing, and investigation of juvenile cases and 19073  
providing any counseling and conciliation services that the court 19074  
makes available to persons, whether or not the persons are parties 19075  
to an action pending in the court, who request the services. 19076

(3) If one of the judges of the court of common pleas, 19077  
general division, is sick, absent, or unable to perform that 19078  
judge's judicial duties or the volume of cases pending in the 19079  
general division necessitates it, the duties of that judge of the 19080  
general division shall be performed by the judge of the division 19081  
of domestic relations and the judge of the juvenile division. 19082

(P) In Portage county, the judge of the court of common 19083  
pleas, whose term begins January 2, 1987, and successors, shall 19084  
have the same qualifications, exercise the same powers and 19085  
jurisdiction, and receive the same compensation as the other 19086  
judges of the court of common pleas of Portage county and shall be 19087  
elected and designated as judge of the court of common pleas, 19088  
division of domestic relations. The judge shall be assigned all 19089  
divorce, dissolution of marriage, legal separation, and annulment 19090  
cases coming before the court, except in cases that for some 19091  
special reason are assigned to some other judge of the court of 19092  
common pleas. The judge shall be charged with the assignment and 19093  
division of the work of the division and with the employment and 19094  
supervision of all other personnel of the domestic relations 19095  
division. 19096

The judge also shall designate the title, compensation, 19097  
expense allowances, hours, leaves of absence, and vacations of the 19098  
personnel of the division and shall fix their duties. The duties 19099  
of the personnel, in addition to other statutory duties, shall 19100  
include the handling, servicing, and investigation of divorce, 19101  
dissolution of marriage, legal separation, and annulment cases and 19102  
providing any counseling and conciliation services that the 19103

division makes available to persons, whether or not the persons 19104  
are parties to an action pending in the division, who request the 19105  
services. 19106

(Q) In Clermont county, the judge of the court of common 19107  
pleas, whose term begins January 2, 1987, and successors, shall 19108  
have the same qualifications, exercise the same powers and 19109  
jurisdiction, and receive the same compensation as the other 19110  
judges of the court of common pleas of Clermont county and shall 19111  
be elected and designated as judge of the court of common pleas, 19112  
division of domestic relations. The judge shall be assigned all 19113  
divorce, dissolution of marriage, legal separation, and annulment 19114  
cases coming before the court, except in cases that for some 19115  
special reason are assigned to some other judge of the court of 19116  
common pleas. The judge shall be charged with the assignment and 19117  
division of the work of the division and with the employment and 19118  
supervision of all other personnel of the domestic relations 19119  
division. 19120

The judge also shall designate the title, compensation, 19121  
expense allowances, hours, leaves of absence, and vacations of the 19122  
personnel of the division and shall fix their duties. The duties 19123  
of the personnel, in addition to other statutory duties, shall 19124  
include the handling, servicing, and investigation of divorce, 19125  
dissolution of marriage, legal separation, and annulment cases and 19126  
providing any counseling and conciliation services that the 19127  
division makes available to persons, whether or not the persons 19128  
are parties to an action pending in the division, who request the 19129  
services. 19130

(R) In Warren county, the judge of the court of common pleas, 19131  
whose term begins January 1, 1987, and successors, shall have the 19132  
same qualifications, exercise the same powers and jurisdiction, 19133  
and receive the same compensation as the other judges of the court 19134  
of common pleas of Warren county and shall be elected and 19135

designated as judge of the court of common pleas, division of 19136  
domestic relations. The judge shall be assigned all divorce, 19137  
dissolution of marriage, legal separation, and annulment cases 19138  
coming before the court, except in cases that for some special 19139  
reason are assigned to some other judge of the court of common 19140  
pleas. The judge shall be charged with the assignment and division 19141  
of the work of the division and with the employment and 19142  
supervision of all other personnel of the domestic relations 19143  
division. 19144

The judge also shall designate the title, compensation, 19145  
expense allowances, hours, leaves of absence, and vacations of the 19146  
personnel of the division and shall fix their duties. The duties 19147  
of the personnel, in addition to other statutory duties, shall 19148  
include the handling, servicing, and investigation of divorce, 19149  
dissolution of marriage, legal separation, and annulment cases and 19150  
providing any counseling and conciliation services that the 19151  
division makes available to persons, whether or not the persons 19152  
are parties to an action pending in the division, who request the 19153  
services. 19154

(S) In Licking county, the judge of the court of common 19155  
pleas, whose term begins January 1, 1991, and successors, shall 19156  
have the same qualifications, exercise the same powers and 19157  
jurisdiction, and receive the same compensation as the other 19158  
judges of the court of common pleas of Licking county and shall be 19159  
elected and designated as judge of the court of common pleas, 19160  
division of domestic relations. The judge shall be assigned all 19161  
divorce, dissolution of marriage, legal separation, and annulment 19162  
cases, all cases arising under Chapter 3111. of the Revised Code, 19163  
all proceedings involving child support, the allocation of 19164  
parental rights and responsibilities for the care of children and 19165  
the designation for the children of a place of residence and legal 19166  
custodian, parenting time, and visitation, and all post-decree 19167

proceedings and matters arising from those cases and proceedings, 19168  
except in cases that for some special reason are assigned to 19169  
another judge of the court of common pleas. The judge shall be 19170  
charged with the assignment and division of the work of the 19171  
division and with the employment and supervision of the personnel 19172  
of the division. 19173

The judge shall designate the title, compensation, expense 19174  
allowances, hours, leaves of absence, and vacations of the 19175  
personnel of the division and shall fix the duties of the 19176  
personnel of the division. The duties of the personnel of the 19177  
division, in addition to other statutory duties, shall include the 19178  
handling, servicing, and investigation of divorce, dissolution of 19179  
marriage, legal separation, and annulment cases, cases arising 19180  
under Chapter 3111. of the Revised Code, and proceedings involving 19181  
child support, the allocation of parental rights and 19182  
responsibilities for the care of children and the designation for 19183  
the children of a place of residence and legal custodian, 19184  
parenting time, and visitation and providing any counseling and 19185  
conciliation services that the division makes available to 19186  
persons, whether or not the persons are parties to an action 19187  
pending in the division, who request the services. 19188

(T) In Allen county, the judge of the court of common pleas, 19189  
whose term begins January 1, 1993, and successors, shall have the 19190  
same qualifications, exercise the same powers and jurisdiction, 19191  
and receive the same compensation as the other judges of the court 19192  
of common pleas of Allen county and shall be elected and 19193  
designated as judge of the court of common pleas, division of 19194  
domestic relations. The judge shall be assigned all divorce, 19195  
dissolution of marriage, legal separation, and annulment cases, 19196  
all cases arising under Chapter 3111. of the Revised Code, all 19197  
proceedings involving child support, the allocation of parental 19198  
rights and responsibilities for the care of children and the 19199

designation for the children of a place of residence and legal 19200  
custodian, parenting time, and visitation, and all post-decree 19201  
proceedings and matters arising from those cases and proceedings, 19202  
except in cases that for some special reason are assigned to 19203  
another judge of the court of common pleas. The judge shall be 19204  
charged with the assignment and division of the work of the 19205  
division and with the employment and supervision of the personnel 19206  
of the division. 19207

The judge shall designate the title, compensation, expense 19208  
allowances, hours, leaves of absence, and vacations of the 19209  
personnel of the division and shall fix the duties of the 19210  
personnel of the division. The duties of the personnel of the 19211  
division, in addition to other statutory duties, shall include the 19212  
handling, servicing, and investigation of divorce, dissolution of 19213  
marriage, legal separation, and annulment cases, cases arising 19214  
under Chapter 3111. of the Revised Code, and proceedings involving 19215  
child support, the allocation of parental rights and 19216  
responsibilities for the care of children and the designation for 19217  
the children of a place of residence and legal custodian, 19218  
parenting time, and visitation, and providing any counseling and 19219  
conciliation services that the division makes available to 19220  
persons, whether or not the persons are parties to an action 19221  
pending in the division, who request the services. 19222

(U) In Medina county, the judge of the court of common pleas 19223  
whose term begins January 1, 1995, and successors, shall have the 19224  
same qualifications, exercise the same powers and jurisdiction, 19225  
and receive the same compensation as other judges of the court of 19226  
common pleas of Medina county and shall be elected and designated 19227  
as judge of the court of common pleas, division of domestic 19228  
relations. The judge shall be assigned all divorce, dissolution of 19229  
marriage, legal separation, and annulment cases, all cases arising 19230  
under Chapter 3111. of the Revised Code, all proceedings involving 19231

child support, the allocation of parental rights and 19232  
responsibilities for the care of children and the designation for 19233  
the children of a place of residence and legal custodian, 19234  
parenting time, and visitation, and all post-decree proceedings 19235  
and matters arising from those cases and proceedings, except in 19236  
cases that for some special reason are assigned to another judge 19237  
of the court of common pleas. The judge shall be charged with the 19238  
assignment and division of the work of the division and with the 19239  
employment and supervision of the personnel of the division. 19240

The judge shall designate the title, compensation, expense 19241  
allowances, hours, leaves of absence, and vacations of the 19242  
personnel of the division and shall fix the duties of the 19243  
personnel of the division. The duties of the personnel, in 19244  
addition to other statutory duties, include the handling, 19245  
servicing, and investigation of divorce, dissolution of marriage, 19246  
legal separation, and annulment cases, cases arising under Chapter 19247  
3111. of the Revised Code, and proceedings involving child 19248  
support, the allocation of parental rights and responsibilities 19249  
for the care of children and the designation for the children of a 19250  
place of residence and legal custodian, parenting time, and 19251  
visitation, and providing counseling and conciliation services 19252  
that the division makes available to persons, whether or not the 19253  
persons are parties to an action pending in the division, who 19254  
request the services. 19255

(V) In Fairfield county, the judge of the court of common 19256  
pleas whose term begins January 2, 1995, and successors, shall 19257  
have the same qualifications, exercise the same powers and 19258  
jurisdiction, and receive the same compensation as the other 19259  
judges of the court of common pleas of Fairfield county and shall 19260  
be elected and designated as judge of the court of common pleas, 19261  
division of domestic relations. The judge shall be assigned all 19262  
divorce, dissolution of marriage, legal separation, and annulment 19263

cases, all cases arising under Chapter 3111. of the Revised Code, 19264  
all proceedings involving child support, the allocation of 19265  
parental rights and responsibilities for the care of children and 19266  
the designation for the children of a place of residence and legal 19267  
custodian, parenting time, and visitation, and all post-decree 19268  
proceedings and matters arising from those cases and proceedings, 19269  
except in cases that for some special reason are assigned to 19270  
another judge of the court of common pleas. The judge also has 19271  
concurrent jurisdiction with the probate-juvenile division of the 19272  
court of common pleas of Fairfield county with respect to and may 19273  
hear cases to determine the custody of a child, as defined in 19274  
section 2151.011 of the Revised Code, who is not the ward of 19275  
another court of this state, cases that are commenced by a parent, 19276  
guardian, or custodian of a child, as defined in section 2151.011 19277  
of the Revised Code, to obtain an order requiring a parent of the 19278  
child to pay child support for that child when the request for 19279  
that order is not ancillary to an action for divorce, dissolution 19280  
of marriage, annulment, or legal separation, a criminal or civil 19281  
action involving an allegation of domestic violence, an action for 19282  
support under Chapter 3115. of the Revised Code, or an action that 19283  
is within the exclusive original jurisdiction of the 19284  
probate-juvenile division of the court of common pleas of 19285  
Fairfield county and that involves an allegation that the child is 19286  
an abused, neglected, or dependent child, and post-decree 19287  
proceedings and matters arising from those types of cases. 19288

The judge of the domestic relations division shall be charged 19289  
with the assignment and division of the work of the division and 19290  
with the employment and supervision of the personnel of the 19291  
division. 19292

The judge shall designate the title, compensation, expense 19293  
allowances, hours, leaves of absence, and vacations of the 19294  
personnel of the division and shall fix the duties of the 19295

personnel of the division. The duties of the personnel of the 19296  
division, in addition to other statutory duties, shall include the 19297  
handling, servicing, and investigation of divorce, dissolution of 19298  
marriage, legal separation, and annulment cases, cases arising 19299  
under Chapter 3111. of the Revised Code, and proceedings involving 19300  
child support, the allocation of parental rights and 19301  
responsibilities for the care of children and the designation for 19302  
the children of a place of residence and legal custodian, 19303  
parenting time, and visitation, and providing any counseling and 19304  
conciliation services that the division makes available to 19305  
persons, regardless of whether the persons are parties to an 19306  
action pending in the division, who request the services. When the 19307  
judge hears a case to determine the custody of a child, as defined 19308  
in section 2151.011 of the Revised Code, who is not the ward of 19309  
another court of this state or a case that is commenced by a 19310  
parent, guardian, or custodian of a child, as defined in section 19311  
2151.011 of the Revised Code, to obtain an order requiring a 19312  
parent of the child to pay child support for that child when the 19313  
request for that order is not ancillary to an action for divorce, 19314  
dissolution of marriage, annulment, or legal separation, a 19315  
criminal or civil action involving an allegation of domestic 19316  
violence, an action for support under Chapter 3115. of the Revised 19317  
Code, or an action that is within the exclusive original 19318  
jurisdiction of the probate-juvenile division of the court of 19319  
common pleas of Fairfield county and that involves an allegation 19320  
that the child is an abused, neglected, or dependent child, the 19321  
duties of the personnel of the domestic relations division also 19322  
include the handling, servicing, and investigation of those types 19323  
of cases. 19324

(W)(1) In Clark county, the judge of the court of common 19325  
pleas whose term begins on January 2, 1995, and successors, shall 19326  
have the same qualifications, exercise the same powers and 19327  
jurisdiction, and receive the same compensation as other judges of 19328

the court of common pleas of Clark county and shall be elected and 19329  
designated as judge of the court of common pleas, domestic 19330  
relations division. The judge shall have all the powers relating 19331  
to juvenile courts, and all cases under Chapters 2151. and 2152. 19332  
of the Revised Code and all parentage proceedings under Chapter 19333  
3111. of the Revised Code over which the juvenile court has 19334  
jurisdiction shall be assigned to the judge of the division of 19335  
domestic relations. All divorce, dissolution of marriage, legal 19336  
separation, annulment, uniform reciprocal support enforcement, and 19337  
other cases related to domestic relations shall be assigned to the 19338  
domestic relations division, and the presiding judge of the court 19339  
of common pleas shall assign the cases to the judge of the 19340  
domestic relations division and the judges of the general 19341  
division. 19342

(2) In addition to the judge's regular duties, the judge of 19343  
the division of domestic relations shall serve on the children 19344  
services board and the county advisory board. 19345

(3) If the judge of the court of common pleas of Clark 19346  
county, division of domestic relations, is sick, absent, or unable 19347  
to perform that judge's judicial duties or if the presiding judge 19348  
of the court of common pleas of Clark county determines that the 19349  
volume of cases pending in the division of domestic relations 19350  
necessitates it, the duties of the judge of the division of 19351  
domestic relations shall be performed by the judges of the general 19352  
division or probate division of the court of common pleas of Clark 19353  
county, as assigned for that purpose by the presiding judge of 19354  
that court, and the judges so assigned shall act in conjunction 19355  
with the judge of the division of domestic relations of that 19356  
court. 19357

(X) In Scioto county, the judge of the court of common pleas 19358  
whose term begins January 2, 1995, and successors, shall have the 19359  
same qualifications, exercise the same powers and jurisdiction, 19360

and receive the same compensation as other judges of the court of 19361  
common pleas of Scioto county and shall be elected and designated 19362  
as judge of the court of common pleas, division of domestic 19363  
relations. The judge shall be assigned all divorce, dissolution of 19364  
marriage, legal separation, and annulment cases, all cases arising 19365  
under Chapter 3111. of the Revised Code, all proceedings involving 19366  
child support, the allocation of parental rights and 19367  
responsibilities for the care of children and the designation for 19368  
the children of a place of residence and legal custodian, 19369  
parenting time, visitation, and all post-decree proceedings and 19370  
matters arising from those cases and proceedings, except in cases 19371  
that for some special reason are assigned to another judge of the 19372  
court of common pleas. The judge shall be charged with the 19373  
assignment and division of the work of the division and with the 19374  
employment and supervision of the personnel of the division. 19375

The judge shall designate the title, compensation, expense 19376  
allowances, hours, leaves of absence, and vacations of the 19377  
personnel of the division and shall fix the duties of the 19378  
personnel of the division. The duties of the personnel, in 19379  
addition to other statutory duties, include the handling, 19380  
servicing, and investigation of divorce, dissolution of marriage, 19381  
legal separation, and annulment cases, cases arising under Chapter 19382  
3111. of the Revised Code, and proceedings involving child 19383  
support, the allocation of parental rights and responsibilities 19384  
for the care of children and the designation for the children of a 19385  
place of residence and legal custodian, parenting time, and 19386  
visitation, and providing counseling and conciliation services 19387  
that the division makes available to persons, whether or not the 19388  
persons are parties to an action pending in the division, who 19389  
request the services. 19390

(Y) In Auglaize county, the judge of the probate and juvenile 19391  
divisions of the Auglaize county court of common pleas also shall 19392

be the administrative judge of the domestic relations division of 19393  
the court and shall be assigned all divorce, dissolution of 19394  
marriage, legal separation, and annulment cases coming before the 19395  
court. The judge shall have all powers as administrator of the 19396  
domestic relations division and shall have charge of the personnel 19397  
engaged in handling, servicing, or investigating divorce, 19398  
dissolution of marriage, legal separation, and annulment cases, 19399  
including any referees considered necessary for the discharge of 19400  
the judge's various duties. 19401

(Z)(1) In Marion county, the judge of the court of common 19402  
pleas whose term begins on February 9, 1999, and the successors to 19403  
that judge, shall have the same qualifications, exercise the same 19404  
powers and jurisdiction, and receive the same compensation as the 19405  
other judges of the court of common pleas of Marion county and 19406  
shall be elected and designated as judge of the court of common 19407  
pleas, domestic relations-juvenile-probate division. Except as 19408  
otherwise specified in this division, that judge, and the 19409  
successors to that judge, shall have all the powers relating to 19410  
juvenile courts, and all cases under Chapters 2151. and 2152. of 19411  
the Revised Code, all cases arising under Chapter 3111. of the 19412  
Revised Code, all divorce, dissolution of marriage, legal 19413  
separation, and annulment cases, all proceedings involving child 19414  
support, the allocation of parental rights and responsibilities 19415  
for the care of children and the designation for the children of a 19416  
place of residence and legal custodian, parenting time, and 19417  
visitation, and all post-decree proceedings and matters arising 19418  
from those cases and proceedings shall be assigned to that judge 19419  
and the successors to that judge. Except as provided in division 19420  
(Z)(2) of this section and notwithstanding any other provision of 19421  
any section of the Revised Code, on and after February 9, 2003, 19422  
the judge of the court of common pleas of Marion county whose term 19423  
begins on February 9, 1999, and the successors to that judge, 19424  
shall have all the powers relating to the probate division of the 19425

court of common pleas of Marion county in addition to the powers 19426  
previously specified in this division, and shall exercise 19427  
concurrent jurisdiction with the judge of the probate division of 19428  
that court over all matters that are within the jurisdiction of 19429  
the probate division of that court under Chapter 2101., and other 19430  
provisions, of the Revised Code in addition to the jurisdiction of 19431  
the domestic relations-juvenile-probate division of that court 19432  
otherwise specified in division (Z)(1) of this section. 19433

(2) The judge of the domestic relations-juvenile-probate 19434  
division of the court of common pleas of Marion county or the 19435  
judge of the probate division of the court of common pleas of 19436  
Marion county, whichever of those judges is senior in total length 19437  
of service on the court of common pleas of Marion county, 19438  
regardless of the division or divisions of service, shall serve as 19439  
the clerk of the probate division of the court of common pleas of 19440  
Marion county. 19441

(3) On and after February 9, 2003, all references in law to 19442  
"the probate court," "the probate judge," "the juvenile court," or 19443  
"the judge of the juvenile court" shall be construed, with respect 19444  
to Marion county, as being references to both "the probate 19445  
division" and "the domestic relations-juvenile-probate division" 19446  
and as being references to both "the judge of the probate 19447  
division" and "the judge of the domestic relations- 19448  
juvenile-probate division." On and after February 9, 2003, all 19449  
references in law to "the clerk of the probate court" shall be 19450  
construed, with respect to Marion county, as being references to 19451  
the judge who is serving pursuant to division (Z)(2) of this 19452  
section as the clerk of the probate division of the court of 19453  
common pleas of Marion county. 19454

(AA) In Muskingum county, the judge of the court of common 19455  
pleas whose term begins on January 2, 2003, and successors, shall 19456  
have the same qualifications, exercise the same powers and 19457

jurisdiction, and receive the same compensation as the other 19458  
judges of the court of common pleas of Muskingum county and shall 19459  
be elected and designated as the judge of the court of common 19460  
pleas, division of domestic relations. The judge shall be assigned 19461  
and hear all divorce, dissolution of marriage, legal separation, 19462  
and annulment cases and all proceedings under the uniform 19463  
interstate family support act contained in Chapter 3115. of the 19464  
Revised Code. Except in cases that are subject to the exclusive 19465  
original jurisdiction of the juvenile court, the judge shall be 19466  
assigned and hear all cases pertaining to paternity, visitation, 19467  
child support, the allocation of parental rights and 19468  
responsibilities for the care of children, and the designation for 19469  
the children of a place of residence and legal custodian, and all 19470  
post-decree proceedings arising from any case pertaining to any of 19471  
those matters. 19472

(BB) If a judge of the court of common pleas, division of 19473  
domestic relations, or juvenile judge, of any of the counties 19474  
mentioned in this section is sick, absent, or unable to perform 19475  
that judge's judicial duties or the volume of cases pending in the 19476  
judge's division necessitates it, the duties of that judge shall 19477  
be performed by another judge of the court of common pleas of that 19478  
county, assigned for that purpose by the presiding judge of the 19479  
court of common pleas of that county to act in place of or in 19480  
conjunction with that judge, as the case may require. 19481

**Sec. 2301.58.** (A) The director of the community-based 19482  
correctional facility or district community-based correctional 19483  
facility may establish a commissary for the facility. The 19484  
commissary may be established either in-house or by another 19485  
arrangement. If a commissary is established, all persons 19486  
incarcerated in the facility shall receive commissary privileges. 19487  
A person's purchases from the commissary shall be deducted from 19488  
the person's account record in the facility's business office. The 19489

commissary shall provide for the distribution to indigent persons 19490  
incarcerated in the facility necessary hygiene articles and 19491  
writing materials. 19492

(B) If a commissary is established, the director of the 19493  
community-based correctional facility or district community-based 19494  
correctional facility shall establish a commissary fund for the 19495  
facility. The management of funds in the commissary fund shall be 19496  
strictly controlled in accordance with procedures adopted by the 19497  
auditor of state. Commissary fund revenue over and above operating 19498  
costs and reserve shall be considered profits. All profits from 19499  
the commissary fund shall be used to purchase supplies and 19500  
equipment for the benefit of persons incarcerated in the facility 19501  
and to pay salary and benefits for employees of the facility, or 19502  
for any other persons, who work in or are employed for the sole 19503  
purpose of providing service to the commissary. The director of 19504  
the community-based correctional facility or district 19505  
community-based correctional facility shall adopt rules and 19506  
regulations for the operation of any commissary fund the director 19507  
establishes. 19508

**Sec. 2305.234.** (A) As used in this section: 19509

(1) "Chiropractic claim," "medical claim," and "optometric 19510  
claim" have the same meanings as in section 2305.113 of the 19511  
Revised Code. 19512

(2) "Dental claim" has the same meaning as in section 19513  
2305.113 of the Revised Code, except that it does not include any 19514  
claim arising out of a dental operation or any derivative claim 19515  
for relief that arises out of a dental operation. 19516

(3) "Governmental health care program" has the same meaning 19517  
as in section 4731.65 of the Revised Code. 19518

(4) "Health care professional" means any of the following who 19519

provide medical, dental, or other health-related diagnosis, care, or treatment:	19520 19521
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	19522 19523 19524
(b) Registered nurses, advanced practice nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	19525 19526
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	19527 19528
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	19529 19530
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	19531 19532
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	19533 19534
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	19535 19536
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	19537 19538
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	19539 19540
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	19541 19542
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	19543 19544 19545 19546
(5) "Health care worker" means a person other than a health care professional who provides medical, dental, or other	19547 19548

health-related care or treatment under the direction of a health 19549  
care professional with the authority to direct that individual's 19550  
activities, including medical technicians, medical assistants, 19551  
dental assistants, orderlies, aides, and individuals acting in 19552  
similar capacities. 19553

(6) "Indigent and uninsured person" means a person who meets 19554  
all of the following requirements: 19555

(a) The person's income is not greater than one hundred fifty 19556  
per cent of the current poverty line as defined by the United 19557  
States office of management and budget and revised in accordance 19558  
with section 673(2) of the "Omnibus Budget Reconciliation Act of 19559  
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 19560

(b) The person is not eligible to receive medical assistance 19561  
under Chapter 5111., ~~disability assistance~~ medical assistance 19562  
under Chapter 5115. of the Revised Code, or assistance under any 19563  
other governmental health care program. 19564

(c) Either of the following applies: 19565

(i) The person is not a policyholder, certificate holder, 19566  
insured, contract holder, subscriber, enrollee, member, 19567  
beneficiary, or other covered individual under a health insurance 19568  
or health care policy, contract, or plan. 19569

(ii) The person is a policyholder, certificate holder, 19570  
insured, contract holder, subscriber, enrollee, member, 19571  
beneficiary, or other covered individual under a health insurance 19572  
or health care policy, contract, or plan, but the insurer, policy, 19573  
contract, or plan denies coverage or is the subject of insolvency 19574  
or bankruptcy proceedings in any jurisdiction. 19575

(7) "Operation" means any procedure that involves cutting or 19576  
otherwise infiltrating human tissue by mechanical means, including 19577  
surgery, laser surgery, ionizing radiation, therapeutic 19578  
ultrasound, or the removal of intraocular foreign bodies. 19579

"Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection.

(8) "Nonprofit shelter or health care facility" means a charitable nonprofit corporation organized and operated pursuant to Chapter 1702. of the Revised Code, or any charitable organization not organized and not operated for profit, that provides shelter, health care services, or shelter and health care services to indigent and uninsured persons, except that "shelter or health care facility" does not include a hospital as defined in section 3727.01 of the Revised Code, a facility licensed under Chapter 3721. of the Revised Code, or a medical facility that is operated for profit.

(9) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons or government entities.

(10) "Volunteer" means an individual who provides any medical, dental, or other health-care related diagnosis, care, or treatment without the expectation of receiving and without receipt of any compensation or other form of remuneration from an indigent and uninsured person, another person on behalf of an indigent and uninsured person, any shelter or health care facility, or any other person or government entity.

(B)(1) Subject to divisions (E) and (F)(3) of this section, a health care professional who is a volunteer and complies with division (B)(2) of this section is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or

omission of the volunteer in the provision at a nonprofit shelter 19612  
or health care facility to an indigent and uninsured person of 19613  
medical, dental, or other health-related diagnosis, care, or 19614  
treatment, including the provision of samples of medicine and 19615  
other medical products, unless the action or omission constitutes 19616  
willful or wanton misconduct. 19617

(2) To qualify for the immunity described in division (B)(1) 19618  
of this section, a health care professional shall do all of the 19619  
following prior to providing diagnosis, care, or treatment: 19620

(a) Determine, in good faith, that the indigent and uninsured 19621  
person is mentally capable of giving informed consent to the 19622  
provision of the diagnosis, care, or treatment and is not subject 19623  
to duress or under undue influence; 19624

(b) Inform the person of the provisions of this section; 19625

(c) Obtain the informed consent of the person and a written 19626  
waiver, signed by the person or by another individual on behalf of 19627  
and in the presence of the person, that states that the person is 19628  
mentally competent to give informed consent and, without being 19629  
subject to duress or under undue influence, gives informed consent 19630  
to the provision of the diagnosis, care, or treatment subject to 19631  
the provisions of this section. 19632

(3) A physician or podiatrist who is not covered by medical 19633  
malpractice insurance, but complies with division (B)(2) of this 19634  
section, is not required to comply with division (A) of section 19635  
4731.143 of the Revised Code. 19636

(C) Subject to divisions (E) and (F)(3) of this section, 19637  
health care workers who are volunteers are not liable in damages 19638  
to any person or government entity in a tort or other civil 19639  
action, including an action upon a medical, dental, chiropractic, 19640  
optometric, or other health-related claim, for injury, death, or 19641  
loss to person or property that allegedly arises from an action or 19642

omission of the health care worker in the provision at a nonprofit 19643  
shelter or health care facility to an indigent and uninsured 19644  
person of medical, dental, or other health-related diagnosis, 19645  
care, or treatment, unless the action or omission constitutes 19646  
willful or wanton misconduct. 19647

(D) Subject to divisions (E) and (F)(3) of this section and 19648  
section 3701.071 of the Revised Code, a nonprofit shelter or 19649  
health care facility associated with a health care professional 19650  
described in division (B)(1) of this section or a health care 19651  
worker described in division (C) of this section is not liable in 19652  
damages to any person or government entity in a tort or other 19653  
civil action, including an action on a medical, dental, 19654  
chiropractic, optometric, or other health-related claim, for 19655  
injury, death, or loss to person or property that allegedly arises 19656  
from an action or omission of the health care professional or 19657  
worker in providing for the shelter or facility medical, dental, 19658  
or other health-related diagnosis, care, or treatment to an 19659  
indigent and uninsured person, unless the action or omission 19660  
constitutes willful or wanton misconduct. 19661

(E)(1) Except as provided in division (E)(2) of this section, 19662  
the immunities provided by divisions (B), (C), and (D) of this 19663  
section are not available to an individual or to a nonprofit 19664  
shelter or health care facility if, at the time of an alleged 19665  
injury, death, or loss to person or property, the individuals 19666  
involved are providing one of the following: 19667

(a) Any medical, dental, or other health-related diagnosis, 19668  
care, or treatment pursuant to a community service work order 19669  
entered by a court under division (F) of section 2951.02 of the 19670  
Revised Code as a condition of probation or other suspension of a 19671  
term of imprisonment or imposed by a court as a community control 19672  
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 19673  
Code. 19674

(b) Performance of an operation.	19675
(c) Delivery of a baby.	19676
(2) Division (E)(1) of this section does not apply to an individual who provides, or a nonprofit shelter or health care facility at which the individual provides, diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.	19677 19678 19679 19680 19681
(F)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, or nonprofit shelter or health care facility.	19682 19683 19684
(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an individual or a nonprofit shelter or health care facility may be entitled in connection with the provision of emergency or other diagnosis, care, or treatment.	19685 19686 19687 19688 19689 19690
(3) This section does not grant an immunity from tort or other civil liability to an individual or a nonprofit shelter or health care facility for actions that are outside the scope of authority of health care professionals or health care workers.	19691 19692 19693 19694
(4) This section does not affect any legal responsibility of a health care professional or health care worker to comply with any applicable law of this state or rule of an agency of this state.	19695 19696 19697 19698
(5) This section does not affect any legal responsibility of a nonprofit shelter or health care facility to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.	19699 19700 19701 19702 19703 19704

**Sec. 2329.07.** If neither execution on a judgment rendered in a court of record or certified to the clerk of the court of common pleas in the county in which the judgment was rendered is issued, nor a certificate of judgment for obtaining a lien upon lands and tenements is issued and filed, as provided in sections 2329.02 and 2329.04 of the Revised Code, within five years from the date of the judgment or within five years from the date of the issuance of the last execution thereon or the issuance and filing of the last such certificate, whichever is later, then, unless the judgment is in favor of the state, the judgment shall be dormant and shall not operate as a lien upon the estate of the judgment debtor.

If the judgment is in favor of the state, the judgment shall not become dormant and shall not cease to operate as a lien against the estate of the judgment debtor ~~unless neither such~~ provided that either execution on the judgment is issued ~~nor such~~ or a certificate of judgment is issued and filed, as provided in sections 2329.02 and 2329.04 of the Revised Code, within ten years from the date of the judgment ~~or within ten years from the date of the issuance of the last execution thereon or the issuance and filing of the last such certificate, whichever is later.~~

If, in any county other than that in which a judgment was rendered, the judgment has become a lien by reason of the filing, in the office of the clerk of the court of common pleas of that county, of a certificate of the judgment as provided in sections 2329.02 and 2329.04 of the Revised Code, and if no execution is issued for the enforcement of the judgment within that county, or no further certificate of the judgment is filed in that county, within five years ~~or, if the judgment is in favor of the state, within ten years~~ from the date of issuance of the last execution for the enforcement of the judgment within that county or the date of filing of the last certificate in that county, whichever is the later, then the judgment shall cease to operate as a lien upon

lands and tenements of the judgment debtor within that county, 19737  
unless the judgment is in favor of the state, in which case the 19738  
judgment shall not become dormant. 19739

~~This section applies to judgments in favor of the state.~~ 19740

**Sec. 2329.66.** (A) Every person who is domiciled in this state 19741  
may hold property exempt from execution, garnishment, attachment, 19742  
or sale to satisfy a judgment or order, as follows: 19743

(1)(a) In the case of a judgment or order regarding money 19744  
owed for health care services rendered or health care supplies 19745  
provided to the person or a dependent of the person, one parcel or 19746  
item of real or personal property that the person or a dependent 19747  
of the person uses as a residence. Division (A)(1)(a) of this 19748  
section does not preclude, affect, or invalidate the creation 19749  
under this chapter of a judgment lien upon the exempted property 19750  
but only delays the enforcement of the lien until the property is 19751  
sold or otherwise transferred by the owner or in accordance with 19752  
other applicable laws to a person or entity other than the 19753  
surviving spouse or surviving minor children of the judgment 19754  
debtor. Every person who is domiciled in this state may hold 19755  
exempt from a judgment lien created pursuant to division (A)(1)(a) 19756  
of this section the person's interest, not to exceed five thousand 19757  
dollars, in the exempted property. 19758

(b) In the case of all other judgments and orders, the 19759  
person's interest, not to exceed five thousand dollars, in one 19760  
parcel or item of real or personal property that the person or a 19761  
dependent of the person uses as a residence. 19762

(2) The person's interest, not to exceed one thousand 19763  
dollars, in one motor vehicle; 19764

(3) The person's interest, not to exceed two hundred dollars 19765  
in any particular item, in wearing apparel, beds, and bedding, and 19766

the person's interest, not to exceed three hundred dollars in each 19767  
item, in one cooking unit and one refrigerator or other food 19768  
preservation unit; 19769

(4)(a) The person's interest, not to exceed four hundred 19770  
dollars, in cash on hand, money due and payable, money to become 19771  
due within ninety days, tax refunds, and money on deposit with a 19772  
bank, savings and loan association, credit union, public utility, 19773  
landlord, or other person. Division (A)(4)(a) of this section 19774  
applies only in bankruptcy proceedings. This exemption may include 19775  
the portion of personal earnings that is not exempt under division 19776  
(A)(13) of this section. 19777

(b) Subject to division (A)(4)(d) of this section, the 19778  
person's interest, not to exceed two hundred dollars in any 19779  
particular item, in household furnishings, household goods, 19780  
appliances, books, animals, crops, musical instruments, firearms, 19781  
and hunting and fishing equipment, that are held primarily for the 19782  
personal, family, or household use of the person; 19783

(c) Subject to division (A)(4)(d) of this section, the 19784  
person's interest in one or more items of jewelry, not to exceed 19785  
four hundred dollars in one item of jewelry and not to exceed two 19786  
hundred dollars in every other item of jewelry; 19787

(d) Divisions (A)(4)(b) and (c) of this section do not 19788  
include items of personal property listed in division (A)(3) of 19789  
this section. 19790

If the person does not claim an exemption under division 19791  
(A)(1) of this section, the total exemption claimed under division 19792  
(A)(4)(b) of this section shall be added to the total exemption 19793  
claimed under division (A)(4)(c) of this section, and the total 19794  
shall not exceed two thousand dollars. If the person claims an 19795  
exemption under division (A)(1) of this section, the total 19796  
exemption claimed under division (A)(4)(b) of this section shall 19797

be added to the total exemption claimed under division (A)(4)(c) 19798  
of this section, and the total shall not exceed one thousand five 19799  
hundred dollars. 19800

(5) The person's interest, not to exceed an aggregate of 19801  
seven hundred fifty dollars, in all implements, professional 19802  
books, or tools of the person's profession, trade, or business, 19803  
including agriculture; 19804

(6)(a) The person's interest in a beneficiary fund set apart, 19805  
appropriated, or paid by a benevolent association or society, as 19806  
exempted by section 2329.63 of the Revised Code; 19807

(b) The person's interest in contracts of life or endowment 19808  
insurance or annuities, as exempted by section 3911.10 of the 19809  
Revised Code; 19810

(c) The person's interest in a policy of group insurance or 19811  
the proceeds of a policy of group insurance, as exempted by 19812  
section 3917.05 of the Revised Code; 19813

(d) The person's interest in money, benefits, charity, 19814  
relief, or aid to be paid, provided, or rendered by a fraternal 19815  
benefit society, as exempted by section 3921.18 of the Revised 19816  
Code; 19817

(e) The person's interest in the portion of benefits under 19818  
policies of sickness and accident insurance and in lump sum 19819  
payments for dismemberment and other losses insured under those 19820  
policies, as exempted by section 3923.19 of the Revised Code. 19821

(7) The person's professionally prescribed or medically 19822  
necessary health aids; 19823

(8) The person's interest in a burial lot, including, but not 19824  
limited to, exemptions under section 517.09 or 1721.07 of the 19825  
Revised Code; 19826

(9) The person's interest in the following: 19827

(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	19828 19829
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	19830 19831
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	19832 19833
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	19834 19835
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	19836 19837 19838
(f) Disability <u>financial</u> assistance payments, as exempted by section <del>5115.07</del> <u>5115.06</u> of the Revised Code.	19839 19840
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund;	19841 19842 19843 19844 19845 19846 19847 19848 19849 19850 19851 19852 19853 19854 19855 19856 19857
(b) Except as provided in sections 3119.80, 3119.81, 3121.02,	19858

3121.03, and 3123.06 of the Revised Code, the person's right to 19859  
receive a payment under any pension, annuity, or similar plan or 19860  
contract, not including a payment from a stock bonus or 19861  
profit-sharing plan or a payment included in division (A)(6)(b) or 19862  
(10)(a) of this section, on account of illness, disability, death, 19863  
age, or length of service, to the extent reasonably necessary for 19864  
the support of the person and any of the person's dependents, 19865  
except if all the following apply: 19866

(i) The plan or contract was established by or under the 19867  
auspices of an insider that employed the person at the time the 19868  
person's rights under the plan or contract arose. 19869

(ii) The payment is on account of age or length of service. 19870

(iii) The plan or contract is not qualified under the 19871  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 19872  
amended. 19873

(c) Except for any portion of the assets that were deposited 19874  
for the purpose of evading the payment of any debt and except as 19875  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 19876  
3123.06 of the Revised Code, the person's right in the assets held 19877  
in, or to receive any payment under, any individual retirement 19878  
account, individual retirement annuity, "Roth IRA," or education 19879  
individual retirement account that provides benefits by reason of 19880  
illness, disability, death, or age, to the extent that the assets, 19881  
payments, or benefits described in division (A)(10)(c) of this 19882  
section are attributable to any of the following: 19883

(i) Contributions of the person that were less than or equal 19884  
to the applicable limits on deductible contributions to an 19885  
individual retirement account or individual retirement annuity in 19886  
the year that the contributions were made, whether or not the 19887  
person was eligible to deduct the contributions on the person's 19888  
federal tax return for the year in which the contributions were 19889

made;	19890
(ii) Contributions of the person that were less than or equal to the applicable limits on contributions to a Roth IRA or education individual retirement account in the year that the contributions were made;	19891 19892 19893 19894
(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	19895 19896 19897 19898 19899
(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.	19900 19901 19902 19903 19904 19905 19906 19907
(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;	19908 19909 19910 19911
(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:	19912 19913
(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;	19914 19915 19916
(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;	19917 19918 19919 19920

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed five thousand dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to the person.

(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;

(15) A seal and official register of a notary public, as

exempted by section 147.04 of the Revised Code;	19952
(16) The person's interest in a tuition credit or a payment	19953
under section 3334.09 of the Revised Code pursuant to a tuition	19954
credit contract, as exempted by section 3334.15 of the Revised	19955
Code;	19956
(17) Any other property that is specifically exempted from	19957
execution, attachment, garnishment, or sale by federal statutes	19958
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11	19959
U.S.C.A. 101, as amended;	19960
(18) The person's interest, not to exceed four hundred	19961
dollars, in any property, except that division (A)(18) of this	19962
section applies only in bankruptcy proceedings.	19963
(B) As used in this section:	19964
(1) "Disposable earnings" means net earnings after the	19965
garnishee has made deductions required by law, excluding the	19966
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02,	19967
3121.03, or 3123.06 of the Revised Code.	19968
(2) "Insider" means:	19969
(a) If the person who claims an exemption is an individual, a	19970
relative of the individual, a relative of a general partner of the	19971
individual, a partnership in which the individual is a general	19972
partner, a general partner of the individual, or a corporation of	19973
which the individual is a director, officer, or in control;	19974
(b) If the person who claims an exemption is a corporation, a	19975
director or officer of the corporation; a person in control of the	19976
corporation; a partnership in which the corporation is a general	19977
partner; a general partner of the corporation; or a relative of a	19978
general partner, director, officer, or person in control of the	19979
corporation;	19980
(c) If the person who claims an exemption is a partnership, a	19981

general partner in the partnership; a general partner of the 19982  
partnership; a person in control of the partnership; a partnership 19983  
in which the partnership is a general partner; or a relative in, a 19984  
general partner of, or a person in control of the partnership; 19985

(d) An entity or person to which or whom any of the following 19986  
applies: 19987

(i) The entity directly or indirectly owns, controls, or 19988  
holds with power to vote, twenty per cent or more of the 19989  
outstanding voting securities of the person who claims an 19990  
exemption, unless the entity holds the securities in a fiduciary 19991  
or agency capacity without sole discretionary power to vote the 19992  
securities or holds the securities solely to secure to debt and 19993  
the entity has not in fact exercised the power to vote. 19994

(ii) The entity is a corporation, twenty per cent or more of 19995  
whose outstanding voting securities are directly or indirectly 19996  
owned, controlled, or held with power to vote, by the person who 19997  
claims an exemption or by an entity to which division (B)(2)(d)(i) 19998  
of this section applies. 19999

(iii) A person whose business is operated under a lease or 20000  
operating agreement by the person who claims an exemption, or a 20001  
person substantially all of whose business is operated under an 20002  
operating agreement with the person who claims an exemption. 20003

(iv) The entity operates the business or all or substantially 20004  
all of the property of the person who claims an exemption under a 20005  
lease or operating agreement. 20006

(e) An insider, as otherwise defined in this section, of a 20007  
person or entity to which division (B)(2)(d)(i), (ii), (iii), or 20008  
(iv) of this section applies, as if the person or entity were a 20009  
person who claims an exemption; 20010

(f) A managing agent of the person who claims an exemption. 20011

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	20012 20013
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	20014 20015
(C) For purposes of this section, "interest" shall be determined as follows:	20016 20017
(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;	20018 20019 20020
(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.	20021 20022 20023
An interest, as determined under division (C)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.	20024 20025 20026
<b>Sec. 2335.39.</b> (A) As used in this section:	20027
(1) "Court" means any court of record.	20028
(2) "Eligible party" means a party to an action or appeal involving the state, other than the following:	20029 20030
(a) The state;	20031
(b) An individual whose net worth exceeded one million dollars at the time the action or appeal was filed;	20032 20033
(c) A sole owner of an unincorporated business that had, or a partnership, corporation, association, or organization that had, a net worth exceeding five million dollars at the time the action or appeal was filed, except that an organization that is described in subsection 501(c)(3) and is tax exempt under subsection 501(a) of the Internal Revenue Code shall not be excluded as an eligible party under this division because of its net worth;	20034 20035 20036 20037 20038 20039 20040

(d) A sole owner of an unincorporated business that employed, 20041  
or a partnership, corporation, association, or organization that 20042  
employed, more than five hundred persons at the time the action or 20043  
appeal was filed. 20044

(3) "Fees" means reasonable attorney's fees, in an amount not 20045  
to exceed seventy-five dollars per hour or a higher hourly fee 20046  
approved by the court. 20047

(4) "Internal Revenue Code" means the "Internal Revenue Code 20048  
of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended. 20049

(5) "Prevailing eligible party" means an eligible party that 20050  
prevails in an action or appeal involving the state. 20051

(6) "State" has the same meaning as in section 2743.01 of the 20052  
Revised Code. 20053

(B)(1) Except as provided in divisions (B)(2) and (F) of this 20054  
section, in a civil action, or appeal of a judgment in a civil 20055  
action, to which the state is a party, or in an appeal of an 20056  
adjudication order of an agency pursuant to section 119.12 of the 20057  
Revised Code, the prevailing eligible party is entitled, upon 20058  
filing a motion in accordance with this division, to compensation 20059  
for fees incurred by that party in connection with the action or 20060  
appeal. Compensation, when payable to a prevailing eligible party 20061  
under this section, is in addition to any other costs and expenses 20062  
that may be awarded to that party by the court pursuant to law or 20063  
rule. 20064

A prevailing eligible party that desires an award of 20065  
compensation for fees shall file a motion requesting the award 20066  
with the court within thirty days after the court enters final 20067  
judgment in the action or appeal. The motion shall do all of the 20068  
following: 20069

(a) Identify the party; 20070

(b) Indicate that the party is the prevailing eligible party 20071  
and is entitled to receive an award of compensation for fees; 20072

(c) Include a statement that the state's position in 20073  
initiating the matter in controversy was not substantially 20074  
justified; 20075

(d) Indicate the amount sought as an award; 20076

(e) Itemize all fees sought in the requested award. The 20077  
itemization shall include a statement from any attorney who 20078  
represented the prevailing eligible party, that indicates the fees 20079  
charged, the actual time expended, and the rate at which the fees 20080  
were calculated. 20081

(2) Upon the filing of a motion under this section, the court 20082  
shall review the request for the award of compensation for fees 20083  
and determine whether the position of the state in initiating the 20084  
matter in controversy was substantially justified, whether special 20085  
circumstances make an award unjust, and whether the prevailing 20086  
eligible party engaged in conduct during the course of the action 20087  
or appeal that unduly and unreasonably protracted the final 20088  
resolution of the matter in controversy. The court shall issue an 20089  
order, in writing, on the motion of the prevailing eligible party, 20090  
which order shall include a statement indicating whether an award 20091  
has been granted, the findings and conclusions underlying it, the 20092  
reasons or bases for the findings and conclusions, and, if an 20093  
award has been granted, its amount. The order shall be included in 20094  
the record of the action or appeal, and the clerk of the court 20095  
shall mail a certified copy of it to the state and the prevailing 20096  
eligible party. 20097

With respect to a motion under this section, the state has 20098  
the burden of proving that its position in initiating the matter 20099  
in controversy was substantially justified, that special 20100  
circumstances make an award unjust, or that the prevailing 20101

eligible party engaged in conduct during the course of the action 20102  
or appeal that unduly and unreasonably protracted the final 20103  
resolution of the matter in controversy. 20104

A court considering a motion under this section may deny an 20105  
award entirely, or reduce the amount of an award that otherwise 20106  
would be payable, to a prevailing eligible party only as follows: 20107

(a) If the court determines that the state has sustained its 20108  
burden of proof that its position in initiating the matter in 20109  
controversy was substantially justified or that special 20110  
circumstances make an award unjust, the motion shall be denied; 20111

(b) If the court determines that the state has sustained its 20112  
burden of proof that the prevailing eligible party engaged in 20113  
conduct during the course of the action or appeal that unduly and 20114  
unreasonably protracted the final resolution of the matter in 20115  
controversy, the court may reduce the amount of an award, or deny 20116  
an award, to that party to the extent of that conduct. 20117

An order of a court considering a motion under this section 20118  
is appealable as in other cases, by a prevailing eligible party 20119  
that is denied an award or receives a reduced award. If the case 20120  
is an appeal of the adjudication order of an agency pursuant to 20121  
section 119.12 of the Revised Code, the agency may appeal an order 20122  
granting an award. The order of the court may be modified by the 20123  
appellate court only if it finds that the grant or the failure to 20124  
grant an award, or the calculation of the amount of an award, 20125  
involved an abuse of discretion. 20126

(C) Compensation for fees awarded to a prevailing eligible 20127  
party under this section may be paid by the specific branch of the 20128  
state government or the state department, board, office, 20129  
commission, agency, institution, or other instrumentality over 20130  
which the party prevailed in the action or appeal from any funds 20131  
available to it for payment of such compensation. If compensation 20132

is not paid from such funds or such funds are not available, upon 20133  
the filing of the court's order in favor of the prevailing 20134  
eligible party with the clerk of the court of claims, the order 20135  
shall be treated as if it were a judgment under Chapter 2743. of 20136  
the Revised Code and be payable in accordance with the procedures 20137  
specified in section 2743.19 of the Revised Code, except that 20138  
interest shall not be paid in relation to the award. 20139

(D) If compensation for fees is awarded under this section to 20140  
a prevailing eligible party that is appealing an agency 20141  
adjudication order pursuant to section 119.12 of the Revised Code, 20142  
it shall include the fees incurred in the appeal and, if requested 20143  
in the motion, the fees incurred by the party in the adjudication 20144  
hearing conducted under Chapter 119. of the Revised Code. A motion 20145  
containing such a request shall itemize, in the manner described 20146  
in division (B)(1)(e) of section 119.092 of the Revised Code, the 20147  
fees, as defined in that section, that are sought in an award. 20148

(E) Each court that orders during any fiscal year 20149  
compensation for fees to be paid to a prevailing eligible party 20150  
pursuant to this section shall prepare a report for that year. The 20151  
report shall be completed no later than the first day of October 20152  
of the fiscal year following the fiscal year covered by the 20153  
report, and copies of it shall be filed with the general assembly. 20154  
It shall contain the following information: 20155

(1) The total amount and total number of awards of 20156  
compensation for fees required to be paid to prevailing eligible 20157  
parties; 20158

(2) The amount and nature of each individual award ordered; 20159

(3) Any other information that may aid the general assembly 20160  
in evaluating the scope and impact of awards of compensation for 20161  
fees. 20162

(F) The provisions of this section do not apply in 20163

<del>appropriation</del> <u>any of the following:</u>	20164
<u>(1) Appropriation</u> proceedings under Chapter 163. of the Revised Code; <del>in civil</del>	20165 20166
<u>(2) Civil</u> actions or appeals of civil actions that involve torts; <del>or in an</del>	20167 20168
<u>(3) An</u> appeal pursuant to section 119.12 of the Revised Code that involves <del>an</del> <u>any of the following:</u>	20169 20170
<u>(a) An</u> adjudication order entered after a hearing described in division (F) of section 119.092 of the Revised Code, <del>or that involves a;</del>	20171 20172 20173
<u>(b) A</u> prevailing eligible party represented in the appeal by an attorney who was paid pursuant to an appropriation by the federal or state government or a local government;	20174 20175 20176
<u>(c) An administrative appeal decision made under section 5101.35 of the Revised Code.</u>	20177 20178
<b>Sec. 2505.13.</b> If a supersedeas bond has been executed and filed and the surety is one other than a surety company, the clerk of the court with which the bond has been filed, upon request, shall issue a certificate that sets forth the fact that the bond has been filed and that states the style and number of the appeal, the amount of the bond, and the sureties on it. Such a certificate may be filed in the office of the county recorder of any county in which the sureties may own land, and, when filed, the bond shall be a lien upon the land of the sureties in such county. The lien shall be extinguished upon the satisfaction, reversal, or vacation of the final order, judgment, or decree involved, or by an order of the court that entered the final order, judgment, or decree, that releases the lien or releases certain land from the operation of the lien.	20179 20180 20181 20182 20183 20184 20185 20186 20187 20188 20189 20190 20191 20192
The clerk, upon request, shall issue a notice of discharge of	20193

such a lien, which may be filed in the office of any recorder in 20194  
whose office the certificate of lien was filed. Such notice shall 20195  
state that the final order, judgment, or decree involved is 20196  
satisfied, reversed, or vacated, or that an order has been entered 20197  
that releases the lien or certain land from the operation of the 20198  
lien. Such recorder shall properly keep and file such certificates 20199  
and notices as are filed with ~~him~~ the recorder and shall index 20200  
them in the book or record provided for in section 2937.27 of the 20201  
Revised Code. 20202

The fee for issuing such a certificate or notice shall be as 20203  
provided by law, and shall be taxed as part of the costs of the 20204  
appeal. A county recorder shall receive a base fee of fifty cents 20205  
for filing and indexing such a certificate, which fee shall cover 20206  
the filing and the entering on the index of ~~such a~~ the notice and 20207  
a housing trust fund fee of fifty cents pursuant to section 317.36 20208  
of the Revised Code. 20209

**Sec. 2715.041.** (A) Upon the filing of a motion for an order 20210  
of attachment pursuant to section 2715.03 of the Revised Code, the 20211  
plaintiff shall file with the clerk of the court a praecipe 20212  
instructing the clerk to issue to the defendant against whom the 20213  
motion was filed a notice of the proceeding. Upon receipt of the 20214  
praecipe, the clerk shall issue the notice which shall be in 20215  
substantially the following form: 20216

"(Name and Address of Court) 20217

Case No..... 20218

(Case Caption) 20219

NOTICE 20220

You are hereby notified that (name and address of plaintiff), 20221  
the plaintiff in this proceeding, has applied to this court for 20222  
the attachment of property in your possession. The basis for this 20223  
application is indicated in the documents that are enclosed with 20224

this notice. 20225

The law of Ohio and the United States provides that certain 20226  
benefit payments cannot be taken from you to pay a debt. Typical 20227  
among the benefits that cannot be attached or executed on by a 20228  
creditor are: 20229

(1) Workers' compensation benefits; 20230

(2) Unemployment compensation payments; 20231

(3) Cash assistance payments under the Ohio works first 20232  
program; 20233

(4) Benefits and services under the prevention, retention, 20234  
and contingency program; 20235

(5) Disability financial assistance administered by the Ohio 20236  
department of job and family services; 20237

(6) Social security benefits; 20238

(7) Supplemental security income (S.S.I.); 20239

(8) Veteran's benefits; 20240

(9) Black lung benefits; 20241

(10) Certain pensions. 20242

Additionally, your wages never can be taken to pay a debt 20243  
until a judgment has been obtained against you. There may be other 20244  
benefits not included in this list that apply in your case. 20245

If you dispute the plaintiff's claim and believe that you are 20246  
entitled to retain possession of the property because it is exempt 20247  
or for any other reason, you may request a hearing before this 20248  
court by disputing the claim in the request for hearing form 20249  
appearing below, or in a substantially similar form, and 20250  
delivering the request for the hearing to this court, at the 20251  
office of the clerk of this court, not later than the end of the 20252  
fifth business day after you receive this notice. You may state 20253

your reasons for disputing the claim in the space provided on the 20254  
form, but you are not required to do so. If you do state your 20255  
reasons for disputing the claim in the space provided on the form, 20256  
you are not prohibited from stating any other reasons at the 20257  
hearing, and if you do not state your reasons, it will not be held 20258  
against you by the court and you can state your reasons at the 20259  
hearing. 20260

If you request a hearing, it will be conducted in 20261  
..... courtroom ....., (address of court), at 20262  
.....m. on ....., ..... 20263

You may avoid having a hearing but retain possession of the 20264  
property until the entry of final judgment in the action by filing 20265  
with the court, at the office of the clerk of this court, not 20266  
later than the end of the fifth business day after you receive 20267  
this notice, a bond executed by an acceptable surety in the amount 20268  
of \$..... 20269

If you do not request a hearing or file a bond on or before 20270  
the end of the fifth business day after you receive this notice, 20271  
the court, without further notice to you, may order a law 20272  
enforcement officer or bailiff to take possession of the property. 20273  
Notice of the dates, times, places, and purposes of any subsequent 20274  
hearings and of the date, time, and place of the trial of the 20275  
action will be sent to you. 20276

..... 20277

Clerk of Court 20278

Date:....." 20279

(B) Along with the notice required by division (A) of this 20280  
section, the clerk of the court also shall deliver to the 20281  
defendant, in accordance with division (C) of this section, a 20282  
request for hearing form together with a postage-paid, 20283  
self-addressed envelope or a request for hearing form on a 20284  
postage-paid, self-addressed postcard. The request for hearing 20285

shall be in substantially the following form:	20286
"(Name and Address of Court)	20287
Case Number ..... Date .....	20288
REQUEST FOR HEARING	20289
I dispute the claim for the attachment of property in the	20290
above case and request that a hearing in this matter be held at	20291
the time and place set forth in the notice that I previously	20292
received.	20293
I dispute the claim for the following reasons:	20294
.....	20295
(Optional)	20296
.....	20297
.....	20298
.....	20299
(Name of Defendant)	20300
.....	20301
(Signature)	20302
.....	20303
(Date)	20304
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	20305
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	20306
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	20307
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE	20308
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING."	20309
(C) The notice required by division (A) of this section shall	20310
be served on the defendant in duplicate not less than seven	20311
business days prior to the date on which the hearing is scheduled,	20312
together with a copy of the complaint and summons, if not	20313
previously served, and a copy of the motion for the attachment of	20314
property and the affidavit attached to the motion, in the same	20315

manner as provided in the Rules of Civil Procedure for the service 20316  
of process. Service may be effected by publication as provided in 20317  
the Rules of Civil Procedure except that the number of weeks for 20318  
publication may be reduced by the court to the extent appropriate. 20319

**Sec. 2715.045.** (A) Upon the filing of a motion for 20320  
attachment, a court may issue an order of attachment without 20321  
issuing notice to the defendant against whom the motion was filed 20322  
and without conducting a hearing if the court finds that there is 20323  
probable cause to support the motion and that the plaintiff that 20324  
filed the motion for attachment will suffer irreparable injury if 20325  
the order is delayed until the defendant against whom the motion 20326  
has been filed has been given the opportunity for a hearing. The 20327  
court's findings shall be based upon the motion and affidavit 20328  
filed pursuant to section 2715.03 of the Revised Code and any 20329  
other relevant evidence that it may wish to consider. 20330

(B) A finding by the court that the plaintiff will suffer 20331  
irreparable injury may be made only if the court finds the 20332  
existence of either of the following circumstances: 20333

(1) There is present danger that the property will be 20334  
immediately disposed of, concealed, or placed beyond the 20335  
jurisdiction of the court. 20336

(2) The value of the property will be impaired substantially 20337  
if the issuance of an order of attachment is delayed. 20338

(C)(1) Upon the issuance by a court of an order of attachment 20339  
without notice and hearing pursuant to this section, the plaintiff 20340  
shall file the order with the clerk of the court, together with a 20341  
praecipe instructing the clerk to issue to the defendant against 20342  
whom the order was issued a copy of the motion, affidavit, and 20343  
order of attachment, and a notice that an order of attachment was 20344  
issued and that the defendant has a right to a hearing on the 20345  
matter. The clerk then immediately shall serve upon the defendant, 20346

in the manner provided by the Rules of Civil Procedure for service 20347  
of process, a copy of the complaint and summons, if not previously 20348  
served, a copy of the motion, affidavit, and order of attachment, 20349  
and the following notice: 20350

"(Name and Address of the Court) 20351

(Case Caption) Case No. .... 20352

NOTICE 20353

You are hereby notified that this court has issued an order 20354  
in the above case in favor of (name and address of plaintiff), the 20355  
plaintiff in this proceeding, directing that property now in your 20356  
possession, be taken from you. This order was issued on the basis 20357  
of the plaintiff's claim against you as indicated in the documents 20358  
that are enclosed with this notice. 20359

The law of Ohio and the United States provides that certain 20360  
benefit payments cannot be taken from you to pay a debt. Typical 20361  
among the benefits that cannot be attached or executed on by a 20362  
creditor are: 20363

(1) Workers' compensation benefits; 20364

(2) Unemployment compensation payments; 20365

(3) Cash assistance payments under the Ohio works first 20366  
program; 20367

(4) Benefits and services under the prevention, retention, 20368  
and contingency program; 20369

(5) Disability financial assistance administered by the Ohio 20370  
department of job and family services; 20371

(6) Social security benefits; 20372

(7) Supplemental security income (S.S.I.); 20373

(8) Veteran's benefits; 20374

(9) Black lung benefits; 20375

(10) Certain pensions. 20376

Additionally, your wages never can be taken to pay a debt 20377  
until a judgment has been obtained against you. There may be other 20378  
benefits not included in this list that apply in your case. 20379

If you dispute the plaintiff's claim and believe that you are 20380  
entitled to possession of the property because it is exempt or for 20381  
any other reason, you may request a hearing before this court by 20382  
disputing the claim in the request for hearing form, appearing 20383  
below, or in a substantially similar form, and delivering the 20384  
request for hearing to this court at the above address, at the 20385  
office of the clerk of this court, no later than the end of the 20386  
fifth business day after you receive this notice. You may state 20387  
your reasons for disputing the claim in the space provided on the 20388  
form; however, you are not required to do so. If you do state your 20389  
reasons for disputing the claim, you are not prohibited from 20390  
stating any other reasons at the hearing, and if you do not state 20391  
your reasons, it will not be held against you by the court and you 20392  
can state your reasons at the hearing. If you request a hearing, 20393  
it will be held within three business days after delivery of your 20394  
request for hearing and notice of the date, time, and place of the 20395  
hearing will be sent to you. 20396

You may avoid a hearing but recover and retain possession of 20397  
the property until the entry of final judgment in the action by 20398  
filing with the court, at the office of the clerk of this court, 20399  
not later than the end of the fifth business day after you receive 20400  
this notice, a bond executed by an acceptable surety in the amount 20401  
of \$..... 20402

If you do not request a hearing or file a bond before the end 20403  
of the fifth business day after you receive this notice, 20404  
possession of the property will be withheld from you during the 20405  
pendency of the action. Notice of the dates, times, places, and 20406  
purposes of any subsequent hearings and of the date, time, and 20407



OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 20438  
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 20439  
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 20440

(D) The defendant may receive a hearing in accordance with 20441  
section 2715.043 of the Revised Code by delivering a written 20442  
request for hearing to the court within five business days after 20443  
receipt of the notice provided pursuant to division (C) of this 20444  
section. The request may set forth the defendant's reasons for 20445  
disputing the plaintiff's claim for possession of property. 20446  
However, neither the defendant's inclusion of nor failure to 20447  
include such reasons upon the request constitutes a waiver of any 20448  
defense of the defendant or affects the defendant's right to 20449  
produce evidence at any hearing or at the trial of the action. If 20450  
the request is made by the defendant, the court shall schedule a 20451  
hearing within three business days after the request is made, send 20452  
notice to the parties of the date, time, and place of the hearing, 20453  
and hold the hearing accordingly. 20454

(E) If, after hearing, the court finds that there is not 20455  
probable cause to support the motion, it shall order that the 20456  
property be redelivered to the defendant without the condition of 20457  
bond. 20458

**Sec. 2716.13.** (A) Upon the filing of a proceeding in 20459  
garnishment of property, other than personal earnings, under 20460  
section 2716.11 of the Revised Code, the court shall cause the 20461  
matter to be set for hearing within twelve days after that filing. 20462

(B) Upon the scheduling of a hearing relative to a proceeding 20463  
in garnishment of property, other than personal earnings, under 20464  
division (A) of this section, the clerk of the court immediately 20465  
shall issue to the garnishee three copies of the order of 20466  
garnishment of property, other than personal earnings, and of a 20467  
written notice that the garnishee answer as provided in section 20468

2716.21 of the Revised Code and the garnishee's fee required by 20469  
section 2716.12 of the Revised Code. The copies of the order and 20470  
of the notice shall be served upon the garnishee in the same 20471  
manner as a summons is served. The copies of the order and of the 20472  
notice shall not be served later than seven days prior to the date 20473  
on which the hearing is scheduled. The order shall bind the 20474  
property, other than personal earnings, of the judgment debtor in 20475  
the possession of the garnishee at the time of service. 20476

The order of garnishment of property, other than personal 20477  
earnings, and notice to answer shall be in substantially the 20478  
following form: 20479

"ORDER AND NOTICE OF GARNISHMENT 20480  
OF PROPERTY OTHER THAN PERSONAL EARNINGS 20481  
AND ANSWER OF GARNISHEE 20482

Docket No. .... 20483  
Case No. .... 20484  
In the ..... Court 20485  
....., Ohio 20486

The State of Ohio 20487

County of ....., ss 20488

....., Judgment Creditor 20489

vs. 20490

....., Judgment Debtor 20491

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 20492

To: ....., Garnishee 20493

The judgment creditor in the above case has filed an 20494  
affidavit, satisfactory to the undersigned, in this Court stating 20495  
that you have money, property, or credits, other than personal 20496  
earnings, in your hands or under your control that belong to the 20497  
judgment debtor, and that some of the money, property, or credits 20498  
may not be exempt from garnishment under the laws of the State of 20499

Ohio or the laws of the United States. 20500

You are therefore ordered to complete the "ANSWER OF 20501  
GARNISHEE" in section (B) of this form. Return one completed and 20502  
signed copy of this form to the clerk of this court together with 20503  
the amount determined in accordance with the "ANSWER OF GARNISHEE" 20504  
by the following date on which a hearing is tentatively scheduled 20505  
relative to this order of garnishment: ..... Deliver one 20506  
completed and signed copy of this form to the judgment debtor 20507  
prior to that date. Keep the other completed and signed copy of 20508  
this form for your files. 20509

The total probable amount now due on this judgment is 20510  
\$..... The total probable amount now due includes the unpaid 20511  
portion of the judgment in favor of the judgment creditor, which 20512  
is \$.....; interest on that judgment and, if applicable, 20513  
prejudgment interest relative to that judgment at the rate of 20514  
.....% per annum payable until that judgment is satisfied in full; 20515  
and court costs in the amount of \$..... 20516

You also are ordered to hold safely anything of value that 20517  
belongs to the judgment debtor and that has to be paid to the 20518  
court, as determined under the "ANSWER OF GARNISHEE" in section 20519  
(B) of this form, but that is of such a nature that it cannot be 20520  
so delivered, until further order of the court. 20521

Witness my hand and the seal of this court this ..... 20522  
day of ....., ..... 20523

..... 20524

Judge 20525

SECTION B. ANSWER OF GARNISHEE 20526

Now comes ..... the garnishee, who says: 20527

1. That the garnishee has money, property, or credits, other 20528  
than personal earnings, of the judgment debtor under the 20529  
garnishee's control and in the garnishee's possession. 20530

.....	.....	.....	20531
yes	no	if yes, amount	20532
2. That property is described as:			20533
3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay the amount of line 1 to the clerk of this court.			20534 20535 20536 20537
4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay that probable amount now due to the clerk of this court.			20538 20539 20540 20541
5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court, indicate that by placing an "X" in this space: ..... Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.			20542 20543 20544 20545 20546
6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.			20547 20548
I certify that the statements above are true.			20549
.....			20550
(Print Name of Garnishee)			20551
.....			20552
(Print Name and Title of Person Who Completed Form)			20553 20554
Signed.....			20555
(Signature of Person Completing Form)			20556
Dated this ..... day of ....., ....."			20557
Section A of the form described in this division shall be completed before service. Section B of the form shall be completed by the garnishee, and the garnishee shall file one completed and			20558 20559 20560

signed copy of the form with the clerk of the court as the 20561  
garnishee's answer. The garnishee may keep one completed and 20562  
signed copy of the form and shall deliver the other completed and 20563  
signed copy of the form to the judgment debtor. 20564

If several affidavits seeking orders of garnishment of 20565  
property, other than personal earnings, are filed against the same 20566  
judgment debtor in accordance with section 2716.11 of the Revised 20567  
Code, the court involved shall issue the requested orders in the 20568  
same order in which the clerk received the associated affidavits. 20569

(C)(1) At the time of the filing of a proceeding in 20570  
garnishment of property, other than personal earnings, under 20571  
section 2716.11 of the Revised Code, the judgment creditor also 20572  
shall file with the clerk of the court a praecipe instructing the 20573  
clerk to issue to the judgment debtor a notice to the judgment 20574  
debtor form and a request for hearing form. Upon receipt of the 20575  
praecipe and the scheduling of a hearing relative to an action in 20576  
garnishment of property, other than personal earnings, under 20577  
division (A) of this section, the clerk of the court immediately 20578  
shall serve upon the judgment debtor, in accordance with division 20579  
(D) of this section, two copies of the notice to the judgment 20580  
debtor form and of the request for hearing form. The copies of the 20581  
notice to the judgment debtor form and of the request for hearing 20582  
form shall not be served later than seven days prior to the date 20583  
on which the hearing is scheduled. 20584

(a) The notice to the judgment debtor that must be served 20585  
upon the judgment debtor shall be in substantially the following 20586  
form: 20587

"(Name and Address of the Court) 20588

(Case Caption) ..... Case No. .... 20589

NOTICE TO THE JUDGMENT DEBTOR 20590

You are hereby notified that this court has issued an order 20591

in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now in the possession of (name and address of garnishee), the garnishee in this proceeding, be used to satisfy your debt to the judgment creditor. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in (name of court) in (case number) on (date). Upon your receipt of this notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and services under the prevention, retention, and contingency program;
- (5) Disability financial assistance administered by the Ohio department of job and family services;
- (6) Social security benefits;
- (7) Supplemental security income (S.S.I.);
- (8) Veteran's benefits;
- (9) Black lung benefits;
- (10) Certain pensions.

There may be other benefits not included in the above list 20621  
that apply in your case. 20622

If you dispute the judgment creditor's right to garnish your 20623  
property and believe that the judgment creditor should not be 20624  
given your money, property, or credits, other than personal 20625  
earnings, now in the possession of the garnishee because they are 20626  
exempt or if you feel that this order is improper for any other 20627  
reason, you may request a hearing before this court by disputing 20628  
the claim in the request for hearing form, appearing below, or in 20629  
a substantially similar form, and delivering the request for 20630  
hearing to this court at the above address, at the office of the 20631  
clerk of this court no later than the end of the fifth business 20632  
day after you receive this notice. You may state your reasons for 20633  
disputing the judgment creditor's right to garnish your property 20634  
in the space provided on the form; however, you are not required 20635  
to do so. If you do state your reasons for disputing the judgment 20636  
creditor's right, you are not prohibited from stating any other 20637  
reason at the hearing. If you do not state your reasons, it will 20638  
not be held against you by the court, and you can state your 20639  
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 20640  
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 20641  
the hearing will be limited to a consideration of the amount of 20642  
your money, property, or credits, other than personal earnings, in 20643  
the possession or control of the garnishee, if any, that can be 20644  
used to satisfy all or part of the judgment you owe to the 20645  
judgment creditor. 20646

If you request a hearing by delivering your request for 20647  
hearing no later than the end of the fifth business day after you 20648  
receive this notice, it will be conducted in ..... courtroom 20649  
....., (address of court), at ..... m. on ....., 20650  
..... You may request the court to conduct the hearing before 20651  
this date by indicating your request in the space provided on the 20652

form; the court then will send you notice of any change in the 20653  
date, time, or place of the hearing. If you do not request a 20654  
hearing by delivering your request for a hearing no later than the 20655  
end of the fifth business day after you receive this notice, some 20656  
of your money, property, or credits, other than personal earnings, 20657  
will be paid to the judgment creditor. 20658

If you have any questions concerning this matter, you may 20659  
contact the office of the clerk of this court. If you want legal 20660  
representation, you should contact your lawyer immediately. If you 20661  
need the name of a lawyer, contact the local bar association. 20662

..... 20663  
Clerk of the Court 20664  
..... 20665  
Date" 20666

(b) The request for hearing form that must be served upon the 20667  
judgment debtor shall have attached to it a postage-paid, 20668  
self-addressed envelope or shall be on a postage-paid 20669  
self-addressed postcard, and shall be in substantially the 20670  
following form: 20671

"(Name and Address of Court) 20672

Case Number ..... Date ..... 20673

REQUEST FOR HEARING 20674

I dispute the judgment creditor's right to garnish my money, 20675  
property, or credits, other than personal earnings, in the above 20676  
case and request that a hearing in this matter be held 20677

..... 20678  
(Insert "on" or "earlier than") 20679

the date and time set forth in the document entitled "NOTICE TO 20680  
THE JUDGMENT DEBTOR" that I received with this request form. 20681

I dispute the judgment creditor's right to garnish my 20682  
property for the following reasons: 20683

.....	20684
(Optional)	20685
.....	20686
.....	20687
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	20688
BE HEARD OR CONSIDERED AT THE HEARING.	20689
.....	20690
(Name of Judgment Debtor)	20691
.....	20692
(Signature)	20693
.....	20694
(Date)	20695
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	20696
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	20697
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	20698
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY,	20699
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE	20700
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT	20701
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT	20702
CREDITOR'S NAME)."	20703
(2) The judgment debtor may receive a hearing in accordance	20704
with this division by delivering a written request for hearing to	20705
the court within five business days after receipt of the notice	20706
provided pursuant to division (C)(1) of this section. The request	20707
may set forth the judgment debtor's reasons for disputing the	20708
judgment creditor's right to garnish the money, property, or	20709
credits, other than personal earnings; however, neither the	20710
judgment debtor's inclusion of nor failure to include those	20711
reasons upon the request constitutes a waiver of any defense of	20712
the judgment debtor or affects the judgment debtor's right to	20713
produce evidence at the hearing. If the request is made by the	20714

judgment debtor within the prescribed time, the hearing shall be 20715  
limited to a consideration of the amount of money, property, or 20716  
credits, other than personal earnings, of the judgment debtor in 20717  
the hands of the garnishee, if any, that can be used to satisfy 20718  
all or part of the debt owed by the judgment debtor to the 20719  
judgment creditor. If a request for a hearing is not received by 20720  
the court within the prescribed time, the hearing scheduled 20721  
pursuant to division (A) of this section shall be canceled unless 20722  
the court grants the judgment debtor a continuance in accordance 20723  
with division (C)(3) of this section. 20724

(3) If the judgment debtor does not request a hearing in the 20725  
action within the prescribed time pursuant to division (C)(2) of 20726  
this section, the court nevertheless may grant a continuance of 20727  
the scheduled hearing if the judgment debtor, prior to the time at 20728  
which the hearing was scheduled, as indicated on the notice to the 20729  
judgment debtor required by division (C)(1) of this section, 20730  
establishes a reasonable justification for failure to request the 20731  
hearing within the prescribed time. If the court grants a 20732  
continuance of the hearing, it shall cause the matter to be set 20733  
for hearing as soon as practicable thereafter. The continued 20734  
hearing shall be conducted in accordance with division (C)(2) of 20735  
this section. 20736

(4) The court may conduct the hearing on the matter prior to 20737  
the time at which the hearing was scheduled, as indicated on the 20738  
notice to the judgment debtor required by division (C)(1) of this 20739  
section, upon the request of the judgment debtor. The parties 20740  
shall be sent notice, by the clerk of the court, by regular mail, 20741  
of any change in the date, time, or place of the hearing. 20742

(5) If the scheduled hearing is canceled and no continuance 20743  
is granted, the court shall issue an order to the garnishee to pay 20744  
all or some of the money, property, or credits, other than 20745  
personal earnings, of the judgment debtor in the possession of the 20746

garnishee at the time of service of the notice and order into 20747  
court if they have not already been paid to the court. This order 20748  
shall be based on the answer of the garnishee filed pursuant to 20749  
this section. If the scheduled hearing is conducted or if it is 20750  
continued and conducted, the court shall determine at the hearing 20751  
the amount of the money, property, or credits, other than personal 20752  
earnings, of the judgment debtor in the possession of the 20753  
garnishee at the time of service of the notice and order, if any, 20754  
that can be used to satisfy all or part of the debt owed by the 20755  
judgment debtor to the judgment creditor, and issue an order, 20756  
accordingly, to the garnishee to pay that amount into court if it 20757  
has not already been paid to the court. 20758

(D) The notice to the judgment debtor form and the request 20759  
for hearing form described in division (C) of this section shall 20760  
be sent by the clerk by ordinary or regular mail service unless 20761  
the judgment creditor requests that service be made in accordance 20762  
with the Rules of Civil Procedure, in which case the forms shall 20763  
be served in accordance with the Rules of Civil Procedure. Any 20764  
court of common pleas that issues an order of garnishment of 20765  
property, other than personal earnings, under this section has 20766  
jurisdiction to serve process pursuant to this section upon a 20767  
garnishee who does not reside within the jurisdiction of the 20768  
court. Any county court or municipal court that issues an order of 20769  
garnishment of property, other than personal earnings, under this 20770  
section has jurisdiction to serve process pursuant to this section 20771  
upon a garnishee who does not reside within the jurisdiction of 20772  
the court. 20773

**Sec. 2743.02.** (A)(1) The state hereby waives its immunity 20774  
from liability, except as provided for the office of the state 20775  
fire marshal in division (G)(1) of section 9.60 and division (B) 20776  
of section 3737.221 of the Revised Code and subject to division 20777  
(H) of this section, and consents to be sued, and have its 20778

liability determined, in the court of claims created in this 20779  
chapter in accordance with the same rules of law applicable to 20780  
suits between private parties, except that the determination of 20781  
liability is subject to the limitations set forth in this chapter 20782  
and, in the case of state universities or colleges, in section 20783  
3345.40 of the Revised Code, and except as provided in division 20784  
(A)(2) of this section. To the extent that the state has 20785  
previously consented to be sued, this chapter has no 20786  
applicability. 20787

Except in the case of a civil action filed by the state, 20788  
filing a civil action in the court of claims results in a complete 20789  
waiver of any cause of action, based on the same act or omission, 20790  
which the filing party has against any officer or employee, as 20791  
defined in section 109.36 of the Revised Code. The waiver shall be 20792  
void if the court determines that the act or omission was 20793  
manifestly outside the scope of the officer's or employee's office 20794  
or employment or that the officer or employee acted with malicious 20795  
purpose, in bad faith, or in a wanton or reckless manner. 20796

(2) If a claimant proves in the court of claims that an 20797  
officer or employee, as defined in section 109.36 of the Revised 20798  
Code, would have personal liability for the officer's or 20799  
employee's acts or omissions but for the fact that the officer or 20800  
employee has personal immunity under section 9.86 of the Revised 20801  
Code, the state shall be held liable in the court of claims in any 20802  
action that is timely filed pursuant to section 2743.16 of the 20803  
Revised Code and that is based upon the acts or omissions. 20804

(B) The state hereby waives the immunity from liability of 20805  
all hospitals owned or operated by one or more political 20806  
subdivisions and consents for them to be sued, and to have their 20807  
liability determined, in the court of common pleas, in accordance 20808  
with the same rules of law applicable to suits between private 20809  
parties, subject to the limitations set forth in this chapter. 20810

This division is also applicable to hospitals owned or operated by 20811  
political subdivisions which have been determined by the supreme 20812  
court to be subject to suit prior to July 28, 1975. 20813

(C) Any hospital, as defined in section 2305.113 of the 20814  
Revised Code, may purchase liability insurance covering its 20815  
operations and activities and its agents, employees, nurses, 20816  
interns, residents, staff, and members of the governing board and 20817  
committees, and, whether or not such insurance is purchased, may, 20818  
to such extent as its governing board considers appropriate, 20819  
indemnify or agree to indemnify and hold harmless any such person 20820  
against expense, including attorney's fees, damage, loss, or other 20821  
liability arising out of, or claimed to have arisen out of, the 20822  
death, disease, or injury of any person as a result of the 20823  
negligence, malpractice, or other action or inaction of the 20824  
indemnified person while acting within the scope of the 20825  
indemnified person's duties or engaged in activities at the 20826  
request or direction, or for the benefit, of the hospital. Any 20827  
hospital electing to indemnify such persons, or to agree to so 20828  
indemnify, shall reserve such funds as are necessary, in the 20829  
exercise of sound and prudent actuarial judgment, to cover the 20830  
potential expense, fees, damage, loss, or other liability. The 20831  
superintendent of insurance may recommend, or, if such hospital 20832  
requests the superintendent to do so, the superintendent shall 20833  
recommend, a specific amount for any period that, in the 20834  
superintendent's opinion, represents such a judgment. This 20835  
authority is in addition to any authorization otherwise provided 20836  
or permitted by law. 20837

(D) Recoveries against the state shall be reduced by the 20838  
aggregate of insurance proceeds, disability award, or other 20839  
collateral recovery received by the claimant. This division does 20840  
not apply to civil actions in the court of claims against a state 20841  
university or college under the circumstances described in section 20842

3345.40 of the Revised Code. The collateral benefits provisions of 20843  
division (B)(2) of that section apply under those circumstances. 20844

(E) The only defendant in original actions in the court of 20845  
claims is the state. The state may file a third-party complaint or 20846  
counterclaim in any civil action, except a civil action for two 20847  
thousand five hundred dollars or less, that is filed in the court 20848  
of claims. 20849

(F) A civil action against an officer or employee, as defined 20850  
in section 109.36 of the Revised Code, that alleges that the 20851  
officer's or employee's conduct was manifestly outside the scope 20852  
of the officer's or employee's employment or official 20853  
responsibilities, or that the officer or employee acted with 20854  
malicious purpose, in bad faith, or in a wanton or reckless manner 20855  
shall first be filed against the state in the court of claims, 20856  
which has exclusive, original jurisdiction to determine, 20857  
initially, whether the officer or employee is entitled to personal 20858  
immunity under section 9.86 of the Revised Code and whether the 20859  
courts of common pleas have jurisdiction over the civil action. 20860

The filing of a claim against an officer or employee under 20861  
this division tolls the running of the applicable statute of 20862  
limitations until the court of claims determines whether the 20863  
officer or employee is entitled to personal immunity under section 20864  
9.86 of the Revised Code. 20865

(G) Whenever a claim lies against an officer or employee who 20866  
is a member of the Ohio national guard, and the officer or 20867  
employee was, at the time of the act or omission complained of, 20868  
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 20869  
U.S.C. 2671, et seq., then the Federal Tort Claims Act is the 20870  
exclusive remedy of the claimant and the state has no liability 20871  
under this section. 20872

(H) If an inmate of a state correctional institution has a 20873

claim against the state for the loss of or damage to property and 20874  
the amount claimed does not exceed three hundred dollars, before 20875  
commencing an action against the state in the court of claims, the 20876  
inmate shall file a claim for the loss or damage under the rules 20877  
adopted by the director of rehabilitation and correction pursuant 20878  
to this division. The inmate shall file the claim within the time 20879  
allowed for commencement of a civil action under section 2743.16 20880  
of the Revised Code. If the state admits or compromises the claim, 20881  
the director shall make payment from a fund designated by the 20882  
director for that purpose. If the state denies the claim or does 20883  
not compromise the claim at least sixty days prior to expiration 20884  
of the time allowed for commencement of a civil action based upon 20885  
the loss or damage under section 2743.16 of the Revised Code, the 20886  
inmate may commence an action in the court of claims under this 20887  
chapter to recover damages for the loss or damage. 20888

The director of rehabilitation and correction shall adopt 20889  
rules pursuant to Chapter 119. of the Revised Code to implement 20890  
this division. 20891

**Sec. 2743.191.** (A)(1) There is hereby created in the state 20892  
treasury the reparations fund, which shall be used only for the 20893  
following purposes: 20894

(a) The payment of awards of reparations that are granted by 20895  
the attorney general; 20896

(b) The compensation of any personnel needed by the attorney 20897  
general to administer sections 2743.51 to 2743.72 of the Revised 20898  
Code; 20899

(c) The compensation of witnesses as provided in division 20900  
(~~B~~)(J) of section 2743.65 of the Revised Code; 20901

(d) Other administrative costs of hearing and determining 20902  
claims for an award of reparations by the attorney general; 20903

(e) The costs of administering sections 2907.28 and 2969.01	20904
to 2969.06 of the Revised Code;	20905
(f) The costs of investigation and decision-making as	20906
certified by the attorney general;	20907
(g) The provision of state financial assistance to victim	20908
assistance programs in accordance with sections 109.91 and 109.92	20909
of the Revised Code;	20910
(h) The costs of paying the expenses of sex offense-related	20911
examinations and antibiotics pursuant to section 2907.28 of the	20912
Revised Code;	20913
(i) The cost of printing and distributing the pamphlet	20914
prepared by the attorney general pursuant to section 109.42 of the	20915
Revised Code;	20916
(j) Subject to division (D) of section 2743.71 of the Revised	20917
Code, the costs associated with the printing and providing of	20918
information cards or other printed materials to law enforcement	20919
agencies and prosecuting authorities and with publicizing the	20920
availability of awards of reparations pursuant to section 2743.71	20921
of the Revised Code;	20922
(k) The payment of costs of administering a DNA specimen	20923
collection procedure pursuant to section 2152.74 of the Revised	20924
Code in relation to any act identified in division (E)(1) to (5)	20925
of that section and pursuant to section 2901.07 of the Revised	20926
Code in relation to any act identified in division (E)(1) to (5)	20927
of that section, of performing DNA analysis of those DNA	20928
specimens, and of entering the resulting DNA records regarding	20929
those analyses into the DNA database pursuant to section 109.573	20930
of the Revised Code.	20931
(2) All costs paid pursuant to section 2743.70 of the Revised	20932
Code, the portions of license reinstatement fees mandated by	20933
division (L)(2)(b) of section 4511.191 of the Revised Code to be	20934

credited to the fund, the portions of the proceeds of the sale of 20935  
a forfeited vehicle specified in division (D)(2) of section 20936  
4503.234 of the Revised Code, payments collected by the department 20937  
of rehabilitation and correction from prisoners who voluntarily 20938  
participate in an approved work and training program pursuant to 20939  
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 20940  
all moneys collected by the state pursuant to its right of 20941  
subrogation provided in section 2743.72 of the Revised Code shall 20942  
be deposited in the fund. 20943

(B) In making an award of reparations, the attorney general 20944  
shall render the award against the state. The award shall be 20945  
accomplished only through the following procedure, and the 20946  
following procedure may be enforced by writ of mandamus directed 20947  
to the appropriate official: 20948

(1) The attorney general shall provide for payment of the 20949  
claimant or providers in the amount of the award only if the 20950  
amount of the award is fifty dollars or more. 20951

(2) The expense shall be charged against all available 20952  
unencumbered moneys in the fund. 20953

(3) If sufficient unencumbered moneys do not exist in the 20954  
fund, the attorney general shall make application for payment of 20955  
the award out of the emergency purposes account or any other 20956  
appropriation for emergencies or contingencies, and payment out of 20957  
this account or other appropriation shall be authorized if there 20958  
are sufficient moneys greater than the sum total of then pending 20959  
emergency purposes account requests or requests for releases from 20960  
the other appropriations. 20961

(4) If sufficient moneys do not exist in the account or any 20962  
other appropriation for emergencies or contingencies to pay the 20963  
award, the attorney general shall request the general assembly to 20964  
make an appropriation sufficient to pay the award, and no payment 20965

shall be made until the appropriation has been made. The attorney 20966  
general shall make this appropriation request during the current 20967  
biennium and during each succeeding biennium until a sufficient 20968  
appropriation is made. If, prior to the time that an appropriation 20969  
is made by the general assembly pursuant to this division, the 20970  
fund has sufficient unencumbered funds to pay the award or part of 20971  
the award, the available funds shall be used to pay the award or 20972  
part of the award, and the appropriation request shall be amended 20973  
to request only sufficient funds to pay that part of the award 20974  
that is unpaid. 20975

(C) The attorney general shall not make payment on a decision 20976  
or order granting an award until all appeals have been determined 20977  
and all rights to appeal exhausted, except as otherwise provided 20978  
in this section. If any party to a claim for an award of 20979  
reparations appeals from only a portion of an award, and a 20980  
remaining portion provides for the payment of money by the state, 20981  
that part of the award calling for the payment of money by the 20982  
state and not a subject of the appeal shall be processed for 20983  
payment as described in this section. 20984

(D) The attorney general shall prepare itemized bills for the 20985  
costs of printing and distributing the pamphlet the attorney 20986  
general prepares pursuant to section 109.42 of the Revised Code. 20987  
The itemized bills shall set forth the name and address of the 20988  
persons owed the amounts set forth in them. 20989

(E) As used in this section, "DNA analysis" and "DNA 20990  
specimen" have the same meanings as in section 109.573 of the 20991  
Revised Code. 20992

**Sec. 2743.51.** As used in sections 2743.51 to 2743.72 of the 20993  
Revised Code: 20994

(A) "Claimant" means both of the following categories of 20995  
persons: 20996

(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	20997 20998
(a) A victim who was one of the following at the time of the criminally injurious conduct:	20999 21000
(i) A resident of the United States;	21001
(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.	21002 21003 21004
(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;	21005 21006
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	21007 21008 21009 21010 21011 21012 21013
(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section;	21014 21015 21016
<u>(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.</u>	21017 21018
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	21019 21020
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	21021 21022 21023 21024
(i) Had a permanent place of employment in this state;	21025
(ii) Was a member of the regular armed forces of the United	21026

States or of the United States coast guard or was a full-time	21027
member of the Ohio organized militia or of the United States army	21028
reserve, naval reserve, or air force reserve;	21029
(iii) Was retired and receiving social security or any other	21030
retirement income;	21031
(iv) Was sixty years of age or older;	21032
(v) Was temporarily in another state for the purpose of	21033
receiving medical treatment;	21034
(vi) Was temporarily in another state for the purpose of	21035
performing employment-related duties required by an employer	21036
located within this state as an express condition of employment or	21037
employee benefits;	21038
(vii) Was temporarily in another state for the purpose of	21039
receiving occupational, vocational, or other job-related training	21040
or instruction required by an employer located within this state	21041
as an express condition of employment or employee benefits;	21042
(viii) Was a full-time student at an academic institution,	21043
college, or university located in another state;	21044
(ix) Had not departed the geographical boundaries of this	21045
state for a period exceeding thirty days or with the intention of	21046
becoming a citizen of another state or establishing a permanent	21047
place of residence in another state.	21048
(b) A dependent of a deceased victim who is described in	21049
division (A)(2)(a) of this section;	21050
(c) A third person, other than a collateral source, who	21051
legally assumes or voluntarily pays the obligations of a victim,	21052
or of a dependent of a victim, who is described in division	21053
(A)(2)(a) of this section, which obligations are incurred as a	21054
result of the criminally injurious conduct that is the subject of	21055
the claim and may include, but are not limited to, medical or	21056

burial expenses;	21057
(d) A person who is authorized to act on behalf of any person	21058
who is described in division (A)(2)(a), (b), or (c) of this	21059
section;	21060
<u>(e) The estate of a deceased victim who is described in</u>	21061
<u>division (A)(2)(a) of this section.</u>	21062
(B) "Collateral source" means a source of benefits or	21063
advantages for economic loss otherwise reparable that the victim	21064
or claimant has received, or that is readily available to the	21065
victim or claimant, from any of the following sources:	21066
(1) The offender;	21067
(2) The government of the United States or any of its	21068
agencies, a state or any of its political subdivisions, or an	21069
instrumentality of two or more states, unless the law providing	21070
for the benefits or advantages makes them excess or secondary to	21071
benefits under sections 2743.51 to 2743.72 of the Revised Code;	21072
(3) Social security, medicare, and medicaid;	21073
(4) State-required, temporary, nonoccupational disability	21074
insurance;	21075
(5) Workers' compensation;	21076
(6) Wage continuation programs of any employer;	21077
(7) Proceeds of a contract of insurance payable to the victim	21078
for loss that the victim sustained because of the criminally	21079
injurious conduct;	21080
(8) A contract providing prepaid hospital and other health	21081
care services, or benefits for disability;	21082
(9) That portion of the proceeds of all contracts of	21083
insurance payable to the claimant on account of the death of the	21084
victim that exceeds fifty thousand dollars;	21085

(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.

"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.

(C) "Criminally injurious conduct" means one of the following:

(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of this state;

(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OMVI violation;

(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner

that constitutes a violation of section 2903.08 of the Revised Code. 21117  
21118

(2) For the purposes of any person described in division 21119  
(A)(2) of this section, any conduct that occurs or is attempted in 21120  
another state, district, territory, or foreign country; poses a 21121  
substantial threat of personal injury or death; and is punishable 21122  
by fine, imprisonment, or death, or would be so punishable but for 21123  
the fact that the person engaging in the conduct lacked capacity 21124  
to commit the crime under the laws of the state, district, 21125  
territory, or foreign country in which the conduct occurred or was 21126  
attempted. Criminally injurious conduct does not include conduct 21127  
arising out of the ownership, maintenance, or use of a motor 21128  
vehicle, except when any of the following applies: 21129

(a) The person engaging in the conduct intended to cause 21130  
personal injury or death; 21131

(b) The person engaging in the conduct was using the vehicle 21132  
to flee immediately after committing a felony or an act that would 21133  
constitute a felony but for the fact that the person engaging in 21134  
the conduct lacked the capacity to commit the felony under the 21135  
laws of the state, district, territory, or foreign country in 21136  
which the conduct occurred or was attempted; 21137

(c) The person engaging in the conduct was using the vehicle 21138  
in a manner that constitutes an OMVI violation; 21139

(d) The conduct occurred on or after July 25, 1990, the 21140  
person engaging in the conduct was using the vehicle in a manner 21141  
that constitutes a violation of any law of the state, district, 21142  
territory, or foreign country in which the conduct occurred, and 21143  
that law is substantially similar to a violation of section 21144  
2903.08 of the Revised Code. 21145

(3) For the purposes of any person described in division 21146  
(A)(1) or (2) of this section, terrorism that occurs within or 21147

outside the territorial jurisdiction of the United States. 21148

(D) "Dependent" means an individual wholly or partially 21149  
dependent upon the victim for care and support, and includes a 21150  
child of the victim born after the victim's death. 21151

(E) "Economic loss" means economic detriment consisting only 21152  
of allowable expense, work loss, funeral expense, unemployment 21153  
benefits loss, replacement services loss, cost of crime scene 21154  
cleanup, and cost of evidence replacement. If criminally injurious 21155  
conduct causes death, economic loss includes a dependent's 21156  
economic loss and a dependent's replacement services loss. 21157  
Noneconomic detriment is not economic loss; however, economic loss 21158  
may be caused by pain and suffering or physical impairment. 21159

(F)(1) "Allowable expense" means reasonable charges incurred 21160  
for reasonably needed products, services, and accommodations, 21161  
including those for medical care, rehabilitation, rehabilitative 21162  
occupational training, and other remedial treatment and care and 21163  
including replacement costs for eyeglasses and other corrective 21164  
lenses. It does not include that portion of a charge for a room in 21165  
a hospital, clinic, convalescent home, nursing home, or any other 21166  
institution engaged in providing nursing care and related services 21167  
in excess of a reasonable and customary charge for semiprivate 21168  
accommodations, unless accommodations other than semiprivate 21169  
accommodations are medically required. 21170

(2) An immediate family member of a victim of criminally 21171  
injurious conduct that consists of a homicide, a sexual assault, 21172  
domestic violence, or a severe and permanent incapacitating injury 21173  
resulting in paraplegia or a similar life-altering condition, who 21174  
requires psychiatric care or counseling as a result of the 21175  
criminally injurious conduct, may be reimbursed for that care or 21176  
counseling as an allowable expense through the victim's 21177  
application. The cumulative allowable expense for care or 21178  
counseling of that nature shall not exceed two thousand five 21179

hundred dollars for each immediate family member of a victim of 21180  
that type shall not exceed two and seven thousand five hundred 21181  
dollars in the aggregate for all immediate family members of a 21182  
victim of that type. 21183

(3) A family member of a victim who died as a proximate 21184  
result of criminally injurious conduct may be reimbursed as an 21185  
allowable expense through the victim's application for wages lost 21186  
and travel expenses incurred in order to attend criminal justice 21187  
proceedings arising from the criminally injurious conduct. The 21188  
cumulative allowable expense for wages lost and travel expenses 21189  
incurred by a family member to attend criminal justice proceedings 21190  
shall not exceed five hundred dollars for each family member of 21191  
the victim and two thousand dollars in the aggregate for all 21192  
family members of the victim. 21193

(4) "Allowable expense" includes attorney's fees not 21194  
exceeding two thousand five hundred dollars, at a rate not 21195  
exceeding one hundred fifty dollars per hour, incurred to 21196  
successfully obtain a restraining order, custody order, or other 21197  
order to physically separate a victim from an offender, if the 21198  
attorney has not received payment under section 2743.65 of the 21199  
Revised Code for assisting a claimant with an application for an 21200  
award of reparations under sections 2743.51 to 2743.72 of the 21201  
Revised Code. 21202

(G) "Work loss" means loss of income from work that the 21203  
injured person would have performed if the person had not been 21204  
injured and expenses reasonably incurred by the person to obtain 21205  
services in lieu of those the person would have performed for 21206  
income, reduced by any income from substitute work actually 21207  
performed by the person, or by income the person would have earned 21208  
in available appropriate substitute work that the person was 21209  
capable of performing but unreasonably failed to undertake. 21210

(H) "Replacement services loss" means expenses reasonably 21211

incurred in obtaining ordinary and necessary services in lieu of 21212  
those the injured person would have performed, not for income, but 21213  
for the benefit of the person's self or family, if the person had 21214  
not been injured. 21215

(I) "Dependent's economic loss" means loss after a victim's 21216  
death of contributions of things of economic value to the victim's 21217  
dependents, not including services they would have received from 21218  
the victim if the victim had not suffered the fatal injury, less 21219  
expenses of the dependents avoided by reason of the victim's 21220  
death. If a minor child of a victim is adopted after the victim's 21221  
death, the minor child continues after the adoption to incur a 21222  
dependent's economic loss as a result of the victim's death. If 21223  
the surviving spouse of a victim remarries, the surviving spouse 21224  
continues after the remarriage to incur a dependent's economic 21225  
loss as a result of the victim's death. 21226

(J) "Dependent's replacement services loss" means loss 21227  
reasonably incurred by dependents after a victim's death in 21228  
obtaining ordinary and necessary services in lieu of those the 21229  
victim would have performed for their benefit if the victim had 21230  
not suffered the fatal injury, less expenses of the dependents 21231  
avoided by reason of the victim's death and not subtracted in 21232  
calculating the dependent's economic loss. If a minor child of a 21233  
victim is adopted after the victim's death, the minor child 21234  
continues after the adoption to incur a dependent's replacement 21235  
services loss as a result of the victim's death. If the surviving 21236  
spouse of a victim remarries, the surviving spouse continues after 21237  
the remarriage to incur a dependent's replacement services loss as 21238  
a result of the victim's death. 21239

(K) "Noneconomic detriment" means pain, suffering, 21240  
inconvenience, physical impairment, or other nonpecuniary damage. 21241

(L) "Victim" means a person who suffers personal injury or 21242  
death as a result of any of the following: 21243

(1) Criminally injurious conduct;	21244
(2) The good faith effort of any person to prevent criminally injurious conduct;	21245 21246
(3) The good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.	21247 21248
(M) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award of reparations that is unlawful or intentionally tortious and that, without regard to the conduct's proximity in time or space to the criminally injurious conduct, has a causal relationship to the criminally injurious conduct that is the basis of the claim.	21249 21250 21251 21252 21253 21254 21255
(N)(1) "Funeral expense" means any reasonable charges that are not in excess of <del>five</del> <u>seven</u> thousand <del>five hundred</del> dollars per funeral and that are incurred for expenses directly related to a victim's funeral, cremation, or burial <u>and any wages lost or travel expenses incurred by a family member of a victim in order to attend the victim's funeral, cremation, or burial.</u>	21256 21257 21258 21259 21260 21261
<u>(2) An award for funeral expenses shall be applied first to expenses directly related to the victim's funeral, cremation, or burial. An award for wages lost or travel expenses incurred by a family member of the victim shall not exceed five hundred dollars for each family member and shall not exceed in the aggregate the difference between seven thousand five hundred dollars and expenses that are reimbursed by the program and that are directly related to the victim's funeral, cremation, or burial.</u>	21262 21263 21264 21265 21266 21267 21268 21269
(O) "Unemployment benefits loss" means a loss of unemployment benefits pursuant to Chapter 4141. of the Revised Code when the loss arises solely from the inability of a victim to meet the able to work, available for suitable work, or the actively seeking suitable work requirements of division (A)(4)(a) of section	21270 21271 21272 21273 21274

4141.29 of the Revised Code.	21275
(P) "OMVI violation" means any of the following:	21276
(1) A violation of section 4511.19 of the Revised Code, of	21277
any municipal ordinance prohibiting the operation of a vehicle	21278
while under the influence of alcohol, a drug of abuse, or alcohol	21279
and a drug of abuse, or of any municipal ordinance prohibiting the	21280
operation of a vehicle with a prohibited concentration of alcohol	21281
in the blood, breath, or urine;	21282
(2) A violation of division (A)(1) of section 2903.06 of the	21283
Revised Code;	21284
(3) A violation of division (A)(2), (3), or (4) of section	21285
2903.06 of the Revised Code or of a municipal ordinance	21286
substantially similar to any of those divisions, if the offender	21287
was under the influence of alcohol, a drug of abuse, or alcohol	21288
and a drug of abuse, at the time of the commission of the offense;	21289
(4) For purposes of any person described in division (A)(2)	21290
of this section, a violation of any law of the state, district,	21291
territory, or foreign country in which the criminally injurious	21292
conduct occurred, if that law is substantially similar to a	21293
violation described in division (P)(1) or (2) of this section or	21294
if that law is substantially similar to a violation described in	21295
division (P)(3) of this section and the offender was under the	21296
influence of alcohol, a drug of abuse, or alcohol and a drug of	21297
abuse, at the time of the commission of the offense.	21298
(Q) "Pendency of the claim" for an original reparations	21299
application or supplemental reparations application means the	21300
period of time from the date the criminally injurious conduct upon	21301
which the application is based occurred until the date a final	21302
decision, order, or judgment concerning that original reparations	21303
application or supplemental reparations application is issued.	21304
(R) "Terrorism" means any activity to which all of the	21305

following apply:	21306
(1) The activity involves a violent act or an act that is dangerous to human life.	21307 21308
(2) The act described in division (R)(1) of this section is committed within the territorial jurisdiction of the United States and is a violation of the criminal laws of the United States, this state, or any other state or the act described in division (R)(1) of this section is committed outside the territorial jurisdiction of the United States and would be a violation of the criminal laws of the United States, this state, or any other state if committed within the territorial jurisdiction of the United States.	21309 21310 21311 21312 21313 21314 21315 21316
(3) The activity appears to be intended to do any of the following:	21317 21318
(a) Intimidate or coerce a civilian population;	21319
(b) Influence the policy of any government by intimidation or coercion;	21320 21321
(c) Affect the conduct of any government by assassination or kidnapping.	21322 21323
(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum.	21324 21325 21326 21327 21328 21329 21330
(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States.	21331 21332 21333 21334
(T) "Cost of crime scene cleanup" means reasonable and	21335

necessary costs of cleaning the scene and repairing, for the 21336  
purpose of personal security, property damaged at the scene where 21337  
the criminally injurious conduct occurred, not to exceed seven 21338  
hundred fifty dollars in the aggregate per claim. 21339

(U) "Cost of evidence replacement" means costs for 21340  
replacement of property confiscated for evidentiary purposes 21341  
related to the criminally injurious conduct, not to exceed seven 21342  
hundred fifty dollars in the aggregate per claim. 21343

(V) "Provider" means any person who provides a victim or 21344  
claimant with a product, service, or accommodations that are an 21345  
allowable expense or a funeral expense. 21346

(W) "Immediate family member" means an individual who resided 21347  
in the same permanent household as a victim at the time of the 21348  
criminally injurious conduct and who is related to a the victim 21349  
~~within the first degree~~ by affinity or consanguinity. 21350

(X) "Family member" means an individual who is related to a 21351  
victim by affinity or consanguinity. 21352

**Sec. 2743.60.** (A) The attorney general, a court of claims 21353  
panel of commissioners, or a judge of the court of claims shall 21354  
not make or order an award of reparations to any claimant who, if 21355  
the victim of the criminally injurious conduct was an adult, did 21356  
not file an application for an award of reparations within two 21357  
years after the date of the occurrence of the criminally injurious 21358  
conduct that caused the injury or death for which the victim is 21359  
seeking an award of reparations or who, if the victim of that 21360  
criminally injurious conduct was a minor, did not file an 21361  
application for an award of reparations within the period provided 21362  
by division ~~(C)~~(B)(1) of section 2743.56 of the Revised Code. An 21363  
award of reparations shall not be made to a claimant if the 21364  
criminally injurious conduct upon which the claimant bases a claim 21365  
was not reported to a law enforcement officer or agency within 21366

seventy-two hours after the occurrence of the conduct, unless it 21367  
is determined that good cause existed for the failure to report 21368  
the conduct within the seventy-two-hour period. 21369

(B)(1) The attorney general, a panel of commissioners, or a 21370  
judge of the court of claims shall not make or order an award of 21371  
reparations to a claimant if any of the following apply: 21372

(a) The claimant is the offender or an accomplice of the 21373  
offender who committed the criminally injurious conduct, or the 21374  
award would unjustly benefit the offender or accomplice. 21375

(b) Except as provided in division (B)(2) of this section, 21376  
both of the following apply: 21377

(i) The victim was a passenger in a motor vehicle and knew or 21378  
reasonably should have known that the driver was under the 21379  
influence of alcohol, a drug of abuse, or both. 21380

(ii) The claimant is seeking compensation for injuries 21381  
proximately caused by the driver described in division 21382  
(B)(1)(b)(i) of this section being under the influence of alcohol, 21383  
a drug of abuse, or both. 21384

(c) Both of the following apply: 21385

(i) The victim was under the influence of alcohol, a drug of 21386  
abuse, or both and was a passenger in a motor vehicle and, if 21387  
sober, should have reasonably known that the driver was under the 21388  
influence of alcohol, a drug of abuse, or both. 21389

(ii) The claimant is seeking compensation for injuries 21390  
proximately caused by the driver described in division 21391  
(B)(1)(b)(i) of this section being under the influence of alcohol, 21392  
a drug of abuse, or both. 21393

(2) Division (B)(1)(b) of this section does not apply if on 21394  
the date of the occurrence of the criminally injurious conduct, 21395  
the victim was under sixteen years of age or was at least sixteen 21396

years of age but less than eighteen years of age and was riding 21397  
with a parent, guardian, or care-provider. 21398

(C) The attorney general, a panel of commissioners, or a 21399  
judge of the court of claims, upon a finding that the claimant or 21400  
victim has not fully cooperated with appropriate law enforcement 21401  
agencies, may deny a claim or reconsider and reduce an award of 21402  
reparations. 21403

(D) The attorney general, a panel of commissioners, or a 21404  
judge of the court of claims shall reduce an award of reparations 21405  
or deny a claim for an award of reparations that is otherwise 21406  
payable to a claimant to the extent that the economic loss upon 21407  
which the claim is based is recouped from other persons, including 21408  
collateral sources. If an award is reduced or a claim is denied 21409  
because of the expected recoupment of all or part of the economic 21410  
loss of the claimant from a collateral source, the amount of the 21411  
award or the denial of the claim shall be conditioned upon the 21412  
claimant's economic loss being recouped by the collateral source. 21413  
If the award or denial is conditioned upon the recoupment of the 21414  
claimant's economic loss from a collateral source and it is 21415  
determined that the claimant did not unreasonably fail to present 21416  
a timely claim to the collateral source and will not receive all 21417  
or part of the expected recoupment, the claim may be reopened and 21418  
an award may be made in an amount equal to the amount of expected 21419  
recoupment that it is determined the claimant will not receive 21420  
from the collateral source. 21421

If the claimant recoups all or part of the economic loss upon 21422  
which the claim is based from any other person or entity, 21423  
including a collateral source, the attorney general may recover 21424  
pursuant to section 2743.72 of the Revised Code the part of the 21425  
award that represents the economic loss for which the claimant 21426  
received the recoupment from the other person or entity. 21427

(E) The(1) Except as otherwise provided in division (E)(2) of 21428

this section, the attorney general, a panel of commissioners, or a 21429  
judge of the court of claims shall not make an award to a claimant 21430  
if any of the following applies: 21431

~~(1)~~(a) The victim was convicted of a felony within ten years 21432  
prior to the criminally injurious conduct that gave rise to the 21433  
claim or is convicted of a felony during the pendency of the 21434  
claim. 21435

~~(2)~~(b) The claimant was convicted of a felony within ten 21436  
years prior to the criminally injurious conduct that gave rise to 21437  
the claim or is convicted of a felony during the pendency of the 21438  
claim. 21439

~~(3)~~(c) It is proved by a preponderance of the evidence that 21440  
the victim or the claimant engaged, within ten years prior to the 21441  
criminally injurious conduct that gave rise to the claim or during 21442  
the pendency of the claim, in an offense of violence, a violation 21443  
of section 2925.03 of the Revised Code, or any substantially 21444  
similar offense that also would constitute a felony under the laws 21445  
of this state, another state, or the United States. 21446

~~(4)~~(d) The claimant was convicted of a violation of section 21447  
2919.22 or 2919.25 of the Revised Code, or of any state law or 21448  
municipal ordinance substantially similar to either section, 21449  
within ten years prior to the criminally injurious conduct that 21450  
gave rise to the claim or during the pendency of the claim. 21451

(e) It is proved by a preponderance of the evidence that the 21452  
victim at the time of the criminally injurious conduct that gave 21453  
rise to the claim engaged in conduct that was a felony violation 21454  
of section 2925.11 of the Revised Code or engaged in any 21455  
substantially similar conduct that would constitute a felony under 21456  
the laws of this state, another state, or the United States. 21457

(2) The attorney general, a panel of commissioners, or a 21458  
judge of the court of claims may make an award to a minor 21459

dependent of a deceased victim for dependent's economic loss or 21460  
for counseling pursuant to division (F)(2) of section 2743.51 of 21461  
the Revised Code if the minor dependent is not ineligible under 21462  
division (E)(1) of this section due to the minor dependent's 21463  
criminal history and if the victim was not killed while engaging 21464  
in illegal conduct that contributed to the criminally injurious 21465  
conduct that gave rise to the claim. For purposes of this section, 21466  
the use of illegal drugs by the deceased victim shall not be 21467  
deemed to have contributed to the criminally injurious conduct 21468  
that gave rise to the claim. 21469

(F) In determining whether to make an award of reparations 21470  
pursuant to this section, the attorney general or panel of 21471  
commissioners shall consider whether there was contributory 21472  
misconduct by the victim or the claimant. The attorney general, a 21473  
panel of commissioners, or a judge of the court of claims shall 21474  
reduce an award of reparations or deny a claim for an award of 21475  
reparations to the extent it is determined to be reasonable 21476  
because of the contributory misconduct of the claimant or the 21477  
victim. 21478

When the attorney general decides whether a claim should be 21479  
denied because of an allegation of contributory misconduct, the 21480  
burden of proof on the issue of that alleged contributory 21481  
misconduct shall be upon the claimant, if either of the following 21482  
apply: 21483

(1) The victim was convicted of a felony more than ten years 21484  
prior to the criminally injurious conduct that is the subject of 21485  
the claim or has a record of felony arrests under the laws of this 21486  
state, another state, or the United States. 21487

(2) There is good cause to believe that the victim engaged in 21488  
an ongoing course of criminal conduct within five years or less of 21489  
the criminally injurious conduct that is the subject of the claim. 21490

~~For purposes of this section, if it is proven by a  
preponderance of the evidence that the victim engaged in conduct  
at the time of the criminally injurious conduct that was a felony  
violation of section 2925.11 of the Revised Code, the conduct  
shall be presumed to have contributed to the criminally injurious  
conduct and shall result in a complete denial of the claim.~~

(G) The attorney general, a panel of commissioners, or a  
judge of the court of claims shall not make an award of  
reparations to a claimant if the criminally injurious conduct that  
caused the injury or death that is the subject of the claim  
occurred to a victim who was an adult and while the victim, after  
being convicted of or pleading guilty to an offense, was serving a  
sentence of imprisonment in any detention facility, as defined in  
section 2921.01 of the Revised Code.

(H) If a claimant unreasonably fails to present a claim  
timely to a source of benefits or advantages that would have been  
a collateral source and that would have reimbursed the claimant  
for all or a portion of a particular expense, the attorney  
general, a panel of commissioners, or a judge of the court of  
claims may reduce an award of reparations or deny a claim for an  
award of reparations to the extent that it is reasonable to do so.

(I) Reparations payable to a victim and to all other  
claimants sustaining economic loss because of injury to or the  
death of that victim shall not exceed fifty thousand dollars in  
the aggregate. If the attorney general, a panel of commissioners,  
or a judge of the court of claims reduces an award under division  
(F) of this section, the maximum aggregate amount of reparations  
payable under this division shall be reduced proportionately to  
the reduction under division (F) of this section.

**Sec. 2743.65.** (A) The attorney general shall determine, and  
the state shall pay, in accordance with this section attorney's

fees, commensurate with services rendered, to the attorney 21522  
representing a claimant under sections 2743.51 to 2743.72 of the 21523  
Revised Code. The attorney shall submit on an application form an 21524  
itemized fee bill at the rate of sixty dollars per hour upon 21525  
receipt of the final decision on the claim. Attorney's fees paid 21526  
pursuant to this section are subject to the following maximum 21527  
amounts: 21528

(1) A maximum of seven hundred twenty dollars for claims 21529  
resolved without the filing of an appeal to the panel of 21530  
commissioners; 21531

(2) A maximum of one thousand twenty dollars for claims in 21532  
which an appeal to the panel of commissioners is filed plus, at 21533  
the request of an attorney whose main office is not in Franklin 21534  
county, Delaware county, Licking county, Fairfield county, 21535  
Pickaway county, Madison county, or Union county, an amount for 21536  
the attorney's travel time to attend the oral hearing before the 21537  
panel of commissioners at the rate of thirty dollars per hour; 21538

(3) A maximum of one thousand three hundred twenty dollars 21539  
for claims in which an appeal to a judge of the court of claims is 21540  
filed plus, at the request of an attorney whose main office is not 21541  
in Franklin county, Delaware county, Licking county, Fairfield 21542  
county, Pickaway county, Madison county, or Union county, an 21543  
amount for the attorney's travel time to attend the oral hearing 21544  
before the judge at the rate of thirty dollars per hour; 21545

(4) A maximum of seven hundred twenty dollars for a 21546  
supplemental reparations application; 21547

(5) A maximum of two hundred dollars if the claim is denied 21548  
on the basis of a claimant's or victim's conviction of a felony 21549  
offense prior to the filing of the claim. If the claimant or 21550  
victim is convicted of a felony offense during the pendency of the 21551  
claim, the two hundred dollars maximum does not apply. If the 21552

attorney had knowledge of the claimant's or victim's felony 21553  
conviction prior to the filing of the application for the claim, 21554  
the attorney general may determine that the filing of the claim 21555  
was frivolous and may deny attorney's fees. 21556

(B) The attorney general may determine that an attorney be 21557  
reimbursed for fees incurred in the creation of a guardianship if 21558  
the guardianship is required in order for an individual to receive 21559  
an award of reparations, and those fees shall be reimbursed at a 21560  
rate of sixty dollars per hour. 21561

(C)(1) The attorney general shall forward an application form 21562  
for attorney's fees to a claimant's attorney before or when the 21563  
final decision on a claim is rendered. The application form for 21564  
attorney's fees shall do all of the following: 21565

(a) Inform the attorney of the requirements of this section; 21566

(b) Require a verification statement comporting with the law 21567  
prohibiting falsification; 21568

(c) Require an itemized fee statement; 21569

(d) Require a verification statement that the claimant was 21570  
served a copy of the completed application form; 21571

(e) Include notice that the claimant may oppose the 21572  
application by notifying the attorney general in writing within 21573  
ten days. 21574

(2) The attorney general shall forward a copy of this section 21575  
to the attorney with the application form for attorney's fees. The 21576  
attorney shall file the application form with the attorney 21577  
general. The attorney general's decision with respect to an award 21578  
of attorney's fees is final ten days after the attorney general 21579  
renders the decision and mails a copy of the decision to the 21580  
attorney at the address provided by the attorney. The attorney may 21581  
request reconsideration of the decision on grounds that it is 21582

insufficient or calculated incorrectly. The attorney general's 21583  
decision on the request for reconsideration is final. 21584

(D) The attorney general shall review all application forms 21585  
for attorney's fees that are submitted by a claimant's attorney 21586  
and shall issue an order approving the amount of fees to be paid 21587  
to the attorney within sixty days after receipt of the application 21588  
form. 21589

(E) No attorney's fees shall be paid for the following: 21590

(1) Estate work or representation of a claimant against a 21591  
collateral source; 21592

(2) Duplication of investigative work required to be 21593  
performed by the attorney general; 21594

(3) Performance of unnecessary criminal investigation of the 21595  
offense; 21596

(4) Presenting or appealing an issue that has been repeatedly 21597  
ruled upon by the highest appellate authority, unless a unique set 21598  
of facts or unique issue of law exists that distinguishes it; 21599

(5) A fee request that is unreasonable, is not commensurate 21600  
with services rendered, violates the Ohio code of professional 21601  
responsibility, or is based upon services that are determined to 21602  
be frivolous. 21603

(F)(1) The attorney general may reduce or deny the payment of 21604  
attorney's fees to an attorney who has filed a frivolous claim. 21605  
Subject to division (A)(5) of this section, the denial of a claim 21606  
on the basis of a felony conviction, felony conduct, or 21607  
contributory misconduct does not constitute a frivolous claim. 21608

(2) As used in this section, "frivolous claim" means a claim 21609  
in which there is clearly no legal grounds under the existing laws 21610  
of this state to support the filing of a claim on behalf of the 21611  
claimant or victim. 21612

(G) The attorney general may determine that a lesser number of hours should have been required in a given case. Additional reimbursement may be made where the attorney demonstrates to the attorney general that the nature of the particular claim required the expenditure of an amount in excess of that allowed.

(H) No attorney shall receive payment under this section for assisting a claimant with an application for an award of reparations under sections 2743.51 to 2743.72 of the Revised Code if that attorney's fees have been allowed as an expense in accordance with division (F)(4) of section 2743.51 of the Revised Code.

(I) A contract or other agreement between an attorney and any person that provides for the payment of attorney's fees or other payments in excess of the attorney's fees allowed under this section for representing a claimant under sections 2743.51 to 2743.72 of the Revised Code shall be void and unenforceable.

~~(I)~~(J) Each witness who appears in a hearing on a claim for an award of reparations shall receive compensation in an amount equal to that received by witnesses in civil cases as provided in section 2335.06 of the Revised Code.

**Sec. 2915.01.** As used in this chapter:

(A) "Bookmaking" means the business of receiving or paying off bets.

(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

(C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement

<u>machine, or a pool not conducted for profit.</u>	21643
(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.	21644 21645 21646 21647
(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.	21648 21649 21650
(F) "Gambling device" means any of the following:	21651
(1) A book, totalizer, or other equipment for recording bets;	21652
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	21653 21654
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	21655 21656 21657
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	21658 21659
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	21660 21661
(G) "Gambling offense" means any of the following:	21662
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	21663 21664 21665
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	21666 21667 21668 21669 21670
(3) An offense under an existing or former municipal	21671

ordinance or law of this or any other state or the United States, 21672  
of which gambling is an element; 21673

(4) A conspiracy or attempt to commit, or complicity in 21674  
committing, any offense under division (G)(1), (2), or (3) of this 21675  
section. 21676

(H) Except as otherwise provided in this chapter, "charitable 21677  
organization" means any tax exempt religious, educational, 21678  
veteran's, fraternal, sporting, service, nonprofit medical, 21679  
volunteer rescue service, volunteer firefighter's, senior 21680  
citizen's, historic railroad educational, youth athletic, amateur 21681  
athletic, or youth athletic park organization. An organization is 21682  
tax exempt if the organization is, and has received from the 21683  
internal revenue service a determination letter that currently is 21684  
in effect stating that the organization is, exempt from federal 21685  
income taxation under subsection 501(a) and described in 21686  
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 21687  
501(c)(19) of the Internal Revenue Code, or if the organization is 21688  
a sporting organization that is exempt from federal income 21689  
taxation under subsection 501(a) and is described in subsection 21690  
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 21691  
organization, an organization, except a volunteer rescue service 21692  
or volunteer fire fighter's organization, shall have been in 21693  
continuous existence as such in this state for a period of two 21694  
years immediately preceding either the making of an application 21695  
for a bingo license under section 2915.08 of the Revised Code or 21696  
the conducting of any ~~scheme of chance or~~ game of chance as 21697  
provided in division ~~(C)~~(D) of section 2915.02 of the Revised 21698  
Code. A charitable organization that is exempt from federal income 21699  
taxation under subsection 501(a) and described in subsection 21700  
501(c)(3) of the Internal Revenue Code and that is created by a 21701  
veteran's organization ~~or~~, a fraternal organization, or a sporting 21702  
organization does not have to have been in continuous existence as 21703

such in this state for a period of two years immediately preceding 21704  
either the making of an application for a bingo license under 21705  
section 2915.08 of the Revised Code or the conducting of any 21706  
~~scheme of chance or~~ game of chance as provided in division (D) of 21707  
section 2915.02 of the Revised Code. 21708

(I) "Religious organization" means any church, body of 21709  
communicants, or group that is not organized or operated for 21710  
profit and that gathers in common membership for regular worship 21711  
and religious observances. 21712

(J) "Educational organization" means any organization within 21713  
this state that is not organized for profit, the ~~exclusive primary~~ 21714  
purpose of which is to educate and develop the capabilities of 21715  
individuals through instruction, ~~and that operates or contributes~~ 21716  
~~to~~ by means of operating or contributing to the support of a 21717  
school, academy, college, or university. 21718

(K) "Veteran's organization" means any individual post or 21719  
state headquarters of a national veteran's association or an 21720  
auxiliary unit of any individual post of a national veteran's 21721  
association, which post, state headquarters, or auxiliary unit has 21722  
been in continuous existence in this state for at least two years 21723  
and incorporated as a nonprofit corporation ~~for at least two years~~ 21724  
and either has received a letter from the state headquarters of 21725  
the national veteran's association indicating that the individual 21726  
post or auxiliary unit is in good standing with the national 21727  
veteran's association or has received a letter from the national 21728  
veteran's association indicating that the state headquarters is in 21729  
good standing with the national veteran's association. As used in 21730  
this division, "national veteran's association" means any 21731  
veteran's association that has been in continuous existence as 21732  
such for a period of at least five years and either is 21733  
incorporated by an act of the United States congress or has a 21734  
national dues-paying membership of at least five thousand persons. 21735

(L) "Volunteer firefighter's organization" means any 21736  
organization of volunteer firefighters, as defined in section 21737  
146.01 of the Revised Code, that is organized and operated 21738  
exclusively to provide financial support for a volunteer fire 21739  
department or a volunteer fire company and that is recognized or 21740  
ratified by a county, municipal corporation, or township. 21741

(M) "Fraternal organization" means any society, order, state 21742  
headquarters, or association within this state, except a college 21743  
or high school fraternity, that is not organized for profit, that 21744  
is a branch, lodge, or chapter of a national or state 21745  
organization, that exists exclusively for the common business or 21746  
sodality of its members, and that has been in continuous existence 21747  
in this state for a period of five years. 21748

(N) "Volunteer rescue service organization" means any 21749  
organization of volunteers organized to function as an emergency 21750  
medical service organization, as defined in section 4765.01 of the 21751  
Revised Code. 21752

(O) "Service organization" means any organization, not 21753  
organized for profit, that is organized and operated exclusively 21754  
to provide, or to contribute to the support of organizations or 21755  
institutions organized and operated exclusively to provide, 21756  
medical and therapeutic services for persons who are crippled, 21757  
born with birth defects, or have any other mental or physical 21758  
defect or those organized and operated exclusively to protect, or 21759  
to contribute to the support of organizations or institutions 21760  
organized and operated exclusively to protect, animals from 21761  
inhumane treatment. 21762

(P) "Nonprofit medical organization" means any organization 21763  
that has been incorporated as a nonprofit corporation for at least 21764  
five years and that has continuously operated and will be operated 21765  
exclusively to provide, or to contribute to the support of 21766  
organizations or institutions organized and operated exclusively 21767

to provide, hospital, medical, research, or therapeutic services 21768  
for the public. 21769

(Q) "Senior citizen's organization" means any private 21770  
organization, not organized for profit, that is organized and 21771  
operated exclusively to provide recreational or social services 21772  
for persons who are fifty-five years of age or older and that is 21773  
described and qualified under subsection 501(c)(3) of the Internal 21774  
Revenue Code. 21775

(R) "Charitable bingo game" means any bingo game described in 21776  
division (S)(1) or (2) of this section that is conducted by a 21777  
charitable organization that has obtained a license pursuant to 21778  
section 2915.08 of the Revised Code and the proceeds of which are 21779  
used for a charitable purpose. 21780

(S) "Bingo" means either of the following: 21781

(1) A game with all of the following characteristics: 21782

(a) The participants use bingo cards or sheets, including 21783  
paper formats and electronic representation or image formats, that 21784  
are divided into twenty-five spaces arranged in five horizontal 21785  
and five vertical rows of spaces, with each space, except the 21786  
central space, being designated by a combination of a letter and a 21787  
number and with the central space being designated as a free 21788  
space. 21789

(b) The participants cover the spaces on the bingo cards or 21790  
sheets that correspond to combinations of letters and numbers that 21791  
are announced by a bingo game operator. 21792

(c) A bingo game operator announces combinations of letters 21793  
and numbers that appear on objects that a bingo game operator 21794  
selects by chance, either manually or mechanically, from a 21795  
receptacle that contains seventy-five objects at the beginning of 21796  
each game, each object marked by a different combination of a 21797  
letter and a number that corresponds to one of the seventy-five 21798

possible combinations of a letter and a number that can appear on 21799  
the bingo cards or sheets. 21800

(d) The winner of the bingo game includes any participant who 21801  
properly announces during the interval between the announcements 21802  
of letters and numbers as described in division (S)(1)(c) of this 21803  
section, that a predetermined and preannounced pattern of spaces 21804  
has been covered on a bingo card or sheet being used by the 21805  
participant. 21806

(2) Instant bingo, punch boards, and raffles. 21807

(T) "Conduct" means to back, promote, organize, manage, carry 21808  
on, sponsor, or prepare for the operation of bingo or a game of 21809  
chance. 21810

(U) "Bingo game operator" means any person, except security 21811  
personnel, who performs work or labor at the site of bingo, 21812  
including, but not limited to, collecting money from participants, 21813  
handing out bingo cards or sheets or objects to cover spaces on 21814  
bingo cards or sheets, selecting from a receptacle the objects 21815  
that contain the combination of letters and numbers that appear on 21816  
bingo cards or sheets, calling out the combinations of letters and 21817  
numbers, distributing prizes, selling or redeeming instant bingo 21818  
tickets or cards, supervising the operation of a punch board, 21819  
selling raffle tickets, selecting raffle tickets from a receptacle 21820  
and announcing the winning numbers in a raffle, and preparing, 21821  
selling, and serving food or beverages. 21822

(V) "Participant" means any person who plays bingo. 21823

(W) "Bingo session" means a period that includes both of the 21824  
following: 21825

(1) Not to exceed five continuous hours for the conduct of 21826  
one or more games described in division (S)(1) of this section, 21827  
instant bingo, and seal cards; 21828

(2) A period for the conduct of instant bingo and seal cards 21829  
for not more than two hours before and not more than two hours 21830  
after the period described in division (W)(1) of this section. 21831

(X) "Gross receipts" means all money or assets, including 21832  
admission fees, that a person receives from bingo without the 21833  
deduction of any amounts for prizes paid out or for the expenses 21834  
of conducting bingo. "Gross receipts" does not include any money 21835  
directly taken in from the sale of food or beverages by a 21836  
charitable organization conducting bingo, or by a bona fide 21837  
auxiliary unit or society of a charitable organization conducting 21838  
bingo, provided all of the following apply: 21839

(1) The auxiliary unit or society has been in existence as a 21840  
bona fide auxiliary unit or society of the charitable organization 21841  
for at least two years prior to conducting bingo. 21842

(2) The person who purchases the food or beverage receives 21843  
nothing of value except the food or beverage and items customarily 21844  
received with the purchase of that food or beverage. 21845

(3) The food and beverages are sold at customary and 21846  
reasonable prices. 21847

(Y) "Security personnel" includes any person who either is a 21848  
sheriff, deputy sheriff, marshal, deputy marshal, township 21849  
constable, or member of an organized police department of a 21850  
municipal corporation or has successfully completed a peace 21851  
officer's training course pursuant to sections 109.71 to 109.79 of 21852  
the Revised Code and who is hired to provide security for the 21853  
premises on which bingo is conducted. 21854

(Z) "Charitable purpose" means that the net profit of bingo, 21855  
other than instant bingo, is used by, or is given, donated, or 21856  
otherwise transferred to, any of the following: 21857

(1) Any organization that is described in subsection 21858  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 21859

and is either a governmental unit or an organization that is tax 21860  
exempt under subsection 501(a) and described in subsection 21861  
501(c)(3) of the Internal Revenue Code; 21862

(2) A veteran's organization that is a post, chapter, or 21863  
organization of veterans, or an auxiliary unit or society of, or a 21864  
trust or foundation for, any such post, chapter, or organization 21865  
organized in the United States or any of its possessions, at least 21866  
seventy-five per cent of the members of which are veterans and 21867  
substantially all of the other members of which are individuals 21868  
who are spouses, widows, or widowers of veterans, or such 21869  
individuals, provided that no part of the net earnings of such 21870  
post, chapter, or organization inures to the benefit of any 21871  
private shareholder or individual, and further provided that the 21872  
net profit is used by the post, chapter, or organization for the 21873  
charitable purposes set forth in division (B)(12) of section 21874  
5739.02 of the Revised Code, is used for awarding scholarships to 21875  
or for attendance at an institution mentioned in division (B)(12) 21876  
of section 5739.02 of the Revised Code, is donated to a 21877  
governmental agency, or is used for nonprofit youth activities, 21878  
the purchase of United States or Ohio flags that are donated to 21879  
schools, youth groups, or other bona fide nonprofit organizations, 21880  
promotion of patriotism, or disaster relief; 21881

(3) A fraternal organization that has been in continuous 21882  
existence in this state for fifteen years and that uses the net 21883  
profit exclusively for religious, charitable, scientific, 21884  
literary, or educational purposes, or for the prevention of 21885  
cruelty to children or animals, if contributions for such use 21886  
would qualify as a deductible charitable contribution under 21887  
subsection 170 of the Internal Revenue Code; 21888

(4) A volunteer firefighter's organization that uses the net 21889  
profit for the purposes set forth in division (L) of this section. 21890

(AA) "Internal Revenue Code" means the "Internal Revenue Code 21891

of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 21892  
amended. 21893

(BB) "Youth athletic organization" means any organization, 21894  
not organized for profit, that is organized and operated 21895  
exclusively to provide financial support to, or to operate, 21896  
athletic activities for persons who are twenty-one years of age or 21897  
younger by means of sponsoring, organizing, operating, or 21898  
contributing to the support of an athletic team, club, league, or 21899  
association. 21900

(CC) "Youth athletic park organization" means any 21901  
organization, not organized for profit, that satisfies both of the 21902  
following: 21903

(1) It owns, operates, and maintains playing fields that 21904  
satisfy both of the following: 21905

(a) The playing fields are used at least one hundred days per 21906  
year for athletic activities by one or more organizations, not 21907  
organized for profit, each of which is organized and operated 21908  
exclusively to provide financial support to, or to operate, 21909  
athletic activities for persons who are eighteen years of age or 21910  
younger by means of sponsoring, organizing, operating, or 21911  
contributing to the support of an athletic team, club, league, or 21912  
association. 21913

(b) The playing fields are not used for any profit-making 21914  
activity at any time during the year. 21915

(2) It uses the proceeds of bingo it conducts exclusively for 21916  
the operation, maintenance, and improvement of its playing fields 21917  
of the type described in division (CC)(1) of this section. 21918

(DD) "Amateur athletic organization" means any organization, 21919  
not organized for profit, that is organized and operated 21920  
exclusively to provide financial support to, or to operate, 21921  
athletic activities for persons who are training for amateur 21922

athletic competition that is sanctioned by a national governing 21923  
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 21924  
3045, 36 U.S.C.A. 373. 21925

(EE) "Bingo supplies" means bingo cards or sheets; instant 21926  
bingo tickets or cards; electronic bingo aids; raffle tickets; 21927  
punch boards; seal cards; instant bingo ticket dispensers; and 21928  
devices for selecting or displaying the combination of bingo 21929  
letters and numbers or raffle tickets. Items that are "bingo 21930  
supplies" are not gambling devices if sold or otherwise provided, 21931  
and used, in accordance with this chapter. For purposes of this 21932  
chapter, "bingo supplies" are not to be considered equipment used 21933  
to conduct a bingo game. 21934

(FF) "Instant bingo" means a form of bingo that uses folded 21935  
or banded tickets or paper cards with perforated break-open tabs, 21936  
a face of which is covered or otherwise hidden from view to 21937  
conceal a number, letter, or symbol, or set of numbers, letters, 21938  
or symbols, some of which have been designated in advance as prize 21939  
winners. "Instant bingo" includes seal cards. "Instant bingo" does 21940  
not include any device that is activated by the insertion of a 21941  
coin, currency, token, or an equivalent, and that contains as one 21942  
of its components a video display monitor that is capable of 21943  
displaying numbers, letters, symbols, or characters in winning or 21944  
losing combinations. 21945

(GG) "Seal card" means a form of instant bingo that uses 21946  
instant bingo tickets in conjunction with a board or placard that 21947  
contains one or more seals that, when removed or opened, reveal 21948  
predesignated winning numbers, letters, or symbols. 21949

(HH) "Raffle" means a form of bingo in which the one or more 21950  
prizes are won by one or more persons who have purchased a raffle 21951  
ticket. The one or more winners of the raffle are determined by 21952  
drawing a ticket stub or other detachable section from a 21953  
receptacle containing ticket stubs or detachable sections 21954

corresponding to all tickets sold for the raffle.	21955
(II) "Punch board" means a board containing a number of holes	21956
or receptacles of uniform size in which are placed, mechanically	21957
and randomly, serially numbered slips of paper that may be punched	21958
or drawn from the hole or receptacle when used in conjunction with	21959
instant bingo. A player may punch or draw the numbered slips of	21960
paper from the holes or receptacles and obtain the prize	21961
established for the game if the number drawn corresponds to a	21962
winning number or, if the punch board includes the use of a seal	21963
card, a potential winning number.	21964
(JJ) "Gross profit" means gross receipts minus the amount	21965
actually expended for the payment of prize awards.	21966
(KK) "Net profit" means gross profit minus expenses.	21967
(LL) "Expenses" means the reasonable amount of gross profit	21968
actually expended for all of the following:	21969
(1) The purchase or lease of bingo supplies;	21970
(2) The annual license fee required under section 2915.08 of	21971
the Revised Code;	21972
(3) Bank fees and service charges for a bingo session or game	21973
account described in section 2915.10 of the Revised Code;	21974
(4) Audits and accounting services;	21975
(5) Safes;	21976
(6) Cash registers;	21977
(7) Hiring security personnel;	21978
(8) Advertising bingo;	21979
(9) Renting premises in which to conduct <u>a bingo session</u> ;	21980
(10) Tables and chairs;	21981
(11) <u>Expenses for maintaining and operating a charitable</u>	21982

organization's facilities, including, but not limited to, a post 21983  
home, club house, lounge, tavern, or canteen and any grounds 21984  
attached to the post home, club house, lounge, tavern, or canteen; 21985

(12) Any other product or service directly related to the 21986  
conduct of bingo that is authorized in rules adopted by the 21987  
attorney general under division (B)(1) of section 2915.08 of the 21988  
Revised Code. 21989

(MM) "Person" has the same meaning as in section 1.59 of the 21990  
Revised Code and includes any firm or any other legal entity, 21991  
however organized. 21992

(NN) "Revoke" means to void permanently all rights and 21993  
privileges of the holder of a license issued under section 21994  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 21995  
gaming license issued by another jurisdiction. 21996

(OO) "Suspend" means to interrupt temporarily all rights and 21997  
privileges of the holder of a license issued under section 21998  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 21999  
gaming license issued by another jurisdiction. 22000

(PP) "Distributor" means any person who purchases or obtains 22001  
bingo supplies and who sells, offers for sale, or otherwise 22002  
provides or offers to provide the bingo supplies to another person 22003  
for use in this state. 22004

(QQ) "Manufacturer" means any person who assembles completed 22005  
bingo supplies from raw materials, other items, or subparts or who 22006  
modifies, converts, adds to, or removes parts from bingo supplies 22007  
to further their promotion or sale. 22008

(RR) "Gross annual revenues" means the annual gross receipts 22009  
derived from the conduct of bingo described in division (S)(1) of 22010  
this section plus the annual net profit derived from the conduct 22011  
of bingo described in division (S)(2) of this section. 22012

(SS) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(TT)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern. 22043

(2) "Electronic bingo aid" does not include any device into 22044  
which a coin, currency, token, or an equivalent is inserted to 22045  
activate play. 22046

(UU) "Deal of instant bingo tickets" means a single game of 22047  
instant bingo tickets all with the same serial number. 22048

(VV)(1) "Slot" machine means either of the following: 22049

~~(1)~~(a) Any mechanical, electronic, video, or digital device 22050  
that is capable of accepting anything of value, directly or 22051  
indirectly, from or on behalf of a player who gives the thing of 22052  
value in the hope of gain, the outcome of which is determined 22053  
largely or wholly by chance; 22054

~~(2)~~(b) Any mechanical, electronic, video, or digital device 22055  
that is capable of accepting anything of value, directly or 22056  
indirectly, from or on behalf of a player to conduct or dispense 22057  
bingo or a scheme or game of chance. 22058

(2) "Slot machine" does not include a skill-based amusement 22059  
machine. 22060

(WW) "Net profit from the proceeds of the sale of instant 22061  
bingo" means gross profit minus the ordinary, necessary, and 22062  
reasonable expense expended for the purchase of instant bingo 22063  
supplies. 22064

(XX) "Charitable instant bingo organization" means an 22065  
organization that is exempt from federal income taxation under 22066  
subsection 501(a) and described in subsection 501(c)(3) of the 22067  
Internal Revenue Code and is a charitable organization as defined 22068  
in this section. A "charitable instant bingo organization" does 22069  
not include a charitable organization that is exempt from federal 22070  
income taxation under subsection 501(a) and described in 22071  
subsection 501(c)(3) of the Internal Revenue Code and that is 22072

created by a veteran's organization ~~or~~, a fraternal organization, 22073  
or a sporting organization in regards to bingo conducted or 22074  
assisted by a veteran's organization ~~or~~, a fraternal organization, 22075  
or a sporting organization pursuant to section 2915.13 of the 22076  
Revised Code. 22077

(YY) "Game flare" means the board or placard that accompanies 22078  
each deal of instant bingo tickets and that has printed on or 22079  
affixed to it the following information for the game: 22080

(1) The name of the game; 22081

(2) The manufacturer's name or distinctive logo; 22082

(3) The form number; 22083

(4) The ticket count; 22084

(5) The prize structure, including the number of winning 22085  
instant bingo tickets by denomination and the respective winning 22086  
symbol or number combinations for the winning instant bingo 22087  
tickets; 22088

(6) The cost per play; 22089

(7) The serial number of the game. 22090

(ZZ) "Historic railroad educational organization" means an 22091  
organization that is exempt from federal income taxation under 22092  
subsection 501(a) and described in subsection 501(c)(3) of the 22093  
Internal Revenue Code, that owns in fee simple the tracks and the 22094  
right of way of a historic railroad that the organization restores 22095  
or maintains and on which the organization provides excursions as 22096  
part of a program to promote tourism and educate visitors 22097  
regarding the role of railroad transportation in Ohio history, and 22098  
that received as donations from a charitable organization that 22099  
holds a license to conduct bingo under this chapter an amount 22100  
equal to at least fifty per cent of that licensed charitable 22101  
organization's net proceeds from the conduct of bingo during each 22102

of the five years preceding June 30, 2003. "Historic railroad" 22103  
means all or a portion of the tracks and right of way of a 22104  
railroad that was owned and operated by a for profit common 22105  
carrier in this state at any time prior to January 1, 1950. 22106

(AAA)(1) "Skill-based amusement machine" means a skill-based 22107  
amusement device, such as a mechanical, electronic, video, or 22108  
digital device, or machine, whether or not the skill-based 22109  
amusement machine requires payment for use through a coin or bill 22110  
validator or other payment of consideration or value to 22111  
participate in the machine's offering or to activate the machine, 22112  
provided that all of the following apply: 22113

(a) The machine involves a task, game, play, contest, 22114  
competition, or tournament in which the player actively 22115  
participates in the task, game, play, contest, competition, or 22116  
tournament. 22117

(b) The outcome of an individual's play and participation is 22118  
not determined largely or wholly by chance. 22119

(c) The outcome of play during a game is not controlled by a 22120  
person not actively participating in the game. 22121

(2) All of the following apply to any machine that is 22122  
operated as described in division (AAA)(1) of this section: 22123

(a) As used in this section, "task," "game," and "play" mean 22124  
one event from the initial activation of the machine until the 22125  
results of play are determined without payment of additional 22126  
consideration. An individual utilizing a machine that involves a 22127  
single task, game, play, contest, competition, or tournament may 22128  
be awarded prizes based on the results of play. 22129

(b) Advance play for a single task, game, play, contest, 22130  
competition, or tournament participation may be purchased. The 22131  
cost of the contest, competition, or tournament participation may 22132  
be greater than a single non-contest, competition, or tournament 22133

play. 22134

(c) To the extent that the machine is used in a contest, 22135  
competition, or tournament, that contest, competition, or 22136  
tournament has a defined starting and ending date and is open to 22137  
participants in competition for scoring and ranking results toward 22138  
the awarding of prizes that are stated prior to the start of the 22139  
contest, competition, or tournament. 22140

(BBB) "Pool not conducted for profit" means a scheme in which 22141  
a participant gives a valuable consideration for a chance to win a 22142  
prize and the total amount of consideration wagered is distributed 22143  
to a participant or participants. 22144

(CCC) "Sporting organization" means a hunting, fishing, or 22145  
trapping organization, other than a college or high school 22146  
fraternity or sorority, that is not organized for profit, that is 22147  
affiliated with a state or national sporting organization, 22148  
including but not limited to, the Ohio League of sportsmen, and 22149  
that has been in continuous existence in this state for a period 22150  
of three years. 22151

**Sec. 2915.02.** (A) No person shall do any of the following: 22152

(1) Engage in bookmaking, or knowingly engage in conduct that 22153  
facilitates bookmaking; 22154

(2) Establish, promote, or operate or knowingly engage in 22155  
conduct that facilitates any game of chance conducted for profit 22156  
or any scheme of chance; 22157

(3) Knowingly procure, transmit, exchange, or engage in 22158  
conduct that facilitates the procurement, transmission, or 22159  
exchange of information for use in establishing odds or 22160  
determining winners in connection with bookmaking or with any game 22161  
of chance conducted for profit or any scheme of chance; 22162

(4) Engage in betting or in playing any scheme or game of 22163

chance as a substantial source of income or livelihood;	22164
(5) With purpose to violate division (A)(1), (2), (3), or (4)	22165
of this section, acquire, possess, control, or operate any	22166
gambling device.	22167
(B) For purposes of division (A)(1) of this section, a person	22168
facilitates bookmaking if the person in any way knowingly aids an	22169
illegal bookmaking operation, including, without limitation,	22170
placing a bet with a person engaged in or facilitating illegal	22171
bookmaking. For purposes of division (A)(2) of this section, a	22172
person facilitates a game of chance conducted for profit or a	22173
scheme of chance if the person in any way knowingly aids in the	22174
conduct or operation of any such game or scheme, including,	22175
without limitation, playing any such game or scheme.	22176
(C) This section does not prohibit conduct in connection with	22177
gambling expressly permitted by law.	22178
(D) This section does not apply to any of the following:	22179
(1) Games of chance, if all of the following apply:	22180
(a) The games of chance are not craps for money or roulette	22181
for money.	22182
(b) The games of chance are conducted by a charitable	22183
organization that is, and has received from the internal revenue	22184
service a determination letter that is currently in effect,	22185
stating that the organization is, exempt from federal income	22186
taxation under subsection 501(a) and described in subsection	22187
501(c)(3) of the Internal Revenue Code.	22188
(c) The games of chance are conducted at festivals of the	22189
charitable organization that are conducted either for a period of	22190
four consecutive days or less and not more than twice a year or	22191
for a period of five consecutive days not more than once a year,	22192
and are conducted on premises owned by the charitable organization	22193

for a period of no less than one year immediately preceding the 22194  
conducting of the games of chance, on premises leased from a 22195  
governmental unit, or on premises that are leased from a veteran's 22196  
or fraternal organization and that have been owned by the lessor 22197  
veteran's or fraternal organization for a period of no less than 22198  
one year immediately preceding the conducting of the games of 22199  
chance. 22200

A charitable organization shall not lease premises from a 22201  
veteran's or fraternal organization to conduct a festival 22202  
described in division (D)(1)(c) of this section if the veteran's 22203  
or fraternal organization already has leased the premises four 22204  
times during the preceding year to charitable organizations for 22205  
that purpose. If a charitable organization leases premises from a 22206  
veteran's or fraternal organization to conduct a festival 22207  
described in division (D)(1)(c) of this section, the charitable 22208  
organization shall not pay a rental rate for the premises per day 22209  
of the festival that exceeds the rental rate per bingo session 22210  
that a charitable organization may pay under division (B)(1) of 22211  
section 2915.09 of the Revised Code when it leases premises from 22212  
another charitable organization to conduct bingo games. 22213

(d) All of the money or assets received from the games of 22214  
chance after deduction only of prizes paid out during the conduct 22215  
of the games of chance are used by, or given, donated, or 22216  
otherwise transferred to, any organization that is described in 22217  
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 22218  
Revenue Code and is either a governmental unit or an organization 22219  
that is tax exempt under subsection 501(a) and described in 22220  
subsection 501(c)(3) of the Internal Revenue Code; 22221

(e) The games of chance are not conducted during, or within 22222  
ten hours of, a bingo game conducted for amusement purposes only 22223  
pursuant to section 2915.12 of the Revised Code. 22224

No person shall receive any commission, wage, salary, reward, 22225

tip, donation, gratuity, or other form of compensation, directly 22226  
or indirectly, for operating or assisting in the operation of any 22227  
game of chance. 22228

(2) Any tag fishing tournament operated under a permit issued 22229  
under section 1533.92 of the Revised Code, as "tag fishing 22230  
tournament" is defined in section 1531.01 of the Revised Code; 22231

(3) Bingo conducted by a charitable organization that holds a 22232  
license issued under section 2915.08 of the Revised Code. 22233

(E) Division (D) of this section shall not be construed to 22234  
authorize the sale, lease, or other temporary or permanent 22235  
transfer of the right to conduct games of chance, as granted by 22236  
that division, by any charitable organization that is granted that 22237  
right. 22238

(F) Whoever violates this section is guilty of gambling, a 22239  
misdemeanor of the first degree. If the offender previously has 22240  
been convicted of any gambling offense, gambling is a felony of 22241  
the fifth degree. 22242

**Sec. 2915.08.** (A)(1) Annually before the first day of 22243  
January, a charitable organization that desires to conduct bingo, 22244  
instant bingo at a bingo session, or instant bingo other than at a 22245  
bingo session shall make out, upon a form to be furnished by the 22246  
attorney general for that purpose, an application for a license to 22247  
conduct bingo, instant bingo at a bingo session, or instant bingo 22248  
other than at a bingo session and deliver that application to the 22249  
attorney general together with a license fee as follows: 22250

(a) Except as otherwise provided in this division, for a 22251  
license for the conduct of bingo, two hundred dollars; 22252

(b) For a license for the conduct of instant bingo at a bingo 22253  
session or instant bingo other than at a bingo session for a 22254  
~~charitable~~ charitable organization that previously has not been 22255

licensed under this chapter to conduct instant bingo at a bingo 22256  
session or instant bingo other than at a bingo session, a license 22257  
fee of five hundred dollars, and for any other charitable 22258  
organization, a license fee that is based upon the ~~total of all~~ 22259  
~~money or assets~~ gross profits received by ~~any person or the~~ 22260  
charitable organization from the operation of instant bingo at a 22261  
bingo session or instant bingo other than at a bingo session, 22262  
during the one-year period ending on the thirty-first day of 22263  
October of the year immediately preceding the year for which the 22264  
license is sought, and that is one of the following: 22265

(i) Five hundred dollars, if the total is fifty thousand 22266  
dollars or less; 22267

(ii) One thousand two hundred fifty dollars plus one-fourth 22268  
per cent of the gross profit, if the total is more than fifty 22269  
thousand dollars but less than ~~three~~ two hundred fifty thousand 22270  
one dollars; 22271

(iii) Two thousand two hundred fifty dollars plus one-half 22272  
per cent of the gross profit, if the total is more than ~~three~~ two 22273  
hundred fifty thousand dollars but less than ~~six~~ five hundred 22274  
thousand one dollars; 22275

(iv) Three thousand five hundred dollars plus one per cent of 22276  
the gross profit, if the total is more than ~~six~~ five hundred 22277  
thousand dollars but less than one million one dollars; 22278

(v) Five thousand dollars plus one per cent of the gross 22279  
profit, if the total is one million one dollars or more; 22280

(c) A reduced license fee established by the attorney general 22281  
pursuant to division (G) of this section. 22282

(d) For a license to conduct bingo for a charitable 22283  
organization that prior to ~~the effective date of this amendment~~ 22284  
the effective date of this amendment has not been licensed under 22285  
this chapter to conduct bingo, instant bingo at a bingo session, 22286

or instant bingo other than at a bingo session, a license fee 22287  
established by rule by the attorney general in accordance with 22288  
division (H) of this section. 22289

(2) The application shall be in the form prescribed by the 22290  
attorney general, shall be signed and sworn to by the applicant, 22291  
and shall contain all of the following: 22292

(a) The name and post-office address of the applicant; 22293

(b) A statement that the applicant is a charitable 22294  
organization and that it has been in continuous existence as a 22295  
charitable organization in this state for two years immediately 22296  
preceding the making of the application or for five years in the 22297  
case of a fraternal organization or a nonprofit medical 22298  
organization; 22299

(c) The location at which the organization will conduct 22300  
bingo, which location shall be within the county in which the 22301  
principal place of business of the applicant is located, the days 22302  
of the week and the times on each of those days when bingo will be 22303  
conducted, whether the organization owns, leases, or subleases the 22304  
premises, and a copy of the rental agreement if it leases or 22305  
subleases the premises; 22306

(d) A statement of the applicant's previous history, record, 22307  
and association that is sufficient to establish that the applicant 22308  
is a charitable organization, and a copy of a determination letter 22309  
that is issued by the Internal Revenue Service and states that the 22310  
organization is tax exempt under subsection 501(a) and described 22311  
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 22312  
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 22313

(e) A statement as to whether the applicant has ever had any 22314  
previous application refused, whether it previously has had a 22315  
license revoked or suspended, and the reason stated by the 22316  
attorney general for the refusal, revocation, or suspension; 22317

(f) A statement of the charitable purposes for which the net profit derived from bingo, other than instant bingo, will be used, and a statement of how the net profit derived from instant bingo will be distributed in accordance with section 2915.101 of the Revised Code;

(g) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code;

(h) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;

(i) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;

(j) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization were used for at least one hundred days during the year in which the statement is issued, and were open for use to all residents of that territory, regardless of race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations

that do not discriminate on the basis of race, color, creed, 22350  
religion, sex, or national origin, and that the fields were not 22351  
used for any profit-making activity at any time during the year. 22352  
That type of board or body is authorized to issue the statement 22353  
upon request and shall issue the statement if it finds that the 22354  
applicant's playing fields were so used. 22355

(3) The attorney general, within thirty days after receiving 22356  
a timely filed application from a charitable organization that has 22357  
been issued a license under this section that has not expired and 22358  
has not been revoked or suspended, shall send a temporary permit 22359  
to the applicant specifying the date on which the application was 22360  
filed with the attorney general and stating that, pursuant to 22361  
section 119.06 of the Revised Code, the applicant may continue to 22362  
conduct bingo until a new license is granted or, if the 22363  
application is rejected, until fifteen days after notice of the 22364  
rejection is mailed to the applicant. The temporary permit does 22365  
not affect the validity of the applicant's application and does 22366  
not grant any rights to the applicant except those rights 22367  
specifically granted in section 119.06 of the Revised Code. The 22368  
issuance of a temporary permit by the attorney general pursuant to 22369  
this division does not prohibit the attorney general from 22370  
rejecting the applicant's application because of acts that the 22371  
applicant committed, or actions that the applicant failed to take, 22372  
before or after the issuance of the temporary permit. 22373

(4) Within thirty days after receiving an initial license 22374  
application from a charitable organization to conduct bingo, 22375  
instant bingo at a bingo session, or instant bingo other than at a 22376  
bingo session, the attorney general shall conduct a preliminary 22377  
review of the application and notify the applicant regarding any 22378  
deficiencies. Once an application is deemed complete, or beginning 22379  
on the thirtieth day after the application is filed, if the 22380  
attorney general failed to notify the applicant of any 22381

deficiencies, the attorney general shall have an additional sixty 22382  
days to conduct an investigation and either grant or deny the 22383  
application based on findings established and communicated in 22384  
accordance with divisions (B) and (E) of this section. As an 22385  
option to granting or denying an initial license application, the 22386  
attorney general may grant a temporary license and request 22387  
additional time to conduct the investigation if the attorney 22388  
general has cause to believe that additional time is necessary to 22389  
complete the investigation and has notified the applicant in 22390  
writing about the specific concerns raised during the 22391  
investigation. 22392

(B)(1) The attorney general shall adopt rules to enforce 22393  
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 22394  
Code to ensure that bingo or instant bingo is conducted in 22395  
accordance with those sections and to maintain proper control over 22396  
the conduct of bingo or instant bingo. The rules, except rules 22397  
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 22398  
shall be adopted pursuant to Chapter 119. of the Revised Code. The 22399  
attorney general shall license charitable organizations to conduct 22400  
bingo, instant bingo at a bingo session, or instant bingo other 22401  
than at a bingo session in conformance with this chapter and with 22402  
the licensing provisions of Chapter 119. of the Revised Code. 22403

(2) The attorney general may refuse to grant a license to any 22404  
organization, or revoke or suspend the license of any 22405  
organization, that does any of the following or to which any of 22406  
the following applies: 22407

(a) Fails or has failed at any time to meet any requirement 22408  
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 22409  
2915.11 of the Revised Code, or violates or has violated any 22410  
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 22411  
Code or any rule adopted by the attorney general pursuant to this 22412  
section; 22413

(b) Makes or has made an incorrect or false statement that is material to the granting of the license in an application filed pursuant to division (A) of this section;

(c) Submits or has submitted any incorrect or false information relating to an application if the information is material to the granting of the license;

(d) Maintains or has maintained any incorrect or false information that is material to the granting of the license in the records required to be kept pursuant to divisions (A) and (C) of section 2915.10 of the Revised Code, if applicable;

(e) The attorney general has good cause to believe that the organization will not conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session in accordance with sections 2915.07 to 2915.13 of the Revised Code or with any rule adopted by the attorney general pursuant to this section.

(3) For the purposes of division (B) of this section, any action of an officer, trustee, agent, representative, or bingo game operator of an organization is an action of the organization.

(C) The attorney general may grant licenses to charitable organizations that are branches, lodges, or chapters of national charitable organizations.

(D) The attorney general shall send notice in writing to the prosecuting attorney and sheriff of the county in which the organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, as stated in its application for a license or amended license, and to any other law enforcement agency in that county that so requests, of all of the following:

(1) The issuance of the license;

(2) The issuance of the amended license;	22444
(3) The rejection of an application for and refusal to grant a license;	22445 22446
(4) The revocation of any license previously issued;	22447
(5) The suspension of any license previously issued.	22448
(E) A license issued by the attorney general shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session and the days of the week and the times on each of those days when bingo will be conducted. If the attorney general refuses to grant or revokes or suspends a license, the attorney general shall notify the applicant in writing and specifically identify the reason for the refusal, revocation, or suspension in narrative form and, if applicable, by identifying the section of the Revised Code violated. The failure of the attorney general to give the written notice of the reasons for the refusal, revocation, or suspension or a mistake in the written notice does not affect the validity of the attorney general's refusal to grant, or the revocation or suspension of, a license. If the attorney general fails to give the written notice or if there is a mistake in the written notice, the applicant may bring an action to compel the attorney general to comply with this division or to correct the mistake, but the attorney general's order refusing to grant, or revoking or suspending, a license shall not be enjoined during the pendency of the action.	22449 22450 22451 22452 22453 22454 22455 22456 22457 22458 22459 22460 22461 22462 22463 22464 22465 22466 22467 22468 22469 22470 22471
(F) A charitable organization that has been issued a license pursuant to division (B) of this section but that cannot conduct bingo or instant bingo at the location, or on the day of the week	22472 22473 22474

or at the time, specified on the license due to circumstances that 22475  
make it impractical to do so may apply in writing, together with 22476  
an application fee of two hundred fifty dollars, to the attorney 22477  
general, at least thirty days prior to a change in location, day 22478  
of the week, or time, and request an amended license. The 22479  
application shall describe the causes making it impractical for 22480  
the organization to conduct bingo or instant bingo in conformity 22481  
with its license and shall indicate the location, days of the 22482  
week, and times on each of those days when it desires to conduct 22483  
bingo or instant bingo. Except as otherwise provided in this 22484  
division, the attorney general shall issue the amended license in 22485  
accordance with division (E) of this section, and the organization 22486  
shall surrender its original license to the attorney general. The 22487  
attorney general may refuse to grant an amended license according 22488  
to the terms of division (B) of this section. 22489

(G) The attorney general, by rule adopted pursuant to section 22490  
111.15 of the Revised Code, shall establish a schedule of reduced 22491  
license fees for charitable organizations that desire to conduct 22492  
bingo or instant bingo during fewer than twenty-six weeks in any 22493  
calendar year. 22494

(H) The attorney general, by rule adopted pursuant to section 22495  
111.15 of the Revised Code, shall establish license fees for the 22496  
conduct of bingo, instant bingo at a bingo session, or instant 22497  
bingo other than at a bingo session for charitable organizations 22498  
that prior to ~~the effective date of this amendment~~ the effective 22499  
date of this amendment have not been licensed to conduct bingo, 22500  
instant bingo at a bingo session, or instant bingo other than at a 22501  
bingo session under this chapter. 22502

(I) The attorney general may enter into a written contract 22503  
with any other state agency to delegate to that state agency the 22504  
powers prescribed to the attorney general under Chapter 2915. of 22505  
the Revised Code. 22506

(J) The attorney general, by rule adopted pursuant to section 22507  
111.15 of the Revised Code, may adopt rules to determine the 22508  
requirements for a charitable organization that is exempt from 22509  
federal income taxation under subsection 501(a) and described in 22510  
subsection 501(c)(3) of the Internal Revenue Code to be in good 22511  
standing in the state. 22512

**Sec. 2915.081.** (A) No distributor shall sell, offer to sell, 22513  
or otherwise provide or offer to provide bingo supplies to another 22514  
person for use in this state without having obtained a license 22515  
from the attorney general under this section. 22516

(B) The attorney general may issue a distributor license to 22517  
any person that meets the requirements of this section. The 22518  
application for the license shall be on a form prescribed by the 22519  
attorney general and be accompanied by the annual fee prescribed 22520  
by this section. The license is valid for a period of one year, 22521  
and the annual fee for the license is ~~two~~ five thousand ~~five~~ 22522  
~~hundred~~ dollars. 22523

(C) The attorney general may refuse to issue a distributor 22524  
license to any person to which any of the following applies, or to 22525  
any person that has an officer, partner, or other person who has 22526  
an ownership interest of ten per cent or more and to whom any of 22527  
the following applies: 22528

(1) The person, officer, or partner has been convicted of a 22529  
felony under the laws of this state, another state, or the United 22530  
States. 22531

(2) The person, officer, or partner has been convicted of any 22532  
gambling offense. 22533

(3) The person, officer, or partner has made an incorrect or 22534  
false statement that is material to the granting of a license in 22535  
an application submitted to the attorney general under this 22536

section or in a similar application submitted to a gambling 22537  
licensing authority in another jurisdiction if the statement 22538  
resulted in license revocation through administrative action in 22539  
the other jurisdiction. 22540

(4) The person, officer, or partner has submitted any 22541  
incorrect or false information relating to the application to the 22542  
attorney general under this section, if the information is 22543  
material to the granting of the license. 22544

(5) The person, officer, or partner has failed to correct any 22545  
incorrect or false information that is material to the granting of 22546  
the license in the records required to be maintained under 22547  
division (E) of section 2915.10 of the Revised Code. 22548

(6) The person, officer, or partner has had a license related 22549  
to gambling revoked or suspended under the laws of this state, 22550  
another state, or the United States. 22551

(D) The attorney general shall not issue a distributor 22552  
license to any person that is involved in the conduct of bingo on 22553  
behalf of a charitable organization or that is a lessor of 22554  
premises used for the conduct of bingo. This division does not 22555  
prohibit a distributor from advising charitable organizations on 22556  
the use and benefit of specific bingo supplies or prohibit a 22557  
distributor from advising a customer on operational methods to 22558  
improve bingo profitability. 22559

(E)(1) No distributor shall sell, offer to sell, or otherwise 22560  
provide or offer to provide bingo supplies to any person for use 22561  
in this state except to a charitable organization that has been 22562  
issued a license under section 2915.08 of the Revised Code or to 22563  
another distributor that has been issued a license under this 22564  
section. No distributor shall accept payment for the sale or other 22565  
provision of bingo supplies other than by check. 22566

(2) No distributor may donate, give, loan, lease, or 22567

otherwise provide any bingo supplies or equipment to a charitable 22568  
organization for use in a bingo session conditioned on or in 22569  
consideration for an exclusive right to provide bingo supplies to 22570  
the charitable organization. A distributor may provide a licensed 22571  
charitable organization with free samples of the distributor's 22572  
products to be used as prizes or to be used for the purpose of 22573  
sampling. 22574

(3) No distributor shall purchase bingo supplies for use in 22575  
this state from any person except from a manufacturer issued a 22576  
license under section 2915.082 of the Revised Code or from another 22577  
distributor issued a license under this section. Subject to 22578  
division (D) of section 2915.082 of the Revised Code, no 22579  
distributor shall pay for purchased bingo supplies other than by 22580  
check. 22581

(4) No distributor shall participate in the conduct of bingo 22582  
on behalf of a charitable organization or have any direct or 22583  
indirect ownership interest in a premises used for the conduct of 22584  
bingo. 22585

(5) No distributor shall knowingly solicit, offer, pay, or 22586  
receive any kickback, bribe, or undocumented rebate, directly or 22587  
indirectly, overtly or covertly, in cash or in kind, in return for 22588  
providing bingo supplies to any person in this state. 22589

(F) The attorney general may suspend or revoke a distributor 22590  
license for any of the reasons for which the attorney general may 22591  
refuse to issue a distributor license specified in division (C) of 22592  
this section or if the distributor holding the license violates 22593  
any provision of this chapter or any rule adopted by the attorney 22594  
general under this chapter. 22595

(G) Whoever violates division (A) or (E) of this section is 22596  
guilty of illegally operating as a distributor. Except as 22597  
otherwise provided in this division, illegally operating as a 22598

distributor is a misdemeanor of the first degree. If the offender 22599  
previously has been convicted of a violation of division (A) or 22600  
(E) of this section, illegally operating as a distributor is a 22601  
felony of the fifth degree. 22602

**Sec. 2915.082.** (A) No manufacturer shall sell, offer to sell, 22603  
or otherwise provide or offer to provide bingo supplies for use in 22604  
this state without having obtained a license from the attorney 22605  
general under this section. 22606

(B) The attorney general may issue a manufacturer license to 22607  
any person that meets the requirements of this section. The 22608  
application for the license shall be on a form prescribed by the 22609  
attorney general and be accompanied by the annual fee prescribed 22610  
by this section. The license is valid for a period of one year, 22611  
and the annual fee for the license is ~~two~~ five thousand ~~five~~ 22612  
~~hundred~~ dollars. 22613

(C) The attorney general may refuse to issue a manufacturer 22614  
license to any person to which any of the following applies, or to 22615  
any person that has an officer, partner, or other person who has 22616  
an ownership interest of ten per cent or more and to whom any of 22617  
the following applies: 22618

(1) The person, officer, or partner has been convicted of a 22619  
felony under the laws of this state, another state, or the United 22620  
States. 22621

(2) The person, officer, or partner has been convicted of any 22622  
gambling offense. 22623

(3) The person, officer, or partner has made an incorrect or 22624  
false statement that is material to the granting of a license in 22625  
an application submitted to the attorney general under this 22626  
section or in a similar application submitted to a gambling 22627  
licensing authority in another jurisdiction if the statement 22628

resulted in license revocation through administrative action in 22629  
the other jurisdiction. 22630

(4) The person, officer, or partner has submitted any 22631  
incorrect or false information relating to the application to the 22632  
attorney general under this section, if the information is 22633  
material to the granting of the license. 22634

(5) The person, officer, or partner has failed to correct any 22635  
incorrect or false information that is material to the granting of 22636  
the license in the records required to be maintained under 22637  
division (F) of section 2915.10 of the Revised Code. 22638

(6) The person, officer, or partner has had a license related 22639  
to gambling revoked or suspended under the laws of this state, 22640  
another state, or the United States. 22641

(D)(1) No manufacturer shall sell, offer to sell, or 22642  
otherwise provide or offer to provide bingo supplies to any person 22643  
for use in this state except to a distributor that has been issued 22644  
a license under section 2915.081 of the Revised Code. No 22645  
manufacturer shall accept payment for the sale of bingo supplies 22646  
other than by check. 22647

(2) No manufacturer shall knowingly solicit, offer, pay, or 22648  
receive any kickback, bribe, or undocumented rebate, directly or 22649  
indirectly, overtly or covertly, in cash or in kind, in return for 22650  
providing bingo supplies to any person in this state. 22651

(E)(1) The attorney general may suspend or revoke a 22652  
manufacturer license for any of the reasons for which the attorney 22653  
general may refuse to issue a manufacturer license specified in 22654  
division (C) of this section or if the manufacturer holding the 22655  
license violates any provision of this chapter or any rule adopted 22656  
by the attorney general under this chapter. 22657

(2) The attorney general may perform an onsite inspection of 22658  
a manufacturer of bingo supplies that is selling, offering to 22659

sell, or otherwise providing or offering to provide bingo supplies 22660  
or that is applying for a license to sell, offer to sell, or 22661  
otherwise provide or offer to provide bingo supplies in this 22662  
state. 22663

(F) Whoever violates division (A) or (D) of this section is 22664  
guilty of illegally operating as a manufacturer. Except as 22665  
otherwise provided in this division, illegally operating as a 22666  
manufacturer is a misdemeanor of the first degree. If the offender 22667  
previously has been convicted of a violation of division (A) or 22668  
(D) of this section, illegally operating as a manufacturer is a 22669  
felony of the fifth degree. 22670

**Sec. 2915.09.** (A) No charitable organization that conducts 22671  
bingo shall fail to do any of the following: 22672

(1) Own all of the equipment used to conduct bingo or lease 22673  
that equipment from a charitable organization that is licensed to 22674  
conduct bingo for a rental rate that is not more than is customary 22675  
and reasonable for that equipment; 22676

(2) ~~Use~~ Except as otherwise provided in division (A)(3) of 22677  
this section, use all of the gross receipts from bingo for paying 22678  
prizes, for renting premises in which to conduct a bingo session, 22679  
for purchasing or leasing bingo supplies used in conducting bingo, 22680  
for hiring security personnel, for advertising bingo, or for other 22681  
expenses listed in division (LL) of section 2915.01 of the Revised 22682  
Code, provided that the amount of the receipts so spent is not 22683  
more than is customary and reasonable for a similar purchase, 22684  
lease, hiring, advertising, or expense. If the building in which 22685  
bingo is conducted is owned by the charitable organization 22686  
conducting bingo and the bingo conducted includes a form of bingo 22687  
described in division (S)(1) of section 2915.01 of the Revised 22688  
Code, the charitable organization may deduct from the total amount 22689  
of the gross receipts from each session a sum equal to the lesser 22690

of six hundred dollars or forty-five per cent of the gross 22691  
receipts from the bingo described in that division as 22692  
consideration for the use of the premises. 22693

(3) Use, or give, donate, or otherwise transfer, all of the 22694  
net profit derived from bingo, other than instant bingo, for a 22695  
charitable purpose listed in its license application and described 22696  
in division (Z) of section 2915.01 of the Revised Code, or 22697  
distribute all of the net profit ~~derived from instant bingo~~ from 22698  
the proceeds of the sale of instant bingo as stated in its license 22699  
application and in accordance with section 2915.101 of the Revised 22700  
Code. 22701

(B) No charitable organization that conducts a bingo game 22702  
described in division (S)(1) of section 2915.01 of the Revised 22703  
Code shall fail to do any of the following: 22704

(1) Conduct the bingo game on premises that are owned by the 22705  
charitable organization, on premises that are owned by another 22706  
charitable organization and leased from that charitable 22707  
organization for a rental rate not in excess of the lesser of six 22708  
hundred dollars per bingo session or forty-five per cent of the 22709  
gross receipts of the bingo session, on premises that are leased 22710  
from a person other than a charitable organization for a rental 22711  
rate that is not more than is customary and reasonable for 22712  
premises that are similar in location, size, and quality but not 22713  
in excess of four hundred fifty dollars per bingo session, or on 22714  
premises that are owned by a person other than a charitable 22715  
organization, that are leased from that person by another 22716  
charitable organization, and that are subleased from that other 22717  
charitable organization by the charitable organization for a 22718  
rental rate not in excess of four hundred fifty dollars per bingo 22719  
session. If the charitable organization leases from a person other 22720  
than a charitable organization the premises on which it conducts 22721  
bingo sessions, the lessor of the premises shall provide only the 22722

premises to the organization and shall not provide the 22723  
organization with bingo game operators, security personnel, 22724  
concessions or concession operators, bingo supplies, or any other 22725  
type of service or equipment. A charitable organization shall not 22726  
lease or sublease premises that it owns or leases to more than one 22727  
other charitable organization per calendar week for the purpose of 22728  
conducting bingo sessions on the premises. A person that is not a 22729  
charitable organization shall not lease premises that it owns, 22730  
leases, or otherwise is empowered to lease to more than one 22731  
charitable organization per calendar week for conducting bingo 22732  
sessions on the premises. In no case shall more than two bingo 22733  
sessions be conducted on any premises in any calendar week. 22734

(2) Display its license conspicuously at the premises where 22735  
the bingo session is conducted; 22736

(3) Conduct the bingo session in accordance with the 22737  
definition of bingo set forth in division (S)(1) of section 22738  
2915.01 of the Revised Code. 22739

(C) No charitable organization that conducts a bingo game 22740  
described in division (S)(1) of section 2915.01 of the Revised 22741  
Code shall do any of the following: 22742

(1) Pay any compensation to a bingo game operator for 22743  
operating a bingo session that is conducted by the charitable 22744  
organization or for preparing, selling, or serving food or 22745  
beverages at the site of the bingo session, permit any auxiliary 22746  
unit or society of the charitable organization to pay compensation 22747  
to any bingo game operator who prepares, sells, or serves food or 22748  
beverages at a bingo session conducted by the charitable 22749  
organization, or permit any auxiliary unit or society of the 22750  
charitable organization to prepare, sell, or serve food or 22751  
beverages at a bingo session conducted by the charitable 22752  
organization, if the auxiliary unit or society pays any 22753  
compensation to the bingo game operators who prepare, sell, or 22754

serve the food or beverages; 22755

(2) Pay consulting fees to any person for any services 22756  
performed in relation to the bingo session; 22757

(3) Pay concession fees to any person who provides 22758  
refreshments to the participants in the bingo session; 22759

(4) Except as otherwise provided in division (C)(4) of this 22760  
section, conduct more than two bingo sessions in any seven-day 22761  
period. A volunteer firefighter's organization or a volunteer 22762  
rescue service organization that conducts not more than five bingo 22763  
sessions in a calendar year may conduct more than two bingo 22764  
sessions in a seven-day period after notifying the attorney 22765  
general when it will conduct the sessions. 22766

(5) Pay out more than three thousand five hundred dollars in 22767  
prizes for bingo games described in division (S)(1) of section 22768  
2915.01 of the Revised Code during any bingo session that is 22769  
conducted by the charitable organization<sup>+</sup>. "Prizes" does not 22770  
include awards from the conduct of instant bingo. 22771

(6) Conduct a bingo session at any time during the ten-hour 22772  
period between midnight and ten a.m., at any time during, or 22773  
within ten hours of, a bingo game conducted for amusement only 22774  
pursuant to section 2915.12 of the Revised Code, at any premises 22775  
not specified on its license, or on any day of the week or during 22776  
any time period not specified on its license. If circumstances 22777  
make it impractical for the charitable organization to conduct a 22778  
bingo session at the premises, or on the day of the week or at the 22779  
time, specified on its license or if a charitable organization 22780  
wants to conduct bingo sessions on a day of the week or at a time 22781  
other than the day or time specified on its license, the 22782  
charitable organization may apply in writing to the attorney 22783  
general for an amended license pursuant to division (F) of section 22784  
2915.08 of the Revised Code. A charitable organization may apply 22785

twice in each calendar year for an amended license to conduct 22786  
bingo sessions on a day of the week or at a time other than the 22787  
day or time specified on its license. If the amended license is 22788  
granted, the organization may conduct bingo sessions at the 22789  
premises, on the day of the week, and at the time specified on its 22790  
amended license. 22791

(7) Permit any person whom the charitable organization knows, 22792  
or should have known, is under the age of eighteen to work as a 22793  
bingo game operator; 22794

(8) Permit any person whom the charitable organization knows, 22795  
or should have known, has been convicted of a felony or gambling 22796  
offense in any jurisdiction to be a bingo game operator; 22797

(9) Permit the lessor of the premises on which the bingo 22798  
session is conducted, if the lessor is not a charitable 22799  
organization, to provide the charitable organization with bingo 22800  
game operators, security personnel, concessions, bingo supplies, 22801  
or any other type of service or equipment; 22802

(10) Purchase or lease bingo supplies from any person except 22803  
a distributor issued a license under section 2915.081 of the 22804  
Revised Code; 22805

(11)(a) Use or permit the use of electronic bingo aids except 22806  
under the following circumstances: 22807

(i) For any single participant, not more than ninety bingo 22808  
faces can be played using an electronic bingo aid or aids. 22809

(ii) The charitable organization shall provide a participant 22810  
using an electronic bingo aid with corresponding paper bingo cards 22811  
or sheets. 22812

(iii) The total price of bingo faces played with an 22813  
electronic bingo aid shall be equal to the total price of the same 22814  
number of bingo faces played with a paper bingo card or sheet sold 22815

at the same bingo session but without an electronic bingo aid. 22816

(iv) An electronic bingo aid cannot be part of an electronic 22817  
network other than a network that includes only bingo aids and 22818  
devices that are located on the premises at which the bingo is 22819  
being conducted or be interactive with any device not located on 22820  
the premises at which the bingo is being conducted. 22821

(v) An electronic bingo aid cannot be used to participate in 22822  
bingo that is conducted at a location other than the location at 22823  
which the bingo session is conducted and at which the electronic 22824  
bingo aid is used. 22825

(vi) An electronic bingo aid cannot be used to provide for 22826  
the input of numbers and letters announced by a bingo caller other 22827  
than the bingo caller who physically calls the numbers and letters 22828  
at the location at which the bingo session is conducted and at 22829  
which the electronic bingo aid is used. 22830

(b) The attorney general may adopt rules in accordance with 22831  
Chapter 119. of the Revised Code that govern the use of electronic 22832  
bingo aids. The rules may include a requirement that an electronic 22833  
bingo aid be capable of being audited by the attorney general to 22834  
verify the number of bingo cards or sheets played during each 22835  
bingo session. 22836

(12) Permit any person the charitable organization knows, or 22837  
should have known, to be under eighteen years of age to play bingo 22838  
described in division (S)(1) of section 2915.01 of the Revised 22839  
Code. 22840

(D)(1) Except as otherwise provided in ~~this~~ division (D)(3) 22841  
of this section, no charitable organization shall provide to a 22842  
bingo game operator, and no bingo game operator shall receive or 22843  
accept, any commission, wage, salary, reward, tip, donation, 22844  
gratuity, or other form of compensation, directly or indirectly, 22845  
regardless of the source, for conducting bingo or providing other 22846

work or labor at the site of bingo during a bingo session. This 22847

(2) Except as otherwise provided in division (D)(3) of this 22848  
section, no charitable organization shall provide to a bingo game 22849  
operator any commission, wage, salary, reward, tip, donation, 22850  
gratuity, or other form of compensation, directly or indirectly, 22851  
regardless of the source, for conducting instant bingo other than 22852  
at a bingo session at the site of instant bingo other than at a 22853  
bingo session. 22854

(3) Nothing in division ~~does not prohibit~~ (D) of this section 22855  
prohibits an employee of a fraternal organization ~~or~~, veteran's 22856  
organization, or sporting organization from selling instant bingo 22857  
tickets or cards to the organization's members or invited guests, 22858  
as long as no portion of the employee's compensation is paid from 22859  
any receipts of bingo. 22860

(E) Notwithstanding division (B)(1) of this section, a 22861  
charitable organization that, prior to December 6, 1977, has 22862  
entered into written agreements for the lease of premises it owns 22863  
to another charitable organization or other charitable 22864  
organizations for the conducting of bingo sessions so that more 22865  
than two bingo sessions are conducted per calendar week on the 22866  
premises, and a person that is not a charitable organization and 22867  
that, prior to December 6, 1977, has entered into written 22868  
agreements for the lease of premises it owns to charitable 22869  
organizations for the conducting of more than two bingo sessions 22870  
per calendar week on the premises, may continue to lease the 22871  
premises to those charitable organizations, provided that no more 22872  
than four sessions are conducted per calendar week, that the 22873  
lessor organization or person has notified the attorney general in 22874  
writing of the organizations that will conduct the sessions and 22875  
the days of the week and the times of the day on which the 22876  
sessions will be conducted, that the initial lease entered into 22877  
with each organization that will conduct the sessions was filed 22878

with the attorney general prior to December 6, 1977, and that each 22879  
organization that will conduct the sessions was issued a license 22880  
to conduct bingo games by the attorney general prior to December 22881  
6, 1977. 22882

(F) This section does not prohibit a bingo licensed 22883  
charitable organization or a game operator from giving any person 22884  
an instant bingo ticket as a prize. 22885

(G) Whoever violates division (A)(2) of this section is 22886  
guilty of illegally conducting a bingo game, a felony of the 22887  
fourth degree. Except as otherwise provided in this division, 22888  
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 22889  
(C)(1) to (12), or (D) of this section is guilty of a minor 22890  
misdemeanor. If the offender previously has been convicted of a 22891  
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 22892  
to (11), or, (D) of this section, a violation of division (A)(1) 22893  
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 22894  
misdemeanor of the first degree. Whoever violates division (C)(12) 22895  
of this section is guilty of a misdemeanor of the first degree, if 22896  
the offender previously has been convicted of a violation of 22897  
division (C)(12) of this section, a felony of the fourth degree. 22898

**Sec. 2915.091.** (A) No charitable organization that conducts 22899  
instant bingo shall do any of the following: 22900

(1) Fail to comply with the requirements of divisions (A)(1), 22901  
(2), and (3) of section 2915.09 of the Revised Code; 22902

(2) Conduct instant bingo unless either of the following 22903  
apply: 22904

(a) That organization is, and has received from the internal 22905  
revenue service a determination letter that is currently in effect 22906  
stating that the organization is, exempt from federal income 22907  
taxation under subsection 501(a), is described in subsection 22908

501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in section 2915.01 of the Revised Code, is in good standing in the state pursuant to section 2915.08 of the Revised Code, and is in compliance with Chapter 1716. of the Revised Code;

(b) That organization is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under section 2915.13 of the Revised Code.

(3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to section 2915.08 of the Revised Code;

(4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;

(5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under section 2915.081 of the Revised Code;

(6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;

(7) Sell an instant bingo ticket or card to a person under eighteen years of age;

(8) Fail to keep unsold instant bingo tickets or cards for less than three years;

- (9) Pay any compensation to a bingo game operator for 22939  
conducting instant bingo that is conducted by the organization or 22940  
for preparing, selling, or serving food or beverages at the site 22941  
of the instant bingo game, permit any auxiliary unit or society of 22942  
the organization to pay compensation to any bingo game operator 22943  
who prepares, sells, or serves food or beverages at an instant 22944  
bingo game conducted by the organization, or permit any auxiliary 22945  
unit or society of the organization to prepare, sell, or serve 22946  
food or beverages at an instant bingo game conducted by the 22947  
organization, if the auxiliary unit or society pays any 22948  
compensation to the bingo game operators who prepare, sell, or 22949  
serve the food or beverages; 22950
- (10) Pay fees to any person for any services performed in 22951  
relation to an instant bingo game; 22952
- (11) Pay fees to any person who provides refreshments to the 22953  
participants in an instant bingo game; 22954
- (12)(a) Allow instant bingo tickets or cards to be sold to 22955  
bingo game operators ~~who are performing work or labor~~ at a 22956  
premises at which the organization sells instant bingo tickets or 22957  
cards or to be sold to employees of a D permit holder who are 22958  
working at a premises at which instant bingo tickets or cards are 22959  
sold ~~on behalf of the organization as described in division (B) of~~ 22960  
~~section 4301.03 of the Revised Code;~~ 22961
- (b) Division (A)(12)(a) of this section does not prohibit a 22962  
licensed charitable organization or a bingo game operator from 22963  
giving any person an instant bingo tickets as a prize. 22964
- (13) Fail to display its bingo license, and the serial 22965  
numbers of the deal of instant bingo tickets or cards to be sold, 22966  
conspicuously at each premises at which it sells instant bingo 22967  
tickets or cards; 22968
- (14) Possess a deal of instant bingo tickets or cards that 22969

was not purchased from a distributor licensed under section 22970  
2915.081 of the Revised Code as reflected on an invoice issued by 22971  
the distributor that contains all of the information required by 22972  
division (E) of section 2915.10 of the Revised Code; 22973

(15) Fail, once it opens a deal of instant bingo tickets or 22974  
cards, to continue to sell the tickets or cards in that deal until 22975  
the tickets or cards with the top two highest tiers of prizes in 22976  
that deal are sold; 22977

(16) Purchase, lease, or use instant bingo ticket dispensers 22978  
to sell instant bingo tickets or cards; 22979

(17) Possess bingo supplies that were not obtained in 22980  
accordance with sections 2915.01 to 2915.13 of the Revised Code. 22981

(B) A charitable organization may conduct instant bingo other 22982  
than at a bingo session at not more than five separate locations. 22983  
A charitable organization that is exempt from federal taxation 22984  
under subsection 501(a) and described in subsection 501(c)(3) of 22985  
the Internal Revenue Code and that is created by a veteran's 22986  
organization or a fraternal organization is not limited in the 22987  
number of separate locations the charitable organization may 22988  
conduct instant bingo other than at a bingo session. 22989

(C) The attorney general may adopt rules in accordance with 22990  
Chapter 119. of the Revised Code that govern the conduct of 22991  
instant bingo by charitable organizations. Before those rules are 22992  
adopted, the attorney general shall reference the recommended 22993  
standards for opacity, randomization, minimum information, winner 22994  
protection, color, and cutting for instant bingo tickets or cards, 22995  
seal cards, and punch boards established by the North American 22996  
gaming regulators association. 22997

(D) Whoever violates division (A) of this section or a rule 22998  
adopted under division ~~(B)~~(C) of this section is guilty of illegal 22999  
instant bingo conduct. Except as otherwise provided in this 23000

division, illegal instant bingo conduct is a misdemeanor of the 23001  
first degree. If the offender previously has been convicted of a 23002  
violation of division (A) of this section or of such a rule, 23003  
illegal instant bingo conduct is a felony of the fifth degree. 23004

**Sec. 2915.092.** (A) A charitable organization, a public 23005  
school, a chartered nonpublic school, a community school, or a 23006  
sporting organization that is exempt from federal income taxation 23007  
under subsection 501(a) and is described in subsection 501(c)(3), 23008  
501(c)(4), or 501(c)(7) of the Internal Revenue Code may conduct a 23009  
raffle to raise money for the ~~charitable~~ organization or school 23010  
and does not need a license to conduct bingo in order to conduct a 23011  
raffle drawing that is not for profit. 23012

~~(B)(1) No charitable organization shall conduct a raffle 23013  
unless the organization is, and has received from the internal 23014  
revenue service a determination letter that is currently in effect 23015  
stating that the organization is, exempt from federal income 23016  
taxation under subsection 501(a) and is described in subsection 23017  
501(c)(3) of the Internal Revenue Code. 23018~~

~~(2) No charitable organization shall conduct more than 23019  
thirty six raffles during a calendar year. 23020~~

~~(3) No person shall be compensated directly or indirectly for 23021  
assisting in the conduct or operation of a raffle. Except as 23022  
provided in division (A) of this section, no person shall conduct 23023  
a raffle drawing that is for profit or a raffle drawing that is 23024  
not for profit. 23025~~

~~(C) No raffle drawing shall be conducted on premises other 23026  
than premises that a charitable organization uses for its 23027  
charitable programs. 23028~~

~~(D) No person shall fail to use, or give, donate, or 23029  
otherwise transfer, the net profit from a raffle for a charitable 23030~~

~~purpose described in division (Z) of section 2915.01 of the~~ 23031  
~~Revised Code.~~ 23032

~~(E)~~ Whoever violates division (B), ~~(C), or (D)~~ of this 23033  
section is guilty of illegal conduct of a raffle. Except as 23034  
otherwise provided in this division, illegal conduct of a raffle 23035  
is a misdemeanor of the first degree. If the offender previously 23036  
has been convicted of a violation of division (B), ~~(C), or (D)~~ of 23037  
this section, illegal conduct of a raffle is a felony of the fifth 23038  
degree. 23039

**Sec. 2915.093.** (A) As used in this section, "retail income 23040  
from all commercial activity" includes the sale of instant bingo 23041  
tickets. 23042

(B) A charitable instant bingo organization may conduct 23043  
instant bingo other than at a bingo session at not more than five 23044  
separate locations. 23045

(C)(1) If a charitable instant bingo organization conducts 23046  
instant bingo other than at a bingo session, the charitable 23047  
instant bingo organization shall enter into a written contract 23048  
with the owner or lessor of the location at which the instant 23049  
bingo is conducted to allow the owner or lessor to assist in the 23050  
conduct of instant bingo other than at a bingo session, identify 23051  
each location where the instant bingo other than at a bingo 23052  
session is being conducted, and identify the owner or lessor of 23053  
each location. 23054

(2) A charitable instant bingo organization that conducts 23055  
instant bingo other than at a bingo session is not required to 23056  
enter into a written contract with the owner or lessor of the 23057  
location at which the instant bingo is conducted provided that the 23058  
owner or lessor is not assisting in the conduct of the instant 23059  
bingo other than at a bingo session and provided that the conduct 23060  
of the instant bingo other than at a bingo session at that 23061

location is not more than five days per calendar year and not more 23062  
than ten hours per day. 23063

(D) ~~No~~ Except as provided in division (G) of this section, no 23064  
charitable instant bingo organization shall conduct instant bingo 23065  
other than at a bingo session at a location where the primary 23066  
source of retail income from all commercial activity at that 23067  
location is the sale of instant bingo tickets. 23068

(E) The owner or lessor of a location that enters into a 23069  
contract pursuant to division (C) of this section shall pay up 23070  
front for the cost of the deal of instant bingo tickets and the 23071  
gross profits that would be earned by the owner or lessor if all 23072  
of the instant bingo tickets are sold. The owner or lessor may 23073  
retain the money that the owner or lessor receives for selling the 23074  
instant bingo tickets up to the amount that it paid to the 23075  
charitable instant bingo organization. If the owner or lessor of 23076  
the location earns any more money than the owner or lessor paid 23077  
out in prizes or paid up front, the owner or lessor of the 23078  
location shall pay that money to the charitable instant bingo 23079  
organization. 23080

(F) A charitable instant bingo organization shall provide the 23081  
attorney general with all of the following information: 23082

(1) That the charitable instant bingo organization has 23083  
terminated a contract entered into pursuant to division (C) of 23084  
this section with an owner or lessor of a location; 23085

(2) That the charitable instant bingo organization has 23086  
entered into a written contract pursuant to division (C) of this 23087  
section with a new owner or lessor of a location; 23088

(3) That the charitable instant bingo organization is aware 23089  
of conduct by the owner or lessor of a location at which instant 23090  
bingo is conducted that is in violation of Chapter 2915. of the 23091  
Revised Code. 23092

(G) Division (D) of this section does not apply to a 23093  
volunteer firefighter's organization that is exempt from federal 23094  
income taxation under subsection 501(a) and described in 23095  
subsection 501(c)(3) of the Internal Revenue Code, that conducts 23096  
instant bingo other than at a bingo session on the premises where 23097  
the organization conducts firefighter training, that has conducted 23098  
instant bingo continuously for at least five years prior to the 23099  
effective date of this amendment, and that, during each of those 23100  
five years, had gross receipts of at least one million five 23101  
hundred thousand dollars. 23102

**Sec. 2915.095.** The attorney general, by rule adopted pursuant 23103  
to section 111.15 of the Revised Code, shall establish a standard 23104  
contract to be used by a charitable instant bingo organization, a 23105  
veteran's organization, ~~or~~ a fraternal organization, or a 23106  
sporting organization for the conduct of instant bingo other than 23107  
at a bingo session. The terms of the contract shall be limited to 23108  
the provisions in Chapter 2915. of the Revised Code. 23109

**Sec. 2915.10.** (A) No charitable organization that conducts 23110  
bingo or a game of chance pursuant to division (D) of section 23111  
2915.02 of the Revised Code shall fail to maintain the following 23112  
records for at least three years from the date on which the bingo 23113  
or game of chance is conducted: 23114

(1) An itemized list of the gross receipts of each bingo 23115  
session, each game of instant bingo by serial number, each raffle, 23116  
each punch board game, and each game of chance, and an itemized 23117  
list of the gross profits of each game of instant bingo by serial 23118  
number; 23119

(2) An itemized list of all expenses, other than prizes, that 23120  
are incurred in conducting bingo or instant bingo, the name of 23121  
each person to whom the expenses are paid, and a receipt for all 23122

of the expenses;	23123
(3) A list of all prizes awarded during each bingo session,	23124
each raffle, each punch board game, and each game of chance	23125
conducted by the charitable organization, the total prizes awarded	23126
from each game of instant bingo by serial number, and the name,	23127
address, and social security number of all persons who are winners	23128
of prizes of six hundred dollars or more in value;	23129
(4) An itemized list of the recipients of the net profit of	23130
the bingo or game of chance, including the name and address of	23131
each recipient to whom the money is distributed, and if the	23132
organization uses the net profit of bingo, or the money or assets	23133
received from a game of chance, for any charitable or other	23134
purpose set forth in division (Z) of section 2915.01, division (D)	23135
of section 2915.02, or section 2915.101 of the Revised Code, a	23136
list of each purpose and an itemized list of each expenditure for	23137
each purpose;	23138
(5) The number of persons who participate in any bingo	23139
session or game of chance that is conducted by the charitable	23140
organization;	23141
(6) A list of receipts from the sale of food and beverages by	23142
the charitable organization or one of its auxiliary units or	23143
societies, if the receipts were excluded from gross receipts under	23144
division (X) of section 2915.01 of the Revised Code;	23145
(7) An itemized list of all expenses incurred at each bingo	23146
session, each raffle, each punch board game, or each game of	23147
instant bingo conducted by the charitable organization in the sale	23148
of food and beverages by the charitable organization or by an	23149
auxiliary unit or society of the charitable organization, the name	23150
of each person to whom the expenses are paid, and a receipt for	23151
all of the expenses.	23152
(B) A charitable organization shall keep the records that it	23153

is required to maintain pursuant to division (A) of this section 23154  
at its principal place of business in this state or at its 23155  
headquarters in this state and shall notify the attorney general 23156  
of the location at which those records are kept. 23157

(C) The gross profit from each bingo session or game 23158  
described in division (S)(1) or (2) of section 2915.01 of the 23159  
Revised Code shall be deposited into a checking account devoted 23160  
exclusively to the bingo session or game. Payments for allowable 23161  
expenses incurred in conducting the bingo session or game and 23162  
payments to recipients of some or all of the net profit of the 23163  
bingo session or game shall be made only by checks drawn on the 23164  
bingo session or game account. 23165

(D) Each charitable organization shall conduct and record an 23166  
inventory of all of its bingo supplies as of the first day of 23167  
November of each year. 23168

(E) The attorney general may adopt rules in accordance with 23169  
Chapter 119. of the Revised Code that establish standards of 23170  
accounting, record keeping, and reporting to ensure that gross 23171  
receipts from bingo or games of chance are properly accounted for. 23172

(F) A distributor shall maintain, for a period of three years 23173  
after the date of its sale or other provision, a record of each 23174  
instance of its selling or otherwise providing to another person 23175  
bingo supplies for use in this state. The record shall include all 23176  
of the following for each instance: 23177

(1) The name of the manufacturer from which the distributor 23178  
purchased the bingo supplies and the date of the purchase; 23179

(2) The name and address of the charitable organization or 23180  
other distributor to which the bingo supplies were sold or 23181  
otherwise provided; 23182

(3) A description that clearly identifies the bingo supplies; 23183

(4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(G) A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this state. The record shall include all of the following for each instance:

(1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;

(2) A description that clearly identifies the bingo supplies, including serial numbers;

(3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

(H) The attorney general or any law enforcement agency may do all of the following:

(1) Investigate any charitable organization or any officer, agent, trustee, member, or employee of the organization;

(2) Examine the accounts and records of the organization;

(3) Conduct inspections, audits, and observations of bingo or games of chance;

(4) Conduct inspections of the premises where bingo or games of chance are conducted;

(5) Take any other necessary and reasonable action to determine if a violation of any provision of sections 2915.01 to 2915.13 of the Revised Code has occurred and to determine whether section 2915.11 of the Revised Code has been complied with.

If any law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent,

trustee, member, or employee of the organization has violated any 23214  
provision of this chapter, the law enforcement agency may proceed 23215  
by action in the proper court to enforce this chapter, provided 23216  
that the law enforcement agency shall give written notice to the 23217  
attorney general when commencing an action as described in this 23218  
division. 23219

(I) No person shall destroy, alter, conceal, withhold, or 23220  
deny access to any accounts or records of a charitable 23221  
organization that have been requested for examination, or 23222  
obstruct, impede, or interfere with any inspection, audit, or 23223  
observation of bingo or a game of chance or premises where bingo 23224  
or a game of chance is conducted, or refuse to comply with any 23225  
reasonable request of, or obstruct, impede, or interfere with any 23226  
other reasonable action undertaken by, the attorney general or a 23227  
law enforcement agency pursuant to division (H) of this section. 23228

(J) Whoever violates division (A) or (I) of this section is 23229  
guilty of a misdemeanor of the first degree. 23230

**Sec. 2915.101.** Except as otherwise provided by law, a 23231  
charitable organization that conducts instant bingo shall 23232  
distribute the net profit from the proceeds of the sale of instant 23233  
bingo as follows: 23234

(A)(1) If a veteran's organization ~~or~~, a fraternal 23235  
organization, or a sporting organization conducted the instant 23236  
bingo, the organization shall distribute the net profit from the 23237  
proceeds of the sale of instant bingo, as follows: 23238

(a) A minimum of fifty per cent shall be distributed to an 23239  
organization described in division (Z)(1) of section 2915.01 of 23240  
the Revised Code or to a department or agency of the federal 23241  
government, the state, or any political subdivision; 23242

(b) ~~Fifteen~~ Five per cent may be distributed for the 23243

organization's own charitable purposes. 23244

(c) ~~Thirty-five~~ Forty-five per cent may be deducted and 23245  
retained by the organization for the organization's expenses in 23246  
conducting the instant bingo game. 23247

(2) If a veteran's organization ~~or~~, a fraternal organization, 23248  
or a sporting organization does not distribute the full 23249  
percentages specified in divisions (A)(1)(b) and (c) of this 23250  
section for the purposes specified in those divisions, the 23251  
organization shall distribute the balance of the net profit from 23252  
the proceeds of the sale of instant bingo not distributed or 23253  
retained for those purposes to an organization described in 23254  
division (Z)(1) of section 2915.01 of the Revised Code. 23255

(3) ~~A veteran's organization or a fraternal organization is~~ 23256  
~~not required to itemize the organization's expenses.~~ A veteran's 23257  
organization, a fraternal organization, or a sporting organization 23258  
shall pay the expenses that are directly for the conduct of 23259  
instant bingo by check from the checking account devoted 23260  
exclusively to the bingo session or game and may deduct and retain 23261  
the remainder of the thirty-five per cent of the net profit from 23262  
the proceeds of the sale of instant bingo that is for the 23263  
organization's expenses in conducting the instant bingo game and 23264  
may transfer that remainder into the organization's general 23265  
account. 23266

(B)(1) If a charitable organization other than a veteran's 23267  
organization ~~or~~, a fraternal organization, or a sporting 23268  
organization conducted the instant bingo, the organization shall 23269  
distribute one hundred per cent of the net profit ~~as follows:~~ 23270

(a) ~~A minimum of seventy per cent shall be distributed from~~ 23271  
the proceeds of the sale of instant bingo to an organization 23272  
described in division (Z)(1) of section 2915.01 of the Revised 23273  
Code or to a department or agency of the federal government, the 23274

state, or any political subdivision. 23275

~~(b) Thirty per cent may be deducted and retained by the 23276  
organization for the organization's expenses in conducting the 23277  
instant bingo game. 23278~~

~~(2) If a charitable organization does not retain the full 23279  
percentage specified in division (B)(1)(b) of this section for the 23280  
purposes specified in that division, the organization shall 23281  
distribute the balance of the net profit not retained for that 23282  
purpose to an organization described in division (Z)(1) of section 23283  
2915.01 of the Revised Code. 23284~~

~~(3) A charitable organization other than a veteran's 23285  
organization or fraternal organization is not required to itemize 23286  
the charitable organization's expenses. 23287~~

**Sec. 2915.13.** (A) A veteran's organization ~~or~~, a fraternal 23289  
organization, or a sporting organization authorized to conduct a 23290  
bingo session pursuant to sections 2915.01 to 2915.12 of the 23291  
Revised Code may conduct instant bingo other than at a bingo 23292  
session if all of the following apply: 23293

(1) The veteran's organization ~~or~~, fraternal organization, or 23294  
sporting organization limits the sale of instant bingo to ten 23295  
consecutive hours per day for up to six days per week. 23296

(2) The veteran's organization ~~or~~, fraternal organization, or 23297  
sporting organization limits the sale of instant bingo to its own 23298  
premises and to its own members and invited guests. 23299

(3) The veteran's organization ~~or~~, fraternal organization, or 23300  
sporting organization is raising money for a ~~charitable an~~ 23301  
organization that is described in subsection 509(a)(1), 509(a)(2), 23302  
or 509(a)(3) of the Internal Revenue Code and is either a 23303  
governmental unit or an organization that maintains its principal 23304  
place of business in this state, that is exempt from federal 23305

income taxation under subsection 501(a) and described in 23306  
subsection 501(c)(3) of the Internal Revenue Code, and that is in 23307  
good standing in this state and executes a written contract with 23308  
~~the charitable~~ that organization as required in division (B) of 23309  
this section. 23310

(B) If a veteran's organization ~~or~~, fraternal organization, 23311  
or sporting organization authorized to conduct instant bingo 23312  
pursuant to division (A) of this section is raising money for 23313  
another ~~charitable~~ organization that is described in subsection 23314  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 23315  
and is either a governmental unit or an organization that 23316  
maintains its principal place of business in this state, that is 23317  
exempt from federal income taxation under subsection 501(a) and 23318  
described in subsection 501(c)(3) of the Internal Revenue Code, 23319  
and that is in good standing in this state, the veteran's 23320  
organization ~~or~~, fraternal organization, or sporting organization 23321  
shall execute a written contract with ~~a charitable~~ the 23322  
organization that is described in subsection 509(a)(1), 509(a)(2), 23323  
or 509(a)(3) of the Internal Revenue Code and is either a 23324  
governmental unit or an organization that maintains its principal 23325  
place of business in this state, that is exempt from federal 23326  
income taxation under subsection 501(a) and described in 23327  
subsection 501(c)(3) of the Internal Revenue Code, and that is in 23328  
good standing in this state in order to conduct instant bingo. 23329  
That contract shall include a statement of the percentage of the 23330  
net proceeds that the veteran's ~~or~~, fraternal, or sporting 23331  
organization will be distributing to the ~~charitable~~ organization 23332  
that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) 23333  
of the Internal Revenue Code and is either a governmental unit or 23334  
an organization that maintains its principal place of business in 23335  
this state, that is exempt from federal income taxation under 23336  
subsection 501(a) and described in subsection 501(c)(3) of the 23337  
Internal Revenue Code, and that is in good standing in this state. 23338

(C)(1) If a veteran's organization ~~or~~, fraternal organization, or sporting organization authorized to conduct instant bingo pursuant to division (A) of this section has been issued a liquor permit under Chapter 4303. of the Revised Code, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization ~~or~~, fraternal organization, or sporting organization violates a provision of sections 2915.01 to 2915.13 of the Revised Code.

(2) No veteran's organization ~~or~~, fraternal organization, or sporting organization that enters into a written contract pursuant to division (B) of this section shall violate any provision of Chapter 2915. of the Revised Code, or permit, aid, or abet any other person in violating any provision of Chapter 2915. of the Revised Code.

(D) A veteran's organization ~~or~~, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo to the ~~charitable~~ organization with which the veteran's organization ~~or~~, fraternal organization, or sporting organization has entered into a written contract.

(E) Whoever violates this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo conduct is a felony of the fifth degree.

**Sec. 2917.41.** (A) No person shall evade the payment of the known fares of a public transportation system.

(B) No person shall alter any transfer, pass, ticket, or token of a public transportation system with the purpose of evading the payment of fares or of defrauding the system.

(C) No person shall do any of the following while in any facility or on any vehicle of a public transportation system:	23369 23370
(1) Play sound equipment without the proper use of a private earphone;	23371 23372
(2) Smoke, eat, or drink in any area where the activity is clearly marked as being prohibited;	23373 23374
(3) Expectorate upon a person, facility, or vehicle.	23375
(D) No person shall write, deface, draw, or otherwise mark on any facility or vehicle of a public transportation system.	23376 23377
(E) No person shall fail to comply with a lawful order of a public transportation system police officer, and no person shall resist, obstruct, or abuse a public transportation police officer in the performance of the officer's duties.	23378 23379 23380 23381
(F) Whoever violates this section is guilty of misconduct involving a public transportation system.	23382 23383
(1) Violation of division (A), (B), or (E) of this section is a misdemeanor of the fourth degree.	23384 23385
<del>(2) Violation of division (B) of this section is a misdemeanor of the fourth degree.</del>	23386 23387
<del>(3) Violation of division (C) or (E) of this section is a</del> <u>minor misdemeanor on a first offense. If a person previously has been convicted of or pleaded guilty to a violation of any division of this section or of a municipal ordinance that is substantially similar to any division of this section, violation of division (C) of this section is a misdemeanor</u> of the fourth degree.	23388 23389 23390 23391 23392 23393
<del>(4)</del> <u>(3)</u> Violation of division (D) of this section is a misdemeanor of the third degree.	23394 23395
(G) Notwithstanding any other provision of law, seventy-five per cent of each fine paid to satisfy a sentence imposed for a violation of this section shall be deposited into the treasury of	23396 23397 23398

the county in which the violation occurred and twenty-five per cent shall be deposited with the county transit board, regional transit authority, or regional transit commission that operates the public transportation system involved in the violation, unless the board of county commissioners operates the public transportation system, in which case one hundred per cent of each fine shall be deposited into the treasury of the county.

(H) As used in this section, "public transportation system" means a county transit system operated in accordance with sections 306.01 to 306.13 of the Revised Code, a regional transit authority operated in accordance with sections 306.30 to 306.71 of the Revised Code, or a regional transit commission operated in accordance with sections 306.80 to 306.90 of the Revised Code.

**Sec. 2921.13.** (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing the public official's official function.

(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.

(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization,

certificate, registration, release, or provider agreement.	23429
(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.	23430 23431
(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.	23432 23433
(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.	23434 23435 23436 23437 23438 23439 23440
(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.	23441 23442
(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.	23443 23444 23445 23446 23447
(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.	23448 23449
(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.	23450 23451 23452 23453 23454 23455 23456
(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of	23457 23458

indebtedness and is filed or recorded with the secretary of state, 23459  
a county recorder, or the clerk of a court of record. 23460

(B) No person, in connection with the purchase of a firearm, 23461  
as defined in section 2923.11 of the Revised Code, shall knowingly 23462  
furnish to the seller of the firearm a fictitious or altered 23463  
driver's or commercial driver's license or permit, a fictitious or 23464  
altered identification card, or any other document that contains 23465  
false information about the purchaser's identity. 23466

(C) It is no defense to a charge under division (A)(4) of 23467  
this section that the oath or affirmation was administered or 23468  
taken in an irregular manner. 23469

(D) If contradictory statements relating to the same fact are 23470  
made by the offender within the period of the statute of 23471  
limitations for falsification, it is not necessary for the 23472  
prosecution to prove which statement was false but only that one 23473  
or the other was false. 23474

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 23475  
(6), (7), (8), (10), (11), or (13) of this section is guilty of 23476  
falsification, a misdemeanor of the first degree. 23477

(2) Whoever violates division (A)(9) of this section is 23478  
guilty of falsification in a theft offense. Except as otherwise 23479  
provided in this division, falsification in a theft offense is a 23480  
misdemeanor of the first degree. If the value of the property or 23481  
services stolen is five hundred dollars or more and is less than 23482  
five thousand dollars, falsification in a theft offense is a 23483  
felony of the fifth degree. If the value of the property or 23484  
services stolen is five thousand dollars or more and is less than 23485  
one hundred thousand dollars, falsification in a theft offense is 23486  
a felony of the fourth degree. If the value of the property or 23487  
services stolen is one hundred thousand dollars or more, 23488  
falsification in a theft offense is a felony of the third degree. 23489

(3) Whoever violates division (A)(12) or (B) of this section 23490  
is guilty of falsification to purchase a firearm, a felony of the 23491  
fifth degree. 23492

(F) A person who violates this section is liable in a civil 23493  
action to any person harmed by the violation for injury, death, or 23494  
loss to person or property incurred as a result of the commission 23495  
of the offense and for reasonable attorney's fees, court costs, 23496  
and other expenses incurred as a result of prosecuting the civil 23497  
action commenced under this division. A civil action under this 23498  
division is not the exclusive remedy of a person who incurs 23499  
injury, death, or loss to person or property as a result of a 23500  
violation of this section. 23501

**Sec. 2923.35.** (A)(1) With respect to property ordered 23502  
forfeited under section 2923.32 of the Revised Code, with respect 23503  
to any fine or civil penalty imposed in any criminal or civil 23504  
proceeding under section 2923.32 or 2923.34 of the Revised Code, 23505  
and with respect to any fine imposed for a violation of section 23506  
2923.01 of the Revised Code for conspiracy to violate section 23507  
2923.32 of the Revised Code, the court, upon petition of the 23508  
prosecuting attorney, may do any of the following: 23509

(a) Authorize the prosecuting attorney to settle claims; 23510

(b) Award compensation to persons who provide information 23511  
that results in a forfeiture, fine, or civil penalty under section 23512  
2923.32 or 2923.34 of the Revised Code; 23513

(c) Grant petitions for mitigation or remission of 23514  
forfeiture, fines, or civil penalties, or restore forfeited 23515  
property, imposed fines, or imposed civil penalties to persons 23516  
injured by the violation; 23517

(d) Take any other action to protect the rights of innocent 23518  
persons that is in the interest of justice and that is consistent 23519

with the purposes of sections 2923.31 to 2923.36 of the Revised Code. 23520  
23521

(2) The court shall maintain an accurate record of the 23522  
actions it takes under division (A)(1) of this section with 23523  
respect to the property ordered forfeited or the fine or civil 23524  
penalty. The record is a public record open for inspection under 23525  
section 149.43 of the Revised Code. 23526

(B)(1) After the application of division (A) of this section, 23527  
any person who prevails in a civil action pursuant to section 23528  
2923.34 of the Revised Code has a right to any property, or the 23529  
proceeds of any property, criminally forfeited to the state 23530  
pursuant to section 2923.32 of the Revised Code or against which 23531  
any fine under that section or civil penalty under division (I) of 23532  
section 2923.34 of the Revised Code may be imposed. 23533

The right of any person who prevails in a civil action 23534  
pursuant to section 2923.34 of the Revised Code, other than a 23535  
prosecuting attorney performing official duties under that 23536  
section, to forfeited property, property against which fines and 23537  
civil penalties may be imposed, and the proceeds of that property 23538  
is superior to any right of the state, a municipal corporation, or 23539  
a county to the property or the proceeds of the property, if the 23540  
civil action is brought within one hundred eighty days after the 23541  
entry of a sentence of forfeiture or a fine pursuant to section 23542  
2923.32 of the Revised Code or the entry of a civil penalty 23543  
pursuant to division (I) of section 2923.34 of the Revised Code. 23544

The right is limited to the total value of the treble 23545  
damages, civil penalties, attorney's fees, and costs awarded to 23546  
the prevailing party in an action pursuant to section 2923.34 of 23547  
the Revised Code, less any restitution received by the person. 23548

(2) If the aggregate amount of claims of persons who have 23549  
prevailed in a civil action pursuant to section 2923.34 of the 23550

Revised Code against any one defendant is greater than the total 23551  
value of the treble fines, civil penalties, and forfeited property 23552  
paid by the person against whom the actions were brought, all of 23553  
the persons who brought their actions within one hundred eighty 23554  
days after the entry of a sentence or disposition of forfeiture or 23555  
a fine pursuant to section 2923.32 of the Revised Code or the 23556  
entry of a civil penalty pursuant to division (I) of section 23557  
2923.34 of the Revised Code, first shall receive a pro rata share 23558  
of the total amount of the fines, civil penalties, and forfeited 23559  
property. After the persons who brought their actions within the 23560  
specified one-hundred-eighty-day period have satisfied their 23561  
claims out of the fines, civil penalties, and forfeited property, 23562  
all other persons who prevailed in civil actions pursuant to 23563  
section 2923.34 of the Revised Code shall receive a pro rata share 23564  
of the total amount of the fines, civil penalties, and forfeited 23565  
property that remains in the custody of the law enforcement agency 23566  
or in the corrupt activity investigation and prosecution fund. 23567

(C)(1) Subject to divisions (A) and (B) of this section and 23568  
notwithstanding any contrary provision of section 2933.41 of the 23569  
Revised Code, the prosecuting attorney shall order the disposal of 23570  
property ordered forfeited in any proceeding under sections 23571  
2923.32 and 2923.34 of the Revised Code as soon as feasible, 23572  
making due provisions for the rights of innocent persons, by any 23573  
of the following methods: 23574

(a) Transfer to any person who prevails in a civil action 23575  
pursuant to section 2923.34 of the Revised Code, subject to the 23576  
limit set forth in division (B)(1) of this section; 23577

(b) Public sale; 23578

(c) Transfer to a state governmental agency for official use; 23579

(d) Sale or transfer to an innocent person; 23580

(e) If the property is contraband and is not needed for 23581

evidence in any pending criminal or civil proceeding, pursuant to 23582  
section 2933.41 or any other applicable section of the Revised 23583  
Code. 23584

(2) Any interest in personal or real property not disposed of 23585  
pursuant to this division and not exercisable by, or transferable 23586  
for value to, the state shall expire and shall not revert to the 23587  
person found guilty of or adjudicated a delinquent child for a 23588  
violation of section 2923.32 of the Revised Code. No person found 23589  
guilty of or adjudicated a delinquent child for a violation of 23590  
that section and no person acting in concert with a person found 23591  
guilty of or adjudicated a delinquent child for a violation of 23592  
that section is eligible to purchase forfeited property from the 23593  
state. 23594

(3) Upon application of a person, other than the defendant, 23595  
the adjudicated delinquent child, or a person acting in concert 23596  
with or on behalf of either the defendant or the adjudicated 23597  
delinquent child, the court may restrain or stay the disposal of 23598  
the property pursuant to this division pending the conclusion of 23599  
any appeal of the criminal case or delinquency case giving rise to 23600  
the forfeiture or pending the determination of the validity of a 23601  
claim to or interest in the property pursuant to division (E) of 23602  
section 2923.32 of the Revised Code, if the applicant demonstrates 23603  
that proceeding with the disposal of the property will result in 23604  
irreparable injury, harm, or loss to the applicant. 23605

(4) The prosecuting attorney shall maintain an accurate 23606  
record of each item of property disposed of pursuant to this 23607  
division, which record shall include the date on which each item 23608  
came into the prosecuting attorney's custody, the manner and date 23609  
of disposition, and, if applicable, the name of the person who 23610  
received the item. The record shall not identify or enable the 23611  
identification of the individual officer who seized the property, 23612  
and the record is a public record open for inspection under 23613

section 149.43 of the Revised Code. 23614

Each prosecuting attorney who disposes in any calendar year 23615  
of any item of property pursuant to this division shall prepare a 23616  
report covering the calendar year that cumulates all of the 23617  
information contained in all of the records kept by the 23618  
prosecuting attorney pursuant to this division for that calendar 23619  
year and shall send the cumulative report, no later than the first 23620  
day of March in the calendar year following the calendar year 23621  
covered by the report, to the attorney general. Each report 23622  
received by the attorney general is a public record open for 23623  
inspection under section 149.43 of the Revised Code. Not later 23624  
than the fifteenth day of April in the calendar year following the 23625  
calendar year covered by the reports, the attorney general shall 23626  
send to the president of the senate and the speaker of the house 23627  
of representatives a written notification that does all of the 23628  
following: 23629

(a) Indicates that the attorney general has received from 23630  
prosecuting attorneys reports of the type described in this 23631  
division that cover the previous calendar year and indicates that 23632  
the reports were received under this division; 23633

(b) Indicates that the reports are open for inspection under 23634  
section 149.43 of the Revised Code; 23635

(c) Indicates that the attorney general will provide a copy 23636  
of any or all of the reports to the president of the senate or the 23637  
speaker of the house of representatives upon request. 23638

(D)(1)(a) Ten per cent of the proceeds of all property 23639  
ordered forfeited by a juvenile court pursuant to section 2923.32 23640  
of the Revised Code shall be applied to one or more alcohol and 23641  
drug addiction treatment programs that are certified by the 23642  
department of alcohol and drug addiction services under section 23643  
3793.06 of the Revised Code and that are specified in the order of 23644

forfeiture. A juvenile court shall not specify an alcohol or drug 23645  
addiction treatment program in the order of forfeiture unless the 23646  
program is a certified alcohol and drug addiction treatment 23647  
program and, except as provided in division (D)(1)(a) of this 23648  
section, unless the program is located in the county in which the 23649  
court that orders the forfeiture is located or in a contiguous 23650  
county. If no certified alcohol and drug addiction treatment 23651  
program is located in any of those counties, the juvenile court 23652  
may specify in the order a certified alcohol and drug addiction 23653  
treatment program located anywhere within this state. The 23654  
remaining ninety per cent of the proceeds shall be disposed of as 23655  
provided in divisions (D)(1)(b) and (D)(2) of this section. 23656

All of the proceeds of all property ordered forfeited by a 23657  
court other than a juvenile court pursuant to section 2923.32 of 23658  
the Revised Code shall be disposed of as provided in divisions 23659  
(D)(1)(b) and (D)(2) of this section. 23660

(b) The remaining proceeds of all property ordered forfeited 23661  
pursuant to section 2923.32 of the Revised Code, after compliance 23662  
with division (D)(1)(a) of this section when that division is 23663  
applicable, and all fines and civil penalties imposed pursuant to 23664  
sections 2923.32 and 2923.34 of the Revised Code shall be 23665  
deposited into the state treasury and credited to the corrupt 23666  
activity investigation and prosecution fund, which is hereby 23667  
created. 23668

(2) The proceeds, fines, and penalties credited to the 23669  
corrupt activity investigation and prosecution fund pursuant to 23670  
division (D)(1) of this section shall be disposed of in the 23671  
following order: 23672

(a) To a civil plaintiff in an action brought within the 23673  
one-hundred-eighty-day time period specified in division (B)(1) of 23674  
this section, subject to the limit set forth in that division; 23675

(b) To the payment of the fees and costs of the forfeiture 23676  
and sale, including expenses of seizure, maintenance, and custody 23677  
of the property pending its disposition, advertising, and court 23678  
costs; 23679

(c) Except as otherwise provided in division (D)(2)(c) of 23680  
this section, the remainder shall be paid to the law enforcement 23681  
trust fund of the prosecuting attorney that is established 23682  
pursuant to division (D)(1)(c) of section 2933.43 of the Revised 23683  
Code and to the law enforcement trust fund of the county sheriff 23684  
that is established pursuant to that division if the county 23685  
sheriff substantially conducted the investigation, to the law 23686  
enforcement trust fund of a municipal corporation that is 23687  
established pursuant to that division if its police department 23688  
substantially conducted the investigation, to the law enforcement 23689  
trust fund of a township that is established pursuant to that 23690  
division if the investigation was substantially conducted by a 23691  
township police department, township police district police force, 23692  
or office of a township constable, or to the law enforcement trust 23693  
fund of a park district created pursuant to section 511.18 or 23694  
1545.01 of the Revised Code that is established pursuant to that 23695  
division if the investigation was substantially conducted by its 23696  
park district police force or law enforcement department. The 23697  
prosecuting attorney may decline to accept any of the remaining 23698  
proceeds, fines, and penalties, and, if the prosecuting attorney 23699  
so declines, they shall be applied to the fund described in 23700  
division (D)(2)(c) of this section that relates to the appropriate 23701  
law enforcement agency that substantially conducted the 23702  
investigation. 23703

If the state highway patrol substantially conducted the 23704  
investigation, the director of budget and management shall 23705  
transfer the remaining proceeds, fines, and penalties to the state 23706  
highway patrol for deposit into the state highway patrol 23707

contraband, forfeiture, and other fund that is created by division 23708  
(D)(1)(c) of section 2933.43 of the Revised Code. If the 23709  
department of taxation substantially conducted the investigation, 23710  
the director, after obtaining approval from the controlling board, 23711  
shall transfer the remaining proceeds, fines, and penalties to the 23712  
department for deposit into the department of taxation enforcement 23713  
fund. If the controlling board does not approve deposit of the 23714  
remaining proceeds, fines, and penalties into the department of 23715  
taxation enforcement fund, the director shall transfer the 23716  
remaining proceeds, fines, and penalties to the treasurer of state 23717  
for deposit into the peace officer training commission fund 23718  
created by division (D)(1)(c) of section 2933.43 of the Revised 23719  
Code. If the state board of pharmacy substantially conducted the 23720  
investigation, the director shall transfer the remaining proceeds, 23721  
fines, and penalties to the board for deposit into the board of 23722  
pharmacy drug law enforcement fund that is created by division 23723  
(B)(1) of section 4729.65 of the Revised Code. If a state law 23724  
enforcement agency, other than the state highway patrol, the 23725  
department of taxation, or the state board of pharmacy, 23726  
substantially conducted the investigation, the director shall 23727  
transfer the remaining proceeds, fines, and penalties to the 23728  
treasurer of state for deposit into the peace officer training 23729  
commission fund ~~that is created by division (D)(1)(c) of section~~ 23730  
~~2933.43 of the Revised Code.~~ 23731

The remaining proceeds, fines, and penalties that are paid to 23732  
a law enforcement trust fund or that are deposited into the state 23733  
highway patrol contraband, forfeiture, and other fund, the 23734  
department of taxation enforcement fund, the board of pharmacy 23735  
drug law enforcement fund, or the peace officer training 23736  
commission fund pursuant to division (D)(2)(c) of this section 23737  
shall be allocated, used, and expended only in accordance with 23738  
division (D)(1)(c) of section 2933.43 of the Revised Code, only in 23739  
accordance with a written internal control policy adopted under 23740

division (D)(3) of that section, and, if applicable, only in 23741  
accordance with division (B) of section 4729.65 of the Revised 23742  
Code. The annual reports that pertain to the funds and that are 23743  
required by divisions (D)(1)(c) and (3)(b) of section 2933.43 of 23744  
the Revised Code also shall address the remaining proceeds, fines, 23745  
and penalties that are paid or deposited into the funds pursuant 23746  
to division (D)(2)(c) of this section. 23747

(3) If more than one law enforcement agency substantially 23748  
conducted the investigation, the court ordering the forfeiture 23749  
shall equitably divide the remaining proceeds, fines, and 23750  
penalties among the law enforcement agencies that substantially 23751  
conducted the investigation, in the manner described in division 23752  
(D)(2) of section 2933.43 of the Revised Code for the equitable 23753  
division of contraband proceeds and forfeited moneys. The 23754  
equitable shares of the proceeds, fines, and penalties so 23755  
determined by the court shall be paid or deposited into the 23756  
appropriate funds specified in division (D)(2)(c) of this section. 23757

(E) As used in this section, "law enforcement agency" 23758  
includes, but is not limited to, the state board of pharmacy and 23759  
the department of taxation. 23760

**Sec. 2925.44.** (A) If property is seized pursuant to section 23761  
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 23762  
custody of the head of the law enforcement agency that seized it, 23763  
and the head of that agency may do any of the following with 23764  
respect to that property prior to its disposition in accordance 23765  
with division (A)(4) or (B) of this section: 23766

(1) Place the property under seal; 23767

(2) Remove the property to a place that the head of that 23768  
agency designates; 23769

(3) Request the issuance of a court order that requires any 23770

other appropriate municipal corporation, county, township, park 23771  
district created pursuant to section 511.18 or 1545.01 of the 23772  
Revised Code, or state law enforcement officer or other officer to 23773  
take custody of the property and, if practicable, remove it to an 23774  
appropriate location for eventual disposition in accordance with 23775  
division (B) of this section; 23776

(4)(a) Seek forfeiture of the property pursuant to federal 23777  
law. If the head of that agency seeks its forfeiture pursuant to 23778  
federal law, the law enforcement agency shall deposit, use, and 23779  
account for proceeds from a sale of the property upon its 23780  
forfeiture, proceeds from another disposition of the property upon 23781  
its forfeiture, or forfeited moneys it receives, in accordance 23782  
with the applicable federal law and otherwise shall comply with 23783  
that law. 23784

(b) If the state highway patrol seized the property and if 23785  
the superintendent of the state highway patrol seeks its 23786  
forfeiture pursuant to federal law, the appropriate governmental 23787  
officials shall deposit into the state highway patrol contraband, 23788  
forfeiture, and other fund all interest or other earnings derived 23789  
from the investment of the proceeds from a sale of the property 23790  
upon its forfeiture, the proceeds from another disposition of the 23791  
property upon its forfeiture, or the forfeited moneys. The state 23792  
highway patrol shall use and account for that interest or other 23793  
earnings in accordance with the applicable federal law. 23794

(c) If the investigative unit of the department of public 23795  
safety seized the property and if the director of public safety 23796  
seeks its forfeiture pursuant to federal law, the appropriate 23797  
governmental officials shall deposit into the department of public 23798  
safety investigative unit contraband, forfeiture, and other fund 23799  
all interest or other earnings derived from the investment of the 23800  
proceeds from a sale of the property upon its forfeiture, the 23801  
proceeds from another disposition of the property upon its 23802

forfeiture, or the forfeited moneys. The department shall use and 23803  
account for that interest or other earnings in accordance with the 23804  
applicable federal law. 23805

(d) If the enforcement division of the department of taxation 23806  
seized the property and if the tax commissioner seeks its 23807  
forfeiture pursuant to federal law, the appropriate governmental 23808  
officials shall, after obtaining approval from the controlling 23809  
board, deposit into the department of taxation enforcement fund 23810  
all interest or other earnings derived from the investment of the 23811  
proceeds from a sale of the property upon its forfeiture, the 23812  
proceeds from another disposition of the property upon its 23813  
forfeiture, or the forfeited moneys. The department shall use and 23814  
account for that interest or other earnings in accordance with the 23815  
applicable federal law. If the controlling board does not approve 23816  
deposit of interest or other earnings into the department of 23817  
taxation enforcement fund, the appropriate governmental officials 23818  
shall pay the interest or other earnings to the treasurer of state 23819  
for deposit into the peace officer training commission fund. 23820

(e) Division (B) of this section and divisions (D)(1) to (3) 23821  
of section 2933.43 of the Revised Code do not apply to proceeds or 23822  
forfeited moneys received pursuant to federal law or to the 23823  
interest or other earnings that are derived from the investment of 23824  
proceeds or forfeited moneys received pursuant to federal law and 23825  
that are described in division (A)(4)(b) or (d) of this section. 23826

(B) In addition to complying with any requirements imposed by 23827  
a court pursuant to section 2925.42 or 2925.43 of the Revised 23828  
Code, and the requirements imposed by those sections, in relation 23829  
to the disposition of property forfeited to the state under either 23830  
of those sections, the prosecuting attorney who is responsible for 23831  
its disposition shall dispose of the property as follows: 23832

(1) Any vehicle, as defined in section 4501.01 of the Revised 23833  
Code, that was used in a felony drug abuse offense or in an act 23834

that, if committed by an adult, would be a felony drug abuse 23835  
offense shall be given to the law enforcement agency of the 23836  
municipal corporation or county in which the offense occurred if 23837  
that agency desires to have the vehicle, except that, if the 23838  
offense occurred in a township or in a park district created 23839  
pursuant to section 511.18 or 1545.01 of the Revised Code and a 23840  
law enforcement officer employed by the township or the park 23841  
district was involved in the seizure of the vehicle, the vehicle 23842  
may be given to the law enforcement agency of that township or 23843  
park district if that agency desires to have the vehicle, and 23844  
except that, if the state highway patrol made the seizure of the 23845  
vehicle, the vehicle may be given to the state highway patrol if 23846  
it desires to have the vehicle. 23847

(2) Any drug paraphernalia that was used, possessed, sold, or 23848  
manufactured in a violation of section 2925.14 of the Revised Code 23849  
that would be a felony drug abuse offense or in a violation of 23850  
that section committed by a juvenile that, if committed by an 23851  
adult, would be a felony drug abuse offense, may be given to the 23852  
law enforcement agency of the municipal corporation or county in 23853  
which the offense occurred if that agency desires to have and can 23854  
use the drug paraphernalia, except that, if the offense occurred 23855  
in a township or in a park district created pursuant to section 23856  
511.18 or 1545.01 of the Revised Code and a law enforcement 23857  
officer employed by the township or the park district was involved 23858  
in the seizure of the drug paraphernalia, the drug paraphernalia 23859  
may be given to the law enforcement agency of that township or 23860  
park district if that agency desires to have and can use the drug 23861  
paraphernalia. If the drug paraphernalia is not so given, it shall 23862  
be disposed of by sale pursuant to division (B)(8) of this section 23863  
or disposed of in another manner that the court that issued the 23864  
order of forfeiture considers proper under the circumstances. 23865

(3) Drugs shall be disposed of pursuant to section 3719.11 of 23866

the Revised Code or placed in the custody of the secretary of the 23867  
treasury of the United States for disposal or use for medical or 23868  
scientific purposes under applicable federal law. 23869

(4) Firearms and dangerous ordnance suitable for police work 23870  
may be given to a law enforcement agency for that purpose. 23871  
Firearms suitable for sporting use, or as museum pieces or 23872  
collectors' items, may be disposed of by sale pursuant to division 23873  
(B)(8) of this section. Other firearms and dangerous ordnance 23874  
shall be destroyed by a law enforcement agency or shall be sent to 23875  
the bureau of criminal identification and investigation for 23876  
destruction by it. As used in this division, "firearms" and 23877  
"dangerous ordnance" have the same meanings as in section 2923.11 23878  
of the Revised Code. 23879

(5) Computers, computer networks, computer systems, and 23880  
computer software suitable for police work may be given to a law 23881  
enforcement agency for that purpose. Other computers, computer 23882  
networks, computer systems, and computer software shall be 23883  
disposed of by sale pursuant to division (B)(8) of this section or 23884  
disposed of in another manner that the court that issued the order 23885  
of forfeiture considers proper under the circumstances. As used in 23886  
this division, "computers," "computer networks," "computer 23887  
systems," and "computer software" have the same meanings as in 23888  
section 2913.01 of the Revised Code. 23889

(6) Obscene materials shall be destroyed. 23890

(7) Beer, intoxicating liquor, and alcohol shall be disposed 23891  
of in accordance with division (D)(4) of section 2933.41 of the 23892  
Revised Code. 23893

(8) In the case of property not described in divisions (B)(1) 23894  
to (7) of this section and of property described in those 23895  
divisions but not disposed of pursuant to them, the property shall 23896  
be sold in accordance with division (B)(8) of this section or, in 23897

the case of forfeited moneys, disposed of in accordance with 23898  
division (B)(8) of this section. If the property is to be sold, 23899  
the prosecuting attorney shall cause a notice of the proposed sale 23900  
of the property to be given in accordance with law, and the 23901  
property shall be sold, without appraisal, at a public auction to 23902  
the highest bidder for cash. The proceeds of a sale and forfeited 23903  
moneys shall be applied in the following order: 23904

(a) First, to the payment of the costs incurred in connection 23905  
with the seizure of, storage of, maintenance of, and provision of 23906  
security for the property, the forfeiture proceeding or civil 23907  
action, and, if any, the sale; 23908

(b) Second, the remaining proceeds or forfeited moneys after 23909  
compliance with division (B)(8)(a) of this section, to the payment 23910  
of the value of any legal right, title, or interest in the 23911  
property that is possessed by a person who, pursuant to division 23912  
(F) of section 2925.42 of the Revised Code or division (E) of 23913  
section 2925.43 of the Revised Code, established the validity of 23914  
and consequently preserved that legal right, title, or interest, 23915  
including, but not limited to, any mortgage, perfected or other 23916  
security interest, or other lien in the property. The value of 23917  
these rights, titles, or interests shall be paid according to 23918  
their record or other order of priority. 23919

(c) Third, the remaining proceeds or forfeited moneys after 23920  
compliance with divisions (B)(8)(a) and (b) of this section, as 23921  
follows: 23922

(i) If the forfeiture was ordered in a juvenile court, ten 23923  
per cent to one or more alcohol and drug addiction treatment 23924  
programs that are certified by the department of alcohol and drug 23925  
addiction services under section 3793.06 of the Revised Code and 23926  
that are specified in the order of forfeiture. A juvenile court 23927  
shall not specify an alcohol or drug addiction treatment program 23928  
in the order of forfeiture unless the program is a certified 23929

alcohol and drug addiction treatment program and, except as 23930  
provided in division (B)(8)(c)(i) of this section, unless the 23931  
program is located in the county in which the court that orders 23932  
the forfeiture is located or in a contiguous county. If no 23933  
certified alcohol and drug addiction treatment program is located 23934  
in any of those counties, the juvenile court may specify in the 23935  
order a certified alcohol and drug addiction treatment program 23936  
located anywhere within this state. 23937

(ii) If the forfeiture was ordered in a juvenile court, 23938  
ninety per cent, and if the forfeiture was ordered in a court 23939  
other than a juvenile court, one hundred per cent to appropriate 23940  
funds in accordance with divisions (D)(1)(c) and (2) of section 23941  
2933.43 of the Revised Code. The remaining proceeds or forfeited 23942  
moneys so deposited shall be used only for the purposes authorized 23943  
by those divisions and division (D)(3)(a)(ii) of that section. 23944

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not 23945  
preclude a financial institution that possessed a valid mortgage, 23946  
security interest, or lien that is not satisfied prior to a sale 23947  
under division (B)(8) of this section or following a sale by 23948  
application of division (B)(8)(b) of this section, from commencing 23949  
a civil action in any appropriate court in this or another state 23950  
to obtain a deficiency judgment against the debtor if the 23951  
financial institution otherwise would have been entitled to do so 23952  
in this or another state. 23953

(2) Any law enforcement agency that obtains any vehicle 23954  
pursuant to division (B)(1) of this section shall take the vehicle 23955  
subject to the outstanding amount of any security interest or lien 23956  
that attaches to the vehicle. 23957

(3) Nothing in this section impairs a mortgage, security 23958  
interest, lien, or other interest of a financial institution in 23959  
property that was the subject of a forfeiture order under section 23960  
2925.42 or 2925.43 of the Revised Code and that was sold or 23961

otherwise disposed of in a manner that does not conform to the 23962  
requirements of division (B) of this section, or any right of a 23963  
financial institution of that nature to commence a civil action in 23964  
any appropriate court in this or another state to obtain a 23965  
deficiency judgment against the debtor. 23966

(4) Following the sale under division (B)(8) of this section 23967  
of any property that is required to be titled or registered under 23968  
the law of this state, the prosecuting attorney responsible for 23969  
the disposition of the property shall cause the state to issue an 23970  
appropriate certificate of title or registration to the purchaser 23971  
of the property. Additionally, if, in a disposition of property 23972  
pursuant to division (B) of this section, the state or a political 23973  
subdivision is given any property that is required to be titled or 23974  
registered under the law of this state, the prosecuting attorney 23975  
responsible for the disposition of the property shall cause the 23976  
state to issue an appropriate certificate of title or registration 23977  
to itself or to the political subdivision. 23978

(D) Property that has been forfeited to the state pursuant to 23979  
an order of criminal forfeiture under section 2925.42 of the 23980  
Revised Code or an order of civil forfeiture under section 2925.43 23981  
of the Revised Code shall not be available for use to pay any fine 23982  
imposed upon a person who is convicted of or pleads guilty to a 23983  
felony drug abuse offense or upon any juvenile who is found by a 23984  
juvenile court to be a delinquent child for an act that, if 23985  
committed by an adult, would be a felony drug abuse offense. 23986

(E) Sections 2925.41 to 2925.45 of the Revised Code do not 23987  
prohibit a law enforcement officer from seeking the forfeiture of 23988  
contraband associated with a felony drug abuse offense pursuant to 23989  
section 2933.43 of the Revised Code. 23990

**Sec. 2929.38.** (A) A board of commissioners of a county, in an 23991  
agreement with the sheriff, a legislative authority of a municipal 23992

corporation, a corrections commission, a judicial corrections 23993  
board, or any other public or private entity that operates a local 23994  
detention facility described in division (A) of section 2929.37 of 23995  
the Revised Code, may establish a policy that requires any 23996  
prisoner who is confined in the facility as a result of pleading 23997  
guilty to or having been convicted of an offense to pay a one-time 23998  
reception fee for the costs of processing the prisoner into the 23999  
facility at the time of the prisoner's initial entry into the 24000  
facility under the confinement in question, to pay a reasonable 24001  
fee for any medical or dental treatment or service requested by 24002  
and provided to that prisoner, and to pay the fee for a random 24003  
drug test assessed under division (E) of section 341.26, and 24004  
division (E) of section 753.33 of the Revised Code. The fee for 24005  
the medical treatment or service shall not exceed the actual cost 24006  
of the treatment or service provided. No prisoner confined in the 24007  
local detention facility shall be denied any necessary medical 24008  
care because of inability to pay the fees. 24009

(B) Upon assessment of a one-time reception fee as described 24010  
in division (A) of this section, the provision of the requested 24011  
medical treatment or service, or the assessment of a fee for a 24012  
random drug test, payment of the required fee may be automatically 24013  
deducted from the prisoner's inmate account in the business office 24014  
of the local detention facility in which the prisoner is confined. 24015  
If there is no money in the account, a deduction may be made at a 24016  
later date during the prisoner's confinement if the money becomes 24017  
available in the account. If, after release, the prisoner has an 24018  
unpaid balance of those fees, the sheriff, legislative authority 24019  
of the municipal corporation, corrections commission, judicial 24020  
corrections board, or other entity that operates the local 24021  
detention facility described in division (A) of section 2929.37 of 24022  
the Revised Code may bill the prisoner for the payment of the 24023  
unpaid fees. Fees received for medical or dental treatment or 24024

services shall be paid to the commissary fund, if one exists for 24025  
the facility, or if no commissary fund exists, to the general fund 24026  
of the treasury of the political subdivision that incurred the 24027  
expenses, in the same proportion as those expenses were borne by 24028  
the political subdivision. Fees received for medical treatment or 24029  
services that are placed in the commissary fund under this 24030  
division shall be used for the same purposes as profits from the 24031  
commissary fund, except that they shall not be used to pay any 24032  
salary or benefits of any person who works in or is employed for 24033  
the sole purpose of providing service to the commissary. 24034

(C) Any fee paid by a person under this section shall be 24035  
deducted from any medical or dental costs that the person is 24036  
ordered to reimburse under section 2929.36 of the Revised Code or 24037  
to repay under a policy adopted under section 2929.37 of the 24038  
Revised Code. 24039

(D) As used in this section, "inmate account" has the same 24040  
meaning as in section 2969.21 of the Revised Code. 24041

**Sec. 2933.43.** (A)(1) Except as provided in this division or 24042  
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 24043  
2925.45 of the Revised Code, a law enforcement officer shall seize 24044  
any contraband that has been, is being, or is intended to be used 24045  
in violation of division (A) of section 2933.42 of the Revised 24046  
Code. A law enforcement officer shall seize contraband that is a 24047  
watercraft, motor vehicle, or aircraft and that has been, is 24048  
being, or is intended to be used in violation of division (A) of 24049  
section 2933.42 of the Revised Code only if the watercraft, motor 24050  
vehicle, or aircraft is contraband because of its relationship to 24051  
an underlying criminal offense that is a felony. 24052

Additionally, a law enforcement officer shall seize any 24053  
watercraft, motor vehicle, aircraft, or other personal property 24054  
that is classified as contraband under division (B) of section 24055

2933.42 of the Revised Code if the underlying offense involved in 24056  
the violation of division (A) of that section that resulted in the 24057  
watercraft, motor vehicle, aircraft, or personal property being 24058  
classified as contraband, is a felony. 24059

(2) If a law enforcement officer seizes property that is 24060  
titled or registered under law, including a motor vehicle, 24061  
pursuant to division (A)(1) of this section, the officer or the 24062  
officer's employing law enforcement agency shall notify the owner 24063  
of the seizure. The notification shall be given to the owner at 24064  
the owner's last known address within seventy-two hours after the 24065  
seizure, and may be given orally by any means, including 24066  
telephone, or by certified mail, return receipt requested. 24067

If the officer or the officer's agency is unable to provide 24068  
the notice required by this division despite reasonable, good 24069  
faith efforts to do so, the exercise of the reasonable, good faith 24070  
efforts constitutes fulfillment of the notice requirement imposed 24071  
by this division. 24072

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 24073  
this section and the contents of the vehicle may be retained for a 24074  
reasonable period of time, not to exceed seventy-two hours, for 24075  
the purpose of inspection, investigation, and the gathering of 24076  
evidence of any offense or illegal use. 24077

At any time prior to the expiration of the seventy-two-hour 24078  
period, the law enforcement agency that seized the motor vehicle 24079  
may petition the court of common pleas of the county that has 24080  
jurisdiction over the underlying criminal case or administrative 24081  
proceeding involved in the forfeiture for an extension of the 24082  
seventy-two-hour period if the motor vehicle or its contents are 24083  
needed as evidence or if additional time is needed for the 24084  
inspection, investigation, or gathering of evidence. Upon the 24085  
filing of such a petition, the court immediately shall schedule a 24086  
hearing to be held at a time as soon as possible after the filing, 24087

but in no event at a time later than the end of the next business 24088  
day subsequent to the day on which the petition was filed, and 24089  
upon scheduling the hearing, immediately shall notify the owner of 24090  
the vehicle, at the address at which notification of the seizure 24091  
was provided under division (A) of this section, of the date, 24092  
time, and place of the hearing. If the court, at the hearing, 24093  
determines that the vehicle or its contents, or both, are needed 24094  
as evidence or that additional time is needed for the inspection, 24095  
investigation, or gathering of evidence, the court may grant the 24096  
petition and issue an order authorizing the retention of the 24097  
vehicle or its contents, or both, for an extended period as 24098  
specified by the court in its order. An order extending a period 24099  
of retention issued under this division may be renewed. 24100

If no petition for the extension of the initial 24101  
seventy-two-hour period has been filed, prior to the expiration of 24102  
that period, under this division, if the vehicle was not in the 24103  
custody and control of the owner at the time of its seizure, and 24104  
if, at the end of that seventy-two-hour period, the owner of the 24105  
vehicle has not been charged with an offense or administrative 24106  
violation that includes the use of the vehicle as an element and 24107  
has not been charged with any other offense or administrative 24108  
violation in the actual commission of which the motor vehicle was 24109  
used, the vehicle and its contents shall be released to its owner 24110  
or the owner's agent, provided that the law enforcement agency 24111  
that seized the vehicle may require proof of ownership of the 24112  
vehicle, proof of ownership or legal possession of the contents, 24113  
and an affidavit of the owner that the owner neither knew of nor 24114  
expressly or impliedly consented to the use of the vehicle that 24115  
resulted in its forfeiture as conditions precedent to release. If 24116  
a petition for the extension of the initial seventy-two-hour 24117  
period has been filed, prior to the expiration of that period, 24118  
under this division but the court does not grant the petition, if 24119  
the vehicle was not in the custody and control of the owner at the 24120

time of its seizure, and if, at the end of that seventy-two-hour 24121  
period, the owner of the vehicle has not been charged with an 24122  
offense or administrative violation that includes the use of the 24123  
vehicle as an element and has not been charged with any other 24124  
offense or administrative violation in the actual commission of 24125  
which the motor vehicle was used, the vehicle and its contents 24126  
shall be released to its owner or the owner's agent, provided that 24127  
the court may require the proof and affidavit described in the 24128  
preceding sentence as conditions precedent to release. If the 24129  
initial seventy-two-hour period has been extended under this 24130  
division, the vehicle and its contents to which the extension 24131  
applies may be retained in accordance with the extension order. 24132  
If, at the end of that extended period, the owner of the vehicle 24133  
has not been charged with an offense or administrative violation 24134  
that includes the use of the vehicle as an element and has not 24135  
been charged with any other offense or administrative violation in 24136  
the actual commission of which the motor vehicle was used, and if 24137  
the vehicle was not in the custody and control of the owner at the 24138  
time of its seizure, the vehicle and its contents shall be 24139  
released to its owner or the owner's agent, provided that the 24140  
court may require the proof and affidavit described in the third 24141  
preceding sentence as conditions precedent to release. In cases in 24142  
which the court may require proof and affidavits as conditions 24143  
precedent to release, the court also may require the posting of a 24144  
bond, with sufficient sureties approved by the court, in an amount 24145  
equal to the value of the property to be released, as determined 24146  
by the court, and conditioned upon the return of the property to 24147  
the court if it is forfeited under this section, as a further 24148  
condition to release. If, at the end of the initial 24149  
seventy-two-hour period or at the end of any extended period 24150  
granted under this section, the owner has been charged with an 24151  
offense or administrative violation that includes the use of the 24152  
vehicle as an element or has been charged with another offense or 24153

administrative violation in the actual commission of which the 24154  
motor vehicle was used, or if the vehicle was in the custody and 24155  
control of the owner at the time of its seizure, the vehicle and 24156  
its contents shall be retained pending disposition of the charge, 24157  
provided that upon the filing of a motion for release by the 24158  
owner, if the court determines that the motor vehicle or its 24159  
contents, or both, are not needed as evidence in the underlying 24160  
criminal case or administrative proceeding, the court may permit 24161  
the release of the property that is not needed as evidence to the 24162  
owner; as a condition precedent to a release of that nature, the 24163  
court may require the owner to execute a bond with the court. Any 24164  
bond so required shall be in an amount equal to the value of the 24165  
property to be released, as determined by the court, shall have 24166  
sufficient sureties approved by the court, and shall be 24167  
conditioned upon the return of the property to the court to which 24168  
it is forfeited under this section. 24169

The final disposition of a motor vehicle seized pursuant to 24170  
division (A)(1) of this section shall be determined in accordance 24171  
with division (C) of this section. 24172

(2) Pending a hearing pursuant to division (C) of this 24173  
section, and subject to divisions (B)(1) and (C) of this section, 24174  
any property lawfully seized pursuant to division (A) of this 24175  
section because it was contraband of a type described in division 24176  
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 24177  
2901.01 of the Revised Code shall not be subject to replevin or 24178  
other action in any court and shall not be subject to release upon 24179  
request of the owner, and no judgment shall be enforced against 24180  
the property. Pending the hearing, and subject to divisions (B)(1) 24181  
and (C) of this section, the property shall be kept in the custody 24182  
of the law enforcement agency responsible for its seizure. 24183

Pending a hearing pursuant to division (C) of this section, 24184  
and notwithstanding any provisions of division (B)(1) or (C) of 24185

this section to the contrary, any property lawfully seized 24186  
pursuant to division (A) of this section because it was contraband 24187  
of a type described in division (A)(13)(a) or (c) of section 24188  
2901.01 of the Revised Code shall not be subject to replevin or 24189  
other action in any court and shall not be subject to release upon 24190  
request of the owner, and no judgment shall be enforced against 24191  
the property. Pending the hearing, and notwithstanding any 24192  
provisions of division (B)(1) or (C) of this section to the 24193  
contrary, the property shall be kept in the custody of the law 24194  
enforcement agency responsible for its seizure. 24195

A law enforcement agency that seizes property under division 24196  
(A) of this section because it was contraband of any type 24197  
described in division (A)(13) of section 2901.01 or division (B) 24198  
of section 2933.42 of the Revised Code shall maintain an accurate 24199  
record of each item of property so seized, which record shall 24200  
include the date on which each item was seized, the manner and 24201  
date of its disposition, and if applicable, the name of the person 24202  
who received the item; however, the record shall not identify or 24203  
enable the identification of the individual officer who seized the 24204  
item. The record of property of that nature that no longer is 24205  
needed as evidence shall be open to public inspection during the 24206  
agency's regular business hours. Each law enforcement agency that, 24207  
during any calendar year, seizes property under division (A) of 24208  
this section because it was contraband shall prepare a report 24209  
covering the calendar year that cumulates all of the information 24210  
contained in all of the records kept by the agency pursuant to 24211  
this division for that calendar year, and shall send a copy of the 24212  
cumulative report, no later than the first day of March in the 24213  
calendar year following the calendar year covered by the report, 24214  
to the attorney general. Each report received by the attorney 24215  
general is a public record open for inspection under section 24216  
149.43 of the Revised Code. Not later than the fifteenth day of 24217  
April in the calendar year in which the reports are received, the 24218

attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(a) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(b) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(c) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(C) The prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who has responsibility for the prosecution of the underlying criminal case or administrative proceeding, or the attorney general if the attorney general has that responsibility, shall file a petition for the forfeiture, to the seizing law enforcement agency of the contraband seized pursuant to division (A) of this section. The petition shall be filed in the court that has jurisdiction over the underlying criminal case or administrative proceeding involved in the forfeiture. If the property was seized on the basis of both a criminal violation and an administrative regulation violation, the petition shall be filed by the officer and in the court that is appropriate in relation to the criminal case.

The petitioner shall conduct or cause to be conducted a search of the appropriate public records that relate to the seized property for the purpose of determining, and shall make or cause to be made reasonably diligent inquiries for the purpose of determining, any person having an ownership or security interest in the property. The petitioner then shall give notice of the

forfeiture proceedings by personal service or by certified mail, 24250  
return receipt requested, to any persons known, because of the 24251  
conduct of the search, the making of the inquiries, or otherwise, 24252  
to have an ownership or security interest in the property, and 24253  
shall publish notice of the proceedings once each week for two 24254  
consecutive weeks in a newspaper of general circulation in the 24255  
county in which the seizure occurred. The notices shall be 24256  
personally served, mailed, and first published at least four weeks 24257  
before the hearing. They shall describe the property seized; state 24258  
the date and place of seizure; name the law enforcement agency 24259  
that seized the property and, if applicable, that is holding the 24260  
property; list the time, date, and place of the hearing; and state 24261  
that any person having an ownership or security interest in the 24262  
property may contest the forfeiture. 24263

If the property seized was determined by the seizing law 24264  
enforcement officer to be contraband because of its relationship 24265  
to an underlying criminal offense or administrative violation, no 24266  
forfeiture hearing shall be held under this section unless the 24267  
person pleads guilty to or is convicted of the commission of, or 24268  
an attempt or conspiracy to commit, the offense or a different 24269  
offense arising out of the same facts and circumstances or unless 24270  
the person admits or is adjudicated to have committed the 24271  
administrative violation or a different violation arising out of 24272  
the same facts and circumstances; a forfeiture hearing shall be 24273  
held in a case of that nature no later than forty-five days after 24274  
the conviction or the admission or adjudication of the violation, 24275  
unless the time for the hearing is extended by the court for good 24276  
cause shown. The owner of any property seized because of its 24277  
relationship to an underlying criminal offense or administrative 24278  
violation may request the court to release the property to the 24279  
owner. Upon receipt of a request of that nature, if the court 24280  
determines that the property is not needed as evidence in the 24281  
underlying criminal case or administrative proceeding, the court 24282

may permit the release of the property to the owner. As a 24283  
condition precedent to a release of that nature, the court may 24284  
require the owner to execute a bond with the court. Any bond so 24285  
required shall have sufficient sureties approved by the court, 24286  
shall be in a sum equal to the value of the property, as 24287  
determined by the court, and shall be conditioned upon the return 24288  
of the property to the court if the property is forfeited under 24289  
this section. Any property seized because of its relationship to 24290  
an underlying criminal offense or administrative violation shall 24291  
be returned to its owner if charges are not filed in relation to 24292  
that underlying offense or violation within thirty days after the 24293  
seizure, if charges of that nature are filed and subsequently are 24294  
dismissed, or if charges of that nature are filed and the person 24295  
charged does not plead guilty to and is not convicted of the 24296  
offense or does not admit and is not found to have committed the 24297  
violation. 24298

If the property seized was determined by the seizing law 24299  
enforcement officer to be contraband other than because of a 24300  
relationship to an underlying criminal offense or administrative 24301  
violation, the forfeiture hearing under this section shall be held 24302  
no later than forty-five days after the seizure, unless the time 24303  
for the hearing is extended by the court for good cause shown. 24304

Where possible, a court holding a forfeiture hearing under 24305  
this section shall follow the Rules of Civil Procedure. When a 24306  
hearing is conducted under this section, property shall be 24307  
forfeited upon a showing, by a preponderance of the evidence, by 24308  
the petitioner that the person from which the property was seized 24309  
was in violation of division (A) of section 2933.42 of the Revised 24310  
Code. If that showing is made, the court shall issue an order of 24311  
forfeiture. If an order of forfeiture is issued in relation to 24312  
contraband that was released to the owner or the owner's agent 24313  
pursuant to this division or division (B)(1) of this section, the 24314

order shall require the owner to deliver the property, by a 24315  
specified date, to the law enforcement agency that employed the 24316  
law enforcement officer who made the seizure of the property, and 24317  
the court shall deliver a copy of the order to the owner or send a 24318  
copy of it by certified mail, return receipt requested, to the 24319  
owner at the address to which notice of the seizure was given 24320  
under division (A)(2) of this section. Except as otherwise 24321  
provided in this division, all rights, interest, and title to the 24322  
forfeited contraband vests in the state, effective from the date 24323  
of seizure. 24324

No property shall be forfeited pursuant to this division if 24325  
the owner of the property establishes, by a preponderance of the 24326  
evidence, that the owner neither knew, nor should have known after 24327  
a reasonable inquiry, that the property was used, or was likely to 24328  
be used, in a crime or administrative violation. No bona fide 24329  
security interest shall be forfeited pursuant to this division if 24330  
the holder of the interest establishes, by a preponderance of the 24331  
evidence, that the holder of the interest neither knew, nor should 24332  
have known after a reasonable inquiry, that the property was used, 24333  
or likely to be used, in a crime or administrative violation, that 24334  
the holder of the interest did not expressly or impliedly consent 24335  
to the use of the property in a crime or administrative violation, 24336  
and that the security interest was perfected pursuant to law prior 24337  
to the seizure. If the holder of the interest satisfies the court 24338  
that these requirements are met, the interest shall be preserved 24339  
by the court. In a case of that nature, the court shall either 24340  
order that the agency to which the property is forfeited reimburse 24341  
the holder of the interest to the extent of the preserved interest 24342  
or order that the holder be paid for the interest from the 24343  
proceeds of any sale pursuant to division (D) of this section. 24344

(D)(1) Contraband ordered forfeited pursuant to this section 24345  
shall be disposed of pursuant to divisions (D)(1) to (7) of 24346

section 2933.41 of the Revised Code or, if the contraband is not 24347  
described in those divisions, may be used, with the approval of 24348  
the court, by the law enforcement agency that has custody of the 24349  
contraband pursuant to division (D)(8) of that section. In the 24350  
case of contraband not described in any of those divisions and of 24351  
contraband not disposed of pursuant to any of those divisions, the 24352  
contraband shall be sold in accordance with this division or, in 24353  
the case of forfeited moneys, disposed of in accordance with this 24354  
division. If the contraband is to be sold, the prosecuting 24355  
attorney shall cause a notice of the proposed sale of the 24356  
contraband to be given in accordance with law, and the property 24357  
shall be sold, without appraisal, at a public auction to the 24358  
highest bidder for cash. The proceeds of a sale and forfeited 24359  
moneys shall be applied in the following order: 24360

(a) First, to the payment of the costs incurred in connection 24361  
with the seizure of, storage of, maintenance of, and provision of 24362  
security for the contraband, the forfeiture proceeding, and, if 24363  
any, the sale; 24364

(b) Second, the remaining proceeds or forfeited moneys after 24365  
compliance with division (D)(1)(a) of this section, to the payment 24366  
of the balance due on any security interest preserved pursuant to 24367  
division (C) of this section; 24368

(c) Third, the remaining proceeds or forfeited moneys after 24369  
compliance with divisions (D)(1)(a) and (b) of this section, as 24370  
follows: 24371

(i) If the forfeiture was ordered in a juvenile court, ten 24372  
per cent to one or more alcohol and drug addiction treatment 24373  
programs that are certified by the department of alcohol and drug 24374  
addiction services under section 3793.06 of the Revised Code and 24375  
that are specified in the order of forfeiture. A juvenile court 24376  
shall not certify an alcohol or drug addiction treatment program 24377  
in the order of forfeiture unless the program is a certified 24378

alcohol and drug addiction treatment program and, except as 24379  
provided in division (D)(1)(c)(i) of this section, unless the 24380  
program is located in the county in which the court that orders 24381  
the forfeiture is located or in a contiguous county. If no 24382  
certified alcohol and drug addiction treatment program is located 24383  
in any of those counties, the juvenile court may specify in the 24384  
order a certified alcohol and drug addiction treatment program 24385  
located anywhere within this state. 24386

(ii) If the forfeiture was ordered in a juvenile court, 24387  
ninety per cent, and if the forfeiture was ordered in a court 24388  
other than a juvenile court, one hundred per cent to the law 24389  
enforcement trust fund of the prosecuting attorney and to the law 24390  
enforcement trust fund of the county sheriff if the county sheriff 24391  
made the seizure, to the law enforcement trust fund of a municipal 24392  
corporation if its police department made the seizure, to the law 24393  
enforcement trust fund of a township if the seizure was made by a 24394  
township police department, township police district police force, 24395  
or office of a township constable, to the law enforcement trust 24396  
fund of a park district created pursuant to section 511.18 or 24397  
1545.01 of the Revised Code if the seizure was made by the park 24398  
district police force or law enforcement department, to the state 24399  
highway patrol contraband, forfeiture, and other fund if the state 24400  
highway patrol made the seizure, to the department of public 24401  
safety investigative unit contraband, forfeiture, and other fund 24402  
if the investigative unit of the department of public safety made 24403  
the seizure, to the department of taxation enforcement fund if the 24404  
department of taxation made the seizure and the controlling board 24405  
approves the deposit of the proceeds or forfeited moneys into the 24406  
fund, to the board of pharmacy drug law enforcement fund created 24407  
by division (B)(1) of section 4729.65 of the Revised Code if the 24408  
board made the seizure, or to the treasurer of state for deposit 24409  
into the peace officer training commission fund if the controlling 24410  
board does not approve deposit of the proceeds or forfeited moneys 24411

into the department of taxation enforcement fund or if a state law 24412  
enforcement agency, other than the state highway patrol, the 24413  
investigative unit of the department of public safety, the 24414  
enforcement division of the department of taxation, or the state 24415  
board of pharmacy, made the seizure. The prosecuting attorney may 24416  
decline to accept any of the remaining proceeds or forfeited 24417  
moneys, and, if the prosecuting attorney so declines, the 24418  
remaining proceeds or forfeited moneys shall be applied to the 24419  
fund described in this division that relates to the law 24420  
enforcement agency that made the seizure. 24421

A law enforcement trust fund shall be established by the 24422  
prosecuting attorney of each county who intends to receive any 24423  
remaining proceeds or forfeited moneys pursuant to this division, 24424  
by the sheriff of each county, by the legislative authority of 24425  
each municipal corporation, by the board of township trustees of 24426  
each township that has a township police department, township 24427  
police district police force, or office of the constable, and by 24428  
the board of park commissioners of each park district created 24429  
pursuant to section 511.18 or 1545.01 of the Revised Code that has 24430  
a park district police force or law enforcement department, for 24431  
the purposes of this division. There is hereby created in the 24432  
state treasury the state highway patrol contraband, forfeiture, 24433  
and other fund, the department of public safety investigative unit 24434  
contraband, forfeiture, and other fund, the department of taxation 24435  
enforcement fund, and the peace officer training commission fund, 24436  
for the purposes described in this division. 24437

Proceeds or forfeited moneys distributed to any municipal 24438  
corporation, township, or park district law enforcement trust fund 24439  
shall be allocated from the fund by the legislative authority only 24440  
to the police department of the municipal corporation, by the 24441  
board of township trustees only to the township police department, 24442  
township police district police force, or office of the constable, 24443

and by the board of park commissioners only to the park district 24444  
police force or law enforcement department. 24445

Additionally, no proceeds or forfeited moneys shall be 24446  
allocated to or used by the state highway patrol, the department 24447  
of public safety, the department of taxation, the state board of 24448  
pharmacy, or a county sheriff, prosecuting attorney, municipal 24449  
corporation police department, township police department, 24450  
township police district police force, office of the constable, or 24451  
park district police force or law enforcement department unless 24452  
the state highway patrol, department of public safety, department 24453  
of taxation, state board of pharmacy, sheriff, prosecuting 24454  
attorney, municipal corporation police department, township police 24455  
department, township police district police force, office of the 24456  
constable, or park district police force or law enforcement 24457  
department has adopted a written internal control policy under 24458  
division (D)(3) of this section that addresses the use of moneys 24459  
received from the state highway patrol contraband, forfeiture, and 24460  
other fund, the department of public safety investigative unit 24461  
contraband, forfeiture, and other fund, the department of taxation 24462  
enforcement fund, the board of pharmacy drug law enforcement fund, 24463  
or the appropriate law enforcement trust fund. 24464

The state highway patrol contraband, forfeiture, and other 24465  
fund, the department of public safety investigative unit 24466  
contraband, forfeiture, and other fund, the department of taxation 24467  
enforcement fund, and a law enforcement trust fund shall be 24468  
expended only in accordance with the written internal control 24469  
policy so adopted by the recipient, and, subject to the 24470  
requirements specified in division (D)(3)(a)(ii) of this section, 24471  
only to pay the costs of protracted or complex investigations or 24472  
prosecutions, to provide reasonable technical training or 24473  
expertise, to provide matching funds to obtain federal grants to 24474  
aid law enforcement, in the support of DARE programs or other 24475

programs designed to educate adults or children with respect to 24476  
the dangers associated with the use of drugs of abuse, to pay the 24477  
costs of emergency action taken under section 3745.13 of the 24478  
Revised Code relative to the operation of an illegal 24479  
methamphetamine laboratory if the forfeited property or money 24480  
involved was that of a person responsible for the operation of the 24481  
laboratory, or for other law enforcement purposes that the 24482  
superintendent of the state highway patrol, department of public 24483  
safety, department of taxation, prosecuting attorney, county 24484  
sheriff, legislative authority, board of township trustees, or 24485  
board of park commissioners determines to be appropriate. The 24486  
board of pharmacy drug law enforcement fund shall be expended only 24487  
in accordance with the written internal control policy so adopted 24488  
by the board and only in accordance with section 4729.65 of the 24489  
Revised Code, except that it also may be expended to pay the costs 24490  
of emergency action taken under section 3745.13 of the Revised 24491  
Code relative to the operation of an illegal methamphetamine 24492  
laboratory if the forfeited property or money involved was that of 24493  
a person responsible for the operation of the laboratory. The 24494  
state highway patrol contraband, forfeiture, and other fund, the 24495  
department of public safety investigative unit contraband, 24496  
forfeiture, and other fund, the department of taxation enforcement 24497  
fund, the board of pharmacy drug law enforcement fund, and a law 24498  
enforcement trust fund shall not be used to meet the operating 24499  
costs of the state highway patrol, of the investigative unit of 24500  
the department of public safety, of the department of taxation 24501  
enforcement division, of the state board of pharmacy, of any 24502  
political subdivision, or of any office of a prosecuting attorney 24503  
or county sheriff that are unrelated to law enforcement. 24504

Proceeds and forfeited moneys that are paid into the state 24505  
treasury to be deposited into the peace officer training 24506  
commission fund shall be used by the commission only to pay the 24507  
costs of peace officer training. 24508

Any sheriff or prosecuting attorney who receives proceeds or 24509  
forfeited moneys pursuant to this division during any calendar 24510  
year shall file a report with the county auditor, no later than 24511  
the thirty-first day of January of the next calendar year, 24512  
verifying that the proceeds and forfeited moneys were expended 24513  
only for the purposes authorized by this division and division 24514  
(D)(3)(a)(ii) of this section and specifying the amounts expended 24515  
for each authorized purpose. Any municipal corporation police 24516  
department that is allocated proceeds or forfeited moneys from a 24517  
municipal corporation law enforcement trust fund pursuant to this 24518  
division during any calendar year shall file a report with the 24519  
legislative authority of the municipal corporation, no later than 24520  
the thirty-first day of January of the next calendar year, 24521  
verifying that the proceeds and forfeited moneys were expended 24522  
only for the purposes authorized by this division and division 24523  
(D)(3)(a)(ii) of this section and specifying the amounts expended 24524  
for each authorized purpose. Any township police department, 24525  
township police district police force, or office of the constable 24526  
that is allocated proceeds or forfeited moneys from a township law 24527  
enforcement trust fund pursuant to this division during any 24528  
calendar year shall file a report with the board of township 24529  
trustees of the township, no later than the thirty-first day of 24530  
January of the next calendar year, verifying that the proceeds and 24531  
forfeited moneys were expended only for the purposes authorized by 24532  
this division and division (D)(3)(a)(ii) of this section and 24533  
specifying the amounts expended for each authorized purpose. Any 24534  
park district police force or law enforcement department that is 24535  
allocated proceeds or forfeited moneys from a park district law 24536  
enforcement trust fund pursuant to this division during any 24537  
calendar year shall file a report with the board of park 24538  
commissioners of the park district, no later than the thirty-first 24539  
day of January of the next calendar year, verifying that the 24540  
proceeds and forfeited moneys were expended only for the purposes 24541

authorized by this division and division (D)(3)(a)(ii) of this 24542  
section and specifying the amounts expended for each authorized 24543  
purpose. The superintendent of the state highway patrol shall file 24544  
a report with the attorney general, no later than the thirty-first 24545  
day of January of each calendar year, verifying that proceeds and 24546  
forfeited moneys paid into the state highway patrol contraband, 24547  
forfeiture, and other fund pursuant to this division during the 24548  
prior calendar year were used by the state highway patrol during 24549  
the prior calendar year only for the purposes authorized by this 24550  
division and specifying the amounts expended for each authorized 24551  
purpose. The executive director of the state board of pharmacy 24552  
shall file a report with the attorney general, no later than the 24553  
thirty-first day of January of each calendar year, verifying that 24554  
proceeds and forfeited moneys paid into the board of pharmacy drug 24555  
law enforcement fund during the prior calendar year were used only 24556  
in accordance with section 4729.65 of the Revised Code and 24557  
specifying the amounts expended for each authorized purpose. The 24558  
peace officer training commission shall file a report with the 24559  
attorney general, no later than the thirty-first day of January of 24560  
each calendar year, verifying that proceeds and forfeited moneys 24561  
paid into the peace officer training commission fund pursuant to 24562  
this division during the prior calendar year were used by the 24563  
commission during the prior calendar year only to pay the costs of 24564  
peace officer training and specifying the amount used for that 24565  
purpose. 24566

The tax commissioner shall file a report with the attorney 24567  
general, not later than the thirty-first day of January of each 24568  
calendar year, verifying that proceeds and forfeited moneys paid 24569  
into the department of taxation enforcement fund pursuant to this 24570  
division during the prior calendar year were used by the 24571  
enforcement division during the prior calendar year to pay only 24572  
the costs of enforcing the tax laws and specifying the amount used 24573  
for that purpose. 24574

(2) If more than one law enforcement agency is substantially 24575  
involved in the seizure of contraband that is forfeited pursuant 24576  
to this section, the court ordering the forfeiture shall equitably 24577  
divide the proceeds or forfeited moneys, after calculating any 24578  
distribution to the law enforcement trust fund of the prosecuting 24579  
attorney pursuant to division (D)(1)(c) of this section, among any 24580  
county sheriff whose office is determined by the court to be 24581  
substantially involved in the seizure, any legislative authority 24582  
of a municipal corporation whose police department is determined 24583  
by the court to be substantially involved in the seizure, any 24584  
board of township trustees whose law enforcement agency is 24585  
determined by the court to be substantially involved in the 24586  
seizure, any board of park commissioners of a park district whose 24587  
police force or law enforcement department is determined by the 24588  
court to be substantially involved in the seizure, the state board 24589  
of pharmacy if it is determined by the court to be substantially 24590  
involved in the seizure, the investigative unit of the department 24591  
of public safety if it is determined by the court to be 24592  
substantially involved in the seizure, the enforcement division of 24593  
the department of taxation if it is determined by the court to be 24594  
substantially involved in the seizure and the controlling board 24595  
approves the deposit of the proceeds or forfeited moneys into the 24596  
fund, and the state highway patrol if it is determined by the 24597  
court to be substantially involved in the seizure. The proceeds or 24598  
forfeited moneys shall be deposited in the respective law 24599  
enforcement trust funds of the county sheriff, municipal 24600  
corporation, township, and park district, the board of pharmacy 24601  
drug law enforcement fund, the department of public safety 24602  
investigative unit contraband, forfeiture, and other fund, the 24603  
department of taxation enforcement fund, or the state highway 24604  
patrol contraband, forfeiture, and other fund, in accordance with 24605  
division (D)(1)(c) of this section. If the controlling board does 24606  
not approve deposit of the proceeds or forfeited moneys into the 24607

department of taxation enforcement fund or if a state law enforcement agency, other than the state highway patrol, the investigative unit of the department of public safety, the department of taxation, or the state board of pharmacy, is determined by the court to be substantially involved in the seizure, the state agency's equitable share of the proceeds and forfeited moneys shall be paid to the treasurer of state for deposit into the peace officer training commission fund.

(3)(a)(i) Prior to being allocated or using any proceeds or forfeited moneys out of the state highway patrol contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, the board of pharmacy drug law enforcement fund, or a law enforcement trust fund under division (D)(1)(c) of this section, the state highway patrol, the department of public safety, the department of taxation, the state board of pharmacy, and a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall adopt a written internal control policy that addresses the state highway patrol's, department of public safety's, department of taxation's, state board of pharmacy's, sheriff's, prosecuting attorney's, police department's, police force's, office of the constable's, or law enforcement department's use and disposition of all the proceeds and forfeited moneys received and that provides for the keeping of detailed financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure, and the amounts, portions, and programs described in division (D)(3)(a)(ii) of this section. The policy shall not provide for or permit the identification of any specific

expenditure that is made in an ongoing investigation. 24641

All financial records of the receipts of the proceeds and 24642  
forfeited moneys, the general types of expenditures made out of 24643  
the proceeds and forfeited moneys, the specific amount of each 24644  
general type of expenditure by the state highway patrol, by the 24645  
department of public safety, by the department of taxation, by the 24646  
state board of pharmacy, and by a sheriff, prosecuting attorney, 24647  
municipal corporation police department, township police 24648  
department, township police district police force, office of the 24649  
constable, or park district police force or law enforcement 24650  
department, and the amounts, portions, and programs described in 24651  
division (D)(3)(a)(ii) of this section are public records open for 24652  
inspection under section 149.43 of the Revised Code. Additionally, 24653  
a written internal control policy adopted under this division is a 24654  
public record of that nature, and the state highway patrol, the 24655  
department of public safety, the department of taxation, the state 24656  
board of pharmacy, or the sheriff, prosecuting attorney, municipal 24657  
corporation police department, township police department, 24658  
township police district police force, office of the constable, or 24659  
park district police force or law enforcement department that 24660  
adopted it shall comply with it. 24661

(ii) The written internal control policy of a county sheriff, 24662  
prosecuting attorney, municipal corporation police department, 24663  
township police department, township police district police force, 24664  
office of the constable, or park district police force or law 24665  
enforcement department shall provide that at least ten per cent of 24666  
the first one hundred thousand dollars of proceeds and forfeited 24667  
moneys deposited during each calendar year in the sheriff's, 24668  
prosecuting attorney's, municipal corporation's, township's, or 24669  
park district's law enforcement trust fund pursuant to division 24670  
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 24671  
section 2925.44 of the Revised Code, and at least twenty per cent 24672

of the proceeds and forfeited moneys exceeding one hundred 24673  
thousand dollars that are so deposited, shall be used in 24674  
connection with community preventive education programs. The 24675  
manner in which the described percentages are so used shall be 24676  
determined by the sheriff, prosecuting attorney, department, 24677  
police force, or office of the constable after the receipt and 24678  
consideration of advice on appropriate community preventive 24679  
education programs from the county's board of alcohol, drug 24680  
addiction, and mental health services, from the county's alcohol 24681  
and drug addiction services board, or through appropriate 24682  
community dialogue. The financial records described in division 24683  
(D)(3)(a)(i) of this section shall specify the amount of the 24684  
proceeds and forfeited moneys deposited during each calendar year 24685  
in the sheriff's, prosecuting attorney's, municipal corporation's, 24686  
township's, or park district's law enforcement trust fund pursuant 24687  
to division (B)(7)(c)(ii) of section 2923.46 or division 24688  
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion 24689  
of that amount that was used pursuant to the requirements of this 24690  
division, and the community preventive education programs in 24691  
connection with which the portion of that amount was so used. 24692

As used in this division, "community preventive education 24693  
programs" includes, but is not limited to, DARE programs and other 24694  
programs designed to educate adults or children with respect to 24695  
the dangers associated with the use of drugs of abuse. 24696

(b) Each sheriff, prosecuting attorney, municipal corporation 24697  
police department, township police department, township police 24698  
district police force, office of the constable, or park district 24699  
police force or law enforcement department that receives in any 24700  
calendar year any proceeds or forfeited moneys out of a law 24701  
enforcement trust fund under division (D)(1)(c) of this section or 24702  
uses any proceeds or forfeited moneys in its law enforcement trust 24703  
fund in any calendar year shall prepare a report covering the 24704

calendar year that cumulates all of the information contained in 24705  
all of the public financial records kept by the sheriff, 24706  
prosecuting attorney, municipal corporation police department, 24707  
township police department, township police district police force, 24708  
office of the constable, or park district police force or law 24709  
enforcement department pursuant to division (D)(3)(a) of this 24710  
section for that calendar year, and shall send a copy of the 24711  
cumulative report, no later than the first day of March in the 24712  
calendar year following the calendar year covered by the report, 24713  
to the attorney general. 24714

The superintendent of the state highway patrol shall prepare 24715  
a report covering each calendar year in which the state highway 24716  
patrol uses any proceeds or forfeited moneys in the state highway 24717  
patrol contraband, forfeiture, and other fund under division 24718  
(D)(1)(c) of this section, that cumulates all of the information 24719  
contained in all of the public financial records kept by the state 24720  
highway patrol pursuant to division (D)(3)(a) of this section for 24721  
that calendar year, and shall send a copy of the cumulative 24722  
report, no later than the first day of March in the calendar year 24723  
following the calendar year covered by the report, to the attorney 24724  
general. 24725

The department of public safety shall prepare a report 24726  
covering each fiscal year in which the department uses any 24727  
proceeds or forfeited moneys in the department of public safety 24728  
investigative unit contraband, forfeiture, and other fund under 24729  
division (D)(1)(c) of this section that cumulates all of the 24730  
information contained in all of the public financial records kept 24731  
by the department pursuant to division (D)(3)(a) of this section 24732  
for that fiscal year. The department shall send a copy of the 24733  
cumulative report to the attorney general no later than the first 24734  
day of August in the fiscal year following the fiscal year covered 24735  
by the report. The director of public safety shall include in the 24736

report a verification that proceeds and forfeited moneys paid into 24737  
the department of public safety investigative unit contraband, 24738  
forfeiture, and other fund under division (D)(1)(c) of this 24739  
section during the preceding fiscal year were used by the 24740  
department during that fiscal year only for the purposes 24741  
authorized by that division and shall specify the amount used for 24742  
each authorized purpose. 24743

The tax commissioner shall prepare a report covering each 24744  
calendar year in which the department of taxation enforcement 24745  
division uses any proceeds or forfeited moneys in the department 24746  
of taxation enforcement fund under division (D)(1)(c) of this 24747  
section, that cumulates all of the information contained in all of 24748  
the public financial records kept by the department of taxation 24749  
enforcement division pursuant to division (D)(3)(a) of this 24750  
section for that calendar year, and shall send a copy of the 24751  
cumulative report, not later than the first day of March in the 24752  
calendar year following the calendar year covered by the report, 24753  
to the attorney general. 24754

The executive director of the state board of pharmacy shall 24755  
prepare a report covering each calendar year in which the board 24756  
uses any proceeds or forfeited moneys in the board of pharmacy 24757  
drug law enforcement fund under division (D)(1)(c) of this 24758  
section, that cumulates all of the information contained in all of 24759  
the public financial records kept by the board pursuant to 24760  
division (D)(3)(a) of this section for that calendar year, and 24761  
shall send a copy of the cumulative report, no later than the 24762  
first day of March in the calendar year following the calendar 24763  
year covered by the report, to the attorney general. Each report 24764  
received by the attorney general is a public record open for 24765  
inspection under section 149.43 of the Revised Code. Not later 24766  
than the fifteenth day of April in the calendar year in which the 24767  
reports are received, the attorney general shall send to the 24768

president of the senate and the speaker of the house of 24769  
representatives a written notification that does all of the 24770  
following: 24771

(i) Indicates that the attorney general has received from 24772  
entities or persons specified in this division reports of the type 24773  
described in this division that cover the previous calendar year 24774  
and indicates that the reports were received under this division; 24775

(ii) Indicates that the reports are open for inspection under 24776  
section 149.43 of the Revised Code; 24777

(iii) Indicates that the attorney general will provide a copy 24778  
of any or all of the reports to the president of the senate or the 24779  
speaker of the house of representatives upon request. 24780

(4)(a) A law enforcement agency that receives pursuant to 24781  
federal law proceeds from a sale of forfeited contraband, proceeds 24782  
from another disposition of forfeited contraband, or forfeited 24783  
contraband moneys shall deposit, use, and account for the proceeds 24784  
or forfeited moneys in accordance with, and otherwise comply with, 24785  
the applicable federal law. 24786

(b) If the state highway patrol receives pursuant to federal 24787  
law proceeds from a sale of forfeited contraband, proceeds from 24788  
another disposition of forfeited contraband, or forfeited 24789  
contraband moneys, the appropriate governmental officials shall 24790  
deposit into the state highway patrol contraband, forfeiture, and 24791  
other fund all interest or other earnings derived from the 24792  
investment of the proceeds or forfeited moneys. The state highway 24793  
patrol shall use and account for that interest or other earnings 24794  
in accordance with the applicable federal law. 24795

(c) If the investigative unit of the department of public 24796  
safety receives pursuant to federal law proceeds from a sale of 24797  
forfeited contraband, proceeds from another disposition of 24798  
forfeited contraband, or forfeited contraband moneys, the 24799

appropriate governmental officials shall deposit into the 24800  
department of public safety investigative unit contraband, 24801  
forfeiture, and other fund all interest or other earnings derived 24802  
from the investment of the proceeds or forfeited moneys. The 24803  
department shall use and account for that interest or other 24804  
earnings in accordance with the applicable federal law. 24805

(d) If the tax commissioner receives pursuant to federal law 24806  
proceeds from a sale of forfeited contraband, proceeds from 24807  
another disposition of forfeited contraband, or forfeited 24808  
contraband moneys, the appropriate governmental officials, after 24809  
obtaining approval from the controlling board, shall deposit into 24810  
the department of taxation enforcement fund all interest or other 24811  
earnings derived from the investment of the proceeds or forfeited 24812  
moneys. The department shall use and account for that interest or 24813  
other earnings in accordance with the applicable federal law. If 24814  
the controlling board does not approve deposit of the interest or 24815  
other earnings into the department of taxation enforcement fund, 24816  
the interest or other earnings shall be paid to the treasurer of 24817  
state for deposit into the peace officer training commission fund. 24818

(e) Divisions (D)(1) to (3) of this section do not apply to 24819  
proceeds or forfeited moneys received pursuant to federal law or 24820  
to the interest or other earnings that are derived from the 24821  
investment of proceeds or forfeited moneys received pursuant to 24822  
federal law and that are described in division (D)(4)(b) of this 24823  
section. 24824

(E) Upon the sale pursuant to this section of any property 24825  
that is required to be titled or registered under law, the state 24826  
shall issue an appropriate certificate of title or registration to 24827  
the purchaser. If the state is vested with title pursuant to 24828  
division (C) of this section and elects to retain property that is 24829  
required to be titled or registered under law, the state shall 24830  
issue an appropriate certificate of title or registration. 24831

(F) Notwithstanding any provisions of this section to the contrary, any property that is lawfully seized in relation to a violation of section 2923.32 of the Revised Code shall be subject to forfeiture and disposition in accordance with sections 2923.32 to 2923.36 of the Revised Code; any property that is forfeited pursuant to section 2923.44 or 2923.45 of the Revised Code in relation to a violation of section 2923.42 of the Revised Code or in relation to an act of a juvenile that is a violation of section 2923.42 of the Revised Code may be subject to forfeiture and disposition in accordance with sections 2923.44 to 2923.47 of the Revised Code; and any property that is forfeited pursuant to section 2925.42 or 2925.43 of the Revised Code in relation to a felony drug abuse offense, as defined in section 2925.01 of the Revised Code, or in relation to an act that, if committed by an adult, would be a felony drug abuse offense of that nature, may be subject to forfeiture and disposition in accordance with sections 2925.41 to 2925.45 of the Revised Code or this section.

(G) Any failure of a law enforcement officer or agency, a prosecuting attorney, village solicitor, city director of law, or similar chief legal officer, a court, or the attorney general to comply with any duty imposed by this section in relation to any property seized or with any other provision of this section in relation to any property seized does not affect the validity of the seizure of the property, provided the seizure itself was made in accordance with law, and is not and shall not be considered to be the basis for the suppression of any evidence resulting from the seizure of the property, provided the seizure itself was made in accordance with law.

(H) Contraband that has been forfeited pursuant to division (C) of this section shall not be available for use to pay any fine imposed upon a person who is convicted of or pleads guilty to an underlying criminal offense or a different offense arising out of

the same facts and circumstances. 24864

**Sec. 2935.36.** (A) The prosecuting attorney may establish 24865  
pre-trial diversion programs for adults who are accused of 24866  
committing criminal offenses and whom the prosecuting attorney 24867  
believes probably will not offend again. The prosecuting attorney 24868  
may require, as a condition of an accused's participation in the 24869  
program, the accused to pay a reasonable fee for supervision 24870  
services that include, but are not limited to, monitoring and drug 24871  
testing. The programs shall be operated pursuant to written 24872  
standards approved by journal entry by the presiding judge or, in 24873  
courts with only one judge, the judge of the court of common pleas 24874  
and shall not be applicable to any of the following: 24875

(1) Repeat offenders or dangerous offenders; 24876

(2) Persons accused of an offense of violence, of a violation 24877  
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 24878  
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 24879  
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 24880  
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 24881  
Code that, had it occurred prior to July 1, 1996, would have been 24882  
a violation of section 2905.04 of the Revised Code as it existed 24883  
prior to that date, with the exception that the prosecuting 24884  
attorney may permit persons accused of any such offense to enter a 24885  
pre-trial diversion program, if the prosecuting attorney finds any 24886  
of the following: 24887

(a) The accused did not cause, threaten, or intend serious 24888  
physical harm to any person; 24889

(b) The offense was the result of circumstances not likely to 24890  
recur; 24891

(c) The accused has no history of prior delinquency or 24892  
criminal activity; 24893

(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;	24894 24895
(e) Substantial grounds tending to excuse or justify the alleged offense.	24896 24897
(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code;	24898 24899
(4) Drug dependent persons or persons in danger of becoming drug dependent persons, as defined in section 3719.011 of the Revised Code. However, this division does not affect the eligibility of such persons for intervention in lieu of conviction pursuant to section 2951.041 of the Revised Code.	24900 24901 24902 24903 24904
(5) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance.	24905 24906 24907
(B) An accused who enters a diversion program shall do all of the following:	24908 24909
(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the accused, and arraignment, unless the hearing, indictment, or arraignment has already occurred;	24910 24911 24912 24913 24914 24915
(2) Agree, in writing, to the tolling while in the program of all periods of limitation established by statutes or rules of court, that are applicable to the offense with which the accused is charged and to the conditions of the diversion program established by the prosecuting attorney;	24916 24917 24918 24919 24920
<u>(3) Agree, in writing, to pay any reasonable fee for supervision services established by the prosecuting attorney.</u>	24921 24922
(C) The trial court, upon the application of the prosecuting	24923

attorney, shall order the release from confinement of any accused 24924  
who has agreed to enter a pre-trial diversion program and shall 24925  
discharge and release any existing bail and release any sureties 24926  
on recognizances and shall release the accused on a recognizance 24927  
bond conditioned upon the accused's compliance with the terms of 24928  
the diversion program. The prosecuting attorney shall notify every 24929  
victim of the crime and the arresting officers of the prosecuting 24930  
attorney's intent to permit the accused to enter a pre-trial 24931  
diversion program. The victim of the crime and the arresting 24932  
officers shall have the opportunity to file written objections 24933  
with the prosecuting attorney prior to the commencement of the 24934  
pre-trial diversion program. 24935

(D) If the accused satisfactorily completes the diversion 24936  
program, the prosecuting attorney shall recommend to the trial 24937  
court that the charges against the accused be dismissed, and the 24938  
court, upon the recommendation of the prosecuting attorney, shall 24939  
dismiss the charges. If the accused chooses not to enter the 24940  
prosecuting attorney's diversion program, or if the accused 24941  
violates the conditions of the agreement pursuant to which the 24942  
accused has been released, the accused may be brought to trial 24943  
upon the charges in the manner provided by law, and the waiver 24944  
executed pursuant to division (B)(1) of this section shall be void 24945  
on the date the accused is removed from the program for the 24946  
violation. 24947

(E) As used in this section: 24948

(1) "Repeat offender" means a person who has a history of 24949  
persistent criminal activity and whose character and condition 24950  
reveal a substantial risk that the person will commit another 24951  
offense. It is prima-facie evidence that a person is a repeat 24952  
offender if any of the following applies: 24953

(a) Having been convicted of one or more offenses of violence 24954  
and having been imprisoned pursuant to sentence for any such 24955

offense, the person commits a subsequent offense of violence;	24956
(b) Having been convicted of one or more sexually oriented offenses as defined in section 2950.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent sexually oriented offense;	24957 24958 24959 24960 24961
(c) Having been convicted of one or more theft offenses as defined in section 2913.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those theft offenses, the person commits a subsequent theft offense;	24962 24963 24964 24965
(d) Having been convicted of one or more felony drug abuse offenses as defined in section 2925.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those felony drug abuse offenses, the person commits a subsequent felony drug abuse offense;	24966 24967 24968 24969 24970
(e) Having been convicted of two or more felonies and having been imprisoned pursuant to sentence for one or more felonies, the person commits a subsequent offense;	24971 24972 24973
(f) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.	24974 24975 24976 24977 24978
(2) "Dangerous offender" means a person who has committed an offense, whose history, character, and condition reveal a substantial risk that the person will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences.	24979 24980 24981 24982 24983 24984
<b>Sec. 2949.091.</b> (A)(1) The court, in which any person is	24985

convicted of or pleads guilty to any offense other than a traffic 24986  
offense that is not a moving violation, shall impose the sum of 24987  
~~eleven~~ fifteen dollars as costs in the case in addition to any 24988  
other court costs that the court is required by law to impose upon 24989  
the offender. All such moneys collected during a month shall be 24990  
transmitted on or before the twentieth day of the following month 24991  
by the clerk of the court to the treasurer of state and deposited 24992  
by the treasurer of state into the general revenue fund. The court 24993  
shall not waive the payment of the additional ~~eleven~~ fifteen 24994  
dollars court costs, unless the court determines that the offender 24995  
is indigent and waives the payment of all court costs imposed upon 24996  
the indigent offender. 24997

(2) The juvenile court, in which a child is found to be a 24998  
delinquent child or a juvenile traffic offender for an act which, 24999  
if committed by an adult, would be an offense other than a traffic 25000  
offense that is not a moving violation, shall impose the sum of 25001  
~~eleven~~ fifteen dollars as costs in the case in addition to any 25002  
other court costs that the court is required or permitted by law 25003  
to impose upon the delinquent child or juvenile traffic offender. 25004  
All such moneys collected during a month shall be transmitted on 25005  
or before the twentieth day of the following month by the clerk of 25006  
the court to the treasurer of state and deposited by the treasurer 25007  
of state into the general revenue fund. The ~~eleven~~ fifteen dollars 25008  
court costs shall be collected in all cases unless the court 25009  
determines the juvenile is indigent and waives the payment of all 25010  
court costs, or enters an order on its journal stating that it has 25011  
determined that the juvenile is indigent, that no other court 25012  
costs are to be taxed in the case, and that the payment of the 25013  
~~eleven~~ fifteen dollars court costs is waived. 25014

(B) Whenever a person is charged with any offense other than 25015  
a traffic offense that is not a moving violation and posts bail, 25016  
the court shall add to the amount of the bail the ~~eleven~~ fifteen 25017

dollars required to be paid by division (A)(1) of this section. 25018  
The ~~eleven~~ fifteen dollars shall be retained by the clerk of the 25019  
court until the person is convicted, pleads guilty, forfeits bail, 25020  
is found not guilty, or has the charges dismissed. If the person 25021  
is convicted, pleads guilty, or forfeits bail, the clerk shall 25022  
transmit the ~~eleven~~ fifteen dollars on or before the twentieth day 25023  
of the month following the month in which the person was 25024  
convicted, pleaded guilty, or forfeited bail to the treasurer of 25025  
state, who shall deposit it into the general revenue fund. If the 25026  
person is found not guilty or the charges are dismissed, the clerk 25027  
shall return the ~~eleven~~ fifteen dollars to the person. 25028

(C) No person shall be placed or held in a detention facility 25029  
for failing to pay the additional ~~eleven~~ fifteen dollars court 25030  
costs or bail that are required to be paid by this section. 25031

(D) As used in this section: 25032

(1) "Moving violation" and "bail" have the same meanings as 25033  
in section 2743.70 of the Revised Code. 25034

(2) "Detention facility" has the same meaning as in section 25035  
2921.01 of the Revised Code. 25036

**Sec. 3111.04.** (A) An action to determine the existence or 25037  
nonexistence of the father and child relationship may be brought 25038  
by the child or the child's personal representative, the child's 25039  
mother or her personal representative, a man alleged or alleging 25040  
himself to be the child's father, the child support enforcement 25041  
agency of the county in which the child resides if the child's 25042  
mother is a recipient of public assistance or of services under 25043  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 25044  
U.S.C.A. 651, as amended, or the alleged father's personal 25045  
representative. 25046

(B) An agreement does not bar an action under this section. 25047

(C) If an action under this section is brought before the 25048  
birth of the child and if the action is contested, all 25049  
proceedings, except service of process and the taking of 25050  
depositions to perpetuate testimony, may be stayed until after the 25051  
birth. 25052

(D) A recipient of public assistance or of services under 25053  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 25054  
U.S.C.A. 651, as amended, shall cooperate with the child support 25055  
enforcement agency of the county in which a child resides to 25056  
obtain an administrative determination pursuant to sections 25057  
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 25058  
determination pursuant to sections 3111.01 to 3111.18 of the 25059  
Revised Code, of the existence or nonexistence of a parent and 25060  
child relationship between the father and the child. If the 25061  
recipient fails to cooperate, the agency may commence an action to 25062  
determine the existence or nonexistence of a parent and child 25063  
relationship between the father and the child pursuant to sections 25064  
3111.01 to 3111.18 of the Revised Code. 25065

(E) As used in this section, "public assistance" means 25066  
medical assistance under Chapter 5111. of the Revised Code, 25067  
assistance under Chapter 5107. of the Revised Code, ~~or~~ disability 25068  
financial assistance under Chapter 5115. of the Revised Code, or 25069  
disability medical assistance under Chapter 5115. of the Revised 25070  
Code. 25071

**Sec. 3119.01.** (A) As used in the Revised Code, "child support 25072  
enforcement agency" means a child support enforcement agency 25073  
designated under former section 2301.35 of the Revised Code prior 25074  
to October 1, 1997, or a private or government entity designated 25075  
as a child support enforcement agency under section 307.981 of the 25076  
Revised Code. 25077

(B) As used in this chapter and Chapters 3121., 3123., and 25078

3125. of the Revised Code:	25079
(1) "Administrative child support order" means any order	25080
issued by a child support enforcement agency for the support of a	25081
child pursuant to section 3109.19 or 3111.81 of the Revised Code	25082
or former section 3111.211 of the Revised Code, section 3111.21 of	25083
the Revised Code as that section existed prior to January 1, 1998,	25084
or section 3111.20 or 3111.22 of the Revised Code as those	25085
sections existed prior to March 22, 2001.	25086
(2) "Child support order" means either a court child support	25087
order or an administrative child support order.	25088
(3) "Obligee" means the person who is entitled to receive the	25089
support payments under a support order.	25090
(4) "Obligor" means the person who is required to pay support	25091
under a support order.	25092
(5) "Support order" means either an administrative child	25093
support order or a court support order.	25094
(C) As used in this chapter:	25095
(1) "Combined gross income" means the combined gross income	25096
of both parents.	25097
(2) "Court child support order" means any order issued by a	25098
court for the support of a child pursuant to Chapter 3115. of the	25099
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,	25100
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,	25101
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised	25102
Code, or division (B) of former section 3113.21 of the Revised	25103
Code.	25104
(3) "Court support order" means either a court child support	25105
order or an order for the support of a spouse or former spouse	25106
issued pursuant to Chapter 3115. of the Revised Code, section	25107
3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B)	25108

of former section 3113.21 of the Revised Code.	25109
(4) "Extraordinary medical expenses" means any uninsured	25110
medical expenses incurred for a child during a calendar year that	25111
exceed one hundred dollars.	25112
(5) "Income" means either of the following:	25113
(a) For a parent who is employed to full capacity, the gross	25114
income of the parent;	25115
(b) For a parent who is unemployed or underemployed, the sum	25116
of the gross income of the parent and any potential income of the	25117
parent.	25118
(6) "Insurer" means any person authorized under Title XXXIX	25119
of the Revised Code to engage in the business of insurance in this	25120
state, any health insuring corporation, and any legal entity that	25121
is self-insured and provides benefits to its employees or members.	25122
(7) "Gross income" means, except as excluded in division	25123
(C)(7) of this section, the total of all earned and unearned	25124
income from all sources during a calendar year, whether or not the	25125
income is taxable, and includes income from salaries, wages,	25126
overtime pay, and bonuses to the extent described in division (D)	25127
of section 3119.05 of the Revised Code; commissions; royalties;	25128
tips; rents; dividends; severance pay; pensions; interest; trust	25129
income; annuities; social security benefits, including retirement,	25130
disability, and survivor benefits that are not means-tested;	25131
workers' compensation benefits; unemployment insurance benefits;	25132
disability insurance benefits; benefits that are not means-tested	25133
and that are received by and in the possession of the veteran who	25134
is the beneficiary for any service-connected disability under a	25135
program or law administered by the United States department of	25136
veterans' affairs or veterans' administration; spousal support	25137
actually received; and all other sources of income. "Gross income"	25138
includes income of members of any branch of the United States	25139

armed services or national guard, including, amounts representing 25140  
base pay, basic allowance for quarters, basic allowance for 25141  
subsistence, supplemental subsistence allowance, cost of living 25142  
adjustment, specialty pay, variable housing allowance, and pay for 25143  
training or other types of required drills; self-generated income; 25144  
and potential cash flow from any source. 25145

"Gross income" does not include any of the following: 25146

(a) Benefits received from means-tested government 25147  
administered programs, including Ohio works first; prevention, 25148  
retention, and contingency; means-tested veterans' benefits; 25149  
supplemental security income; food stamps; disability financial 25150  
assistance; or other assistance for which eligibility is 25151  
determined on the basis of income or assets; 25152

(b) Benefits for any service-connected disability under a 25153  
program or law administered by the United States department of 25154  
veterans' affairs or veterans' administration that are not 25155  
means-tested, that have not been distributed to the veteran who is 25156  
the beneficiary of the benefits, and that are in the possession of 25157  
the United States department of veterans' affairs or veterans' 25158  
administration; 25159

(c) Child support received for children who were not born or 25160  
adopted during the marriage at issue; 25161

(d) Amounts paid for mandatory deductions from wages such as 25162  
union dues but not taxes, social security, or retirement in lieu 25163  
of social security; 25164

(e) Nonrecurring or unsustainable income or cash flow items; 25165

(f) Adoption assistance and foster care maintenance payments 25166  
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 25167  
501, 42 U.S.C.A. 670 (1980), as amended. 25168

(8) "Nonrecurring or unsustainable income or cash flow item" 25169

means an income or cash flow item the parent receives in any year 25170  
or for any number of years not to exceed three years that the 25171  
parent does not expect to continue to receive on a regular basis. 25172  
"Nonrecurring or unsustainable income or cash flow item" does not 25173  
include a lottery prize award that is not paid in a lump sum or 25174  
any other item of income or cash flow that the parent receives or 25175  
expects to receive for each year for a period of more than three 25176  
years or that the parent receives and invests or otherwise uses to 25177  
produce income or cash flow for a period of more than three years. 25178

(9)(a) "Ordinary and necessary expenses incurred in 25179  
generating gross receipts" means actual cash items expended by the 25180  
parent or the parent's business and includes depreciation expenses 25181  
of business equipment as shown on the books of a business entity. 25182

(b) Except as specifically included in "ordinary and 25183  
necessary expenses incurred in generating gross receipts" by 25184  
division (C)(9)(a) of this section, "ordinary and necessary 25185  
expenses incurred in generating gross receipts" does not include 25186  
depreciation expenses and other noncash items that are allowed as 25187  
deductions on any federal tax return of the parent or the parent's 25188  
business. 25189

(10) "Personal earnings" means compensation paid or payable 25190  
for personal services, however denominated, and includes wages, 25191  
salary, commissions, bonuses, draws against commissions, profit 25192  
sharing, vacation pay, or any other compensation. 25193

(11) "Potential income" means both of the following for a 25194  
parent who the court pursuant to a court support order, or a child 25195  
support enforcement agency pursuant to an administrative child 25196  
support order, determines is voluntarily unemployed or voluntarily 25197  
underemployed: 25198

(a) Imputed income that the court or agency determines the 25199  
parent would have earned if fully employed as determined from the 25200

following criteria:	25201
(i) The parent's prior employment experience;	25202
(ii) The parent's education;	25203
(iii) The parent's physical and mental disabilities, if any;	25204
(iv) The availability of employment in the geographic area in which the parent resides;	25205 25206
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	25207 25208
(vi) The parent's special skills and training;	25209
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	25210 25211
(viii) The age and special needs of the child for whom child support is being calculated under this section;	25212 25213
(ix) The parent's increased earning capacity because of experience;	25214 25215
(x) Any other relevant factor.	25216
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	25217 25218 25219 25220 25221
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	25222 25223
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent	25224 25225 25226 25227 25228 25229

from self-employment, the operation of a business, or rents, 25230  
including company cars, free housing, reimbursed meals, and other 25231  
benefits, if the reimbursements are significant and reduce 25232  
personal living expenses. 25233

(14) "Split parental rights and responsibilities" means a 25234  
situation in which there is more than one child who is the subject 25235  
of an allocation of parental rights and responsibilities and each 25236  
parent is the residential parent and legal custodian of at least 25237  
one of those children. 25238

(15) "Worksheet" means the applicable worksheet that is used 25239  
to calculate a parent's child support obligation as set forth in 25240  
sections 3119.022 and 3119.023 of the Revised Code. 25241

**Sec. 3121.01.** As used in this chapter: 25242

(A) "Court child support order," "court support order," and 25243  
"personal earnings" have the same meanings as in section 3119.01 25244  
of the Revised Code. 25245

(B) "Default" means any failure to pay under a support order 25246  
that is an amount greater than or equal to the amount of support 25247  
payable under the support order for one month. 25248

(C) "Financial institution" means a bank, savings and loan 25249  
association, or credit union, or a regulated investment company or 25250  
mutual fund. 25251

(D) "Income" means any form of monetary payment, including 25252  
personal earnings; workers' compensation payments; unemployment 25253  
compensation benefits to the extent permitted by, and in 25254  
accordance with, sections 3121.07 and 4141.284 of the Revised 25255  
Code, and federal law governing the department of job and family 25256  
services; pensions; annuities; allowances; private or governmental 25257  
retirement benefits; disability or sick pay; insurance proceeds; 25258  
lottery prize awards; federal, state, or local government benefits 25259

to the extent that the benefits can be withheld or deducted under 25260  
the law governing the benefits; any form of trust fund or 25261  
endowment; lump sum payments, including a one-time pay supplement 25262  
of one hundred fifty dollars or more paid under section 124.183 of 25263  
the Revised Code; and any other payment in money. 25264

(E) "Payor" means any person or entity that pays or 25265  
distributes income to an obligor, including an obligor if the 25266  
obligor is self-employed; an employer; an employer paying an 25267  
obligor's workers' compensation benefits; the public employees 25268  
retirement board; the governing entity of a municipal retirement 25269  
system; the board of trustees of the Ohio police and fire pension 25270  
fund; the state teachers retirement board; the school employees 25271  
retirement board; the state highway patrol retirement board; a 25272  
provider, as defined in section 3305.01 of the Revised Code; the 25273  
bureau of workers' compensation; or any other person or entity 25274  
other than the department of job and family services with respect 25275  
to unemployment compensation benefits paid pursuant to Chapter 25276  
4141. of the Revised Code. 25277

**Sec. 3123.952.** A child support enforcement agency may submit 25278  
the name of a delinquent obligor to the office of child support 25279  
for inclusion on a poster only if all of the following apply: 25280

(A) The obligor is subject to a support order and there has 25281  
been an attempt to enforce the order through a public notice, a 25282  
wage withholding order, a lien on property, a financial 25283  
institution deduction order, or other court-ordered procedures. 25284

(B) The department of job and family services reviewed the 25285  
obligor's records and confirms the child support enforcement 25286  
agency's finding that the obligor's name and photograph may be 25287  
submitted to be displayed on a poster. 25288

(C) The agency does not know or is unable to verify the 25289  
obligor's whereabouts. 25290

(D) The obligor is not a participant in Ohio works first or 25291  
the prevention, retention, and contingency program or a recipient 25292  
of disability financial assistance, supplemental security income, 25293  
or food stamps. 25294

(E) The child support enforcement agency does not have 25295  
evidence that the obligor has filed for protection under the 25296  
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 25297

(F) The obligee gave written authorization to the agency to 25298  
display the obligor on a poster. 25299

(G) A legal representative of the agency and a child support 25300  
enforcement administrator reviewed the case. 25301

(H) The agency is able to submit to the department a 25302  
description and photograph of the obligor, a statement of the 25303  
possible locations of the obligor, and any other information 25304  
required by the department. 25305

**Sec. 3125.12.** Each child support enforcement agency shall 25306  
enter into a plan of cooperation with the board of county 25307  
commissioners under section 307.983 of the Revised Code and comply 25308  
with ~~the partnership~~ each fiscal agreement the board enters into 25309  
under section 307.98 and contracts the board enters into under 25310  
sections 307.981 and 307.982 of the Revised Code that affect the 25311  
agency. 25312

**Sec. 3301.0710.** The state board of education shall adopt 25313  
rules establishing a statewide program to test student 25314  
achievement. The state board shall ensure that all tests 25315  
administered under the testing program are aligned with the 25316  
academic standards and model curricula adopted by the state board 25317  
and are created with input from Ohio parents, Ohio classroom 25318  
teachers, Ohio school administrators, and other Ohio school 25319  
personnel pursuant to section 3301.079 of the Revised Code. 25320

The testing program shall be designed to ensure that students 25321  
who receive a high school diploma demonstrate at least high school 25322  
levels of achievement in reading, writing, mathematics, science, 25323  
and social studies. 25324

(A)(1) The state board shall prescribe all of the following: 25325

(a) A statewide achievement test designed to measure the 25326  
level of reading skill expected at the end of third grade; 25327

(b) Two statewide achievement tests, one each designed to 25328  
measure the level of writing and mathematics skill expected at the 25329  
end of fourth grade; 25330

(c) Two statewide achievement tests, one each designed to 25331  
measure the level of science and social studies skill expected at 25332  
the end of fifth grade; 25333

(d) Three statewide achievement tests, one each designed to 25334  
measure the level of reading, writing, and mathematics skill 25335  
expected at the end of seventh grade; 25336

(e) Two statewide achievement tests, one each designed to 25337  
measure the level of science and social studies skill expected at 25338  
the end of eighth grade. 25339

(2) The state board shall determine and designate at least 25340  
four ranges of scores on each of the achievement tests described 25341  
in division (A)(1) of this section. Each range of scores shall be 25342  
deemed to demonstrate a level of achievement so that any student 25343  
attaining a score within such range has achieved one of the 25344  
following: 25345

(a) An advanced level of skill; 25346

(b) A proficient level of skill; 25347

(c) A basic level of skill; 25348

(d) A below basic level of skill. 25349

(B) The tests prescribed under this division shall 25350  
collectively be known as the Ohio graduation tests. The state 25351  
board shall prescribe five statewide high school achievement 25352  
tests, one each designed to measure the level of reading, writing, 25353  
mathematics, science, and social studies skill expected at the end 25354  
of tenth grade, and shall determine and designate the score on 25355  
each such test that shall be deemed to demonstrate that any 25356  
student attaining such score has achieved at least a proficient 25357  
level of skill appropriate for tenth grade. 25358

The state board may enter into a reciprocal agreement with 25359  
the appropriate body or agency of any other state that has similar 25360  
statewide achievement testing requirements for receiving high 25361  
school diplomas, under which any student who has met an 25362  
achievement testing requirement of one state is recognized as 25363  
having met the similar achievement testing requirement of the 25364  
other state for purposes of receiving a high school diploma. For 25365  
purposes of this section and sections 3301.0711 and 3313.61 of the 25366  
Revised Code, any student enrolled in any public high school in 25367  
this state who has met an achievement testing requirement 25368  
specified in a reciprocal agreement entered into under this 25369  
division shall be deemed to have attained at least the applicable 25370  
score designated under this division on each test required by this 25371  
division that is specified in the agreement. 25372

(C) The state board shall annually designate as follows the 25373  
dates on which the tests prescribed under this section shall be 25374  
administered: 25375

(1) For the test prescribed under division (A)(1)(a) of this 25376  
section, as follows: 25377

(a) One date prior to the thirty-first day of December each 25378  
school year; 25379

(b) At least one date of each school year that is not earlier 25380

than Monday of the week containing the eighth day of March; 25381

(c) One date during the summer for students receiving summer 25382  
remediation services under section 3313.608 of the Revised Code. 25383

(2) For the tests prescribed under divisions (A)(1)(b), (c), 25384  
(d), and (e) of this section, at least one date of each school 25385  
year that is not earlier than Monday of the week containing the 25386  
eighth day of March; 25387

(3) For the tests prescribed under division (B) of this 25388  
section, at least one date in each school year that is not earlier 25389  
than Monday of the week containing the fifteenth day of March for 25390  
all tenth grade students and at least one date prior to the 25391  
thirty-first day of December and at least one date subsequent to 25392  
that date but prior to the thirty-first day of March of each 25393  
school year for eleventh and twelfth grade students. 25394

(D) In prescribing test dates pursuant to division (C)(3) of 25395  
this section, the board shall, to the greatest extent practicable, 25396  
provide options to school districts in the case of tests 25397  
administered under that division to eleventh and twelfth grade 25398  
students and in the case of tests administered to students 25399  
pursuant to division (C)(2) of section 3301.0711 of the Revised 25400  
Code. Such options shall include at least an opportunity for 25401  
school districts to give such tests outside of regular school 25402  
hours. 25403

(E) In prescribing test dates pursuant to this section, the 25404  
state board of education shall designate the dates in such a way 25405  
as to allow a reasonable length of time between the administration 25406  
of tests prescribed under this section and any administration of 25407  
the National Assessment of Education Progress Test given to 25408  
students in the same grade level pursuant to section 3301.27 of 25409  
the Revised Code. 25410

(F) The state board shall prescribe a practice version of 25411

each Ohio graduation test described in division (B) of this 25412  
section that is of comparable length to the actual test. 25413

**Sec. 3301.0711.** (A) The department of education shall: 25414

(1) Annually furnish to, grade, and score all tests required 25415  
by section 3301.0710 of the Revised Code to be administered by 25416  
city, local, exempted village, and joint vocational school 25417  
districts, except that each district shall score any test 25418  
administered pursuant to division (B)(8) of this section. In 25419  
furnishing the practice versions of Ohio graduation tests 25420  
prescribed by division (F) of section 3301.0710 of the Revised 25421  
Code, the department shall make the tests available on its website 25422  
for reproduction by districts. In awarding contracts for grading 25423  
tests, the department shall give preference to Ohio-based entities 25424  
employing Ohio residents. 25425

(2) Adopt rules for the ethical use of tests and prescribing 25426  
the manner in which the tests prescribed by section 3301.0710 of 25427  
the Revised Code shall be administered to students. 25428

(B) Except as provided in divisions (C) and (J) of this 25429  
section, the board of education of each city, local, and exempted 25430  
village school district shall, in accordance with rules adopted 25431  
under division (A) of this section: 25432

(1) Administer the test prescribed under division (A)(1)(a) 25433  
of section 3301.0710 of the Revised Code twice annually to all 25434  
students in the third grade who have not attained the score 25435  
designated for that test under division (A)(2)(b) of section 25436  
3301.0710 of the Revised Code and once each summer to students 25437  
receiving summer remediation services under section 3313.608 of 25438  
the Revised Code. 25439

(2) Administer the tests prescribed under division (A)(1)(b) 25440  
of section 3301.0710 of the Revised Code at least once annually to 25441

all students in the fourth grade.	25442
(3) Administer the tests prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	25443 25444 25445
(4) Administer the tests prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	25446 25447 25448
(5) Administer the tests prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	25449 25450 25451
(6) Except as provided in division (B)(7) of this <del>sections</del> <u>section</u> , administer any test prescribed under division (B) of section 3301.0710 of the Revised Code as follows:	25452 25453 25454
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that test designated under that division;	25455 25456 25457 25458
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such test, at any time such test is administered in the district.	25459 25460 25461 25462 25463 25464
(7) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any test prescribed under division (B) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that test designated under that division. A board of a joint vocational school district may also	25465 25466 25467 25468 25469 25470 25471 25472

administer such a test to any student described in division 25473  
(B)(6)(b) of this section. 25474

(8) If the district has been declared to be under an academic 25475  
watch or in a state of academic emergency pursuant to section 25476  
3302.03 of the Revised Code, administer each test prescribed by 25477  
division (F) of section 3301.0710 of the Revised Code in September 25478  
to all ninth grade students, beginning in the school year that 25479  
starts July 1, 2004. 25480

(C)(1)(a) Any student receiving special education services 25481  
under Chapter 3323. of the Revised Code may be excused from taking 25482  
any particular test required to be administered under this section 25483  
if the individualized education program developed for the student 25484  
pursuant to section 3323.08 of the Revised Code excuses the 25485  
student from taking that test and instead specifies an alternate 25486  
assessment method approved by the department of education as 25487  
conforming to requirements of federal law for receipt of federal 25488  
funds for disadvantaged pupils. To the extent possible, the 25489  
individualized education program shall not excuse the student from 25490  
taking a test unless no reasonable accommodation can be made to 25491  
enable the student to take the test. 25492

(b) Any alternate assessment approved by the department for a 25493  
student under this division shall produce measurable results 25494  
comparable to those produced by the tests which the alternate 25495  
assessments are replacing in order to allow for the student's 25496  
assessment results to be included in the data compiled for a 25497  
school district under section 3302.03 of the Revised Code. 25498

(c) Any student enrolled in a chartered nonpublic school who 25499  
has been identified, based on an evaluation conducted in 25500  
accordance with section 3323.03 of the Revised Code or section 504 25501  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 25502  
794, as amended, as a child with a disability shall be excused 25503  
from taking any particular test required to be administered under 25504

this section if a plan developed for the student pursuant to rules 25505  
adopted by the state board excuses the student from taking that 25506  
test. In the case of any student so excused from taking a test, 25507  
the chartered nonpublic school shall not prohibit the student from 25508  
taking the test. 25509

(2) A district board may, for medical reasons or other good 25510  
cause, excuse a student from taking a test administered under this 25511  
section on the date scheduled, but any such test shall be 25512  
administered to such excused student not later than nine days 25513  
following the scheduled date. The board shall annually report the 25514  
number of students who have not taken one or more of the tests 25515  
required by this section to the state board of education not later 25516  
than the thirtieth day of June. 25517

(3) As used in this division, "English-limited student" means 25518  
a student whose primary language is not English, who has been 25519  
enrolled in United States schools for less than three full school 25520  
years, and who within the school year has been identified, in 25521  
accordance with criteria provided by the department of education, 25522  
as lacking adequate proficiency in English for a test under this 25523  
section to produce valid results with respect to that student's 25524  
academic progress. 25525

A school district board or governing authority of a nonpublic 25526  
school may grant a temporary, one-year exemption from any test 25527  
administered under this section to an English-limited student. Not 25528  
more than three temporary one-year exemptions may be granted to 25529  
any student. During any school year in which a student is excused 25530  
from taking one or more tests administered under this section, the 25531  
school district shall assess that student's progress in learning 25532  
English, in accordance with procedures approved by the department. 25533

No district board or governing authority of a chartered 25534  
nonpublic school shall prohibit an English-limited student from 25535  
taking a test under this section. 25536

(D) This division does not apply to any student receiving services pursuant to an individualized education program developed for the student pursuant to section 3323.08 of the Revised Code. 25537  
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(1) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's test performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on a proficiency test or a score in the basic range on an achievement test. ~~This division does not apply to any student receiving services pursuant to an individualized education program developed for the student pursuant to section 3323.08 of the Revised Code.~~ 25540  
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(2) Following any administration of the tests prescribed by division (F) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has been declared to be in a state of academic emergency pursuant to section 3302.03 of the Revised Code shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the tests. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice tests. If any achievement tests in reading and math are adopted by the state board of education for administration in the eighth grade, the district also shall consider the scores received by ninth grade 25556  
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students on those tests in the eighth grade in determining which 25569  
high schools shall provide intervention services. 25570

Each high school selected to provide intervention services 25571  
under this division shall provide intervention services to any 25572  
student whose test results indicate that the student is failing to 25573  
make satisfactory progress toward being able to attain scores at 25574  
the proficient level on the Ohio Graduation Tests. Intervention 25575  
services shall be provided in any skill in which a student 25576  
demonstrates unsatisfactory progress and shall be commensurate 25577  
with the student's test performance. Schools shall provide the 25578  
intervention services prior to the end of the school year, during 25579  
the summer following the ninth grade, in the next succeeding 25580  
school year, or at any combination of those times. 25581

(E) Except as provided in section 3313.608 of the Revised 25582  
Code and division (M) of this section, no school district board of 25583  
education shall utilize any student's failure to attain a 25584  
specified score on any test administered under this section as a 25585  
factor in any decision to deny the student promotion to a higher 25586  
grade level. However, a district board may choose not to promote 25587  
to the next grade level any student who does not take any test 25588  
administered under this section or make up such test as provided 25589  
by division (C)(2) of this section and who is not exempted from 25590  
the requirement to take the test under division (C)(1) or (3) of 25591  
this section. 25592

(F) No person shall be charged a fee for taking any test 25593  
administered under this section. 25594

(G) Not later than sixty days after any administration of any 25595  
test prescribed by section 3301.0710 of the Revised Code, the 25596  
department shall send to each school district board a list of the 25597  
individual test scores of all persons taking the test. For any 25598  
tests administered under this section by a joint vocational school 25599  
district, the department shall also send to each city, local, or 25600

exempted village school district a list of the individual test 25601  
scores of any students of such city, local, or exempted village 25602  
school district who are attending school in the joint vocational 25603  
school district. 25604

(H) Individual test scores on any tests administered under 25605  
this section shall be released by a district board only in 25606  
accordance with section 3319.321 of the Revised Code and the rules 25607  
adopted under division (A) of this section. No district board or 25608  
its employees shall utilize individual or aggregate test results 25609  
in any manner that conflicts with rules for the ethical use of 25610  
tests adopted pursuant to division (A) of this section. 25611

(I) Except as provided in division (G) of this section, the 25612  
department shall not release any individual test scores on any 25613  
test administered under this section and shall adopt rules to 25614  
ensure the protection of student confidentiality at all times. 25615

(J) Notwithstanding division (D) of section 3311.52 of the 25616  
Revised Code, this section does not apply to the board of 25617  
education of any cooperative education school district except as 25618  
provided under rules adopted pursuant to this division. 25619

(1) In accordance with rules that the state board of 25620  
education shall adopt, the board of education of any city, 25621  
exempted village, or local school district with territory in a 25622  
cooperative education school district established pursuant to 25623  
divisions (A) to (C) of section 3311.52 of the Revised Code may 25624  
enter into an agreement with the board of education of the 25625  
cooperative education school district for administering any test 25626  
prescribed under this section to students of the city, exempted 25627  
village, or local school district who are attending school in the 25628  
cooperative education school district. 25629

(2) In accordance with rules that the state board of 25630  
education shall adopt, the board of education of any city, 25631

exempted village, or local school district with territory in a 25632  
cooperative education school district established pursuant to 25633  
section 3311.521 of the Revised Code shall enter into an agreement 25634  
with the cooperative district that provides for the administration 25635  
of any test prescribed under this section to both of the 25636  
following: 25637

(a) Students who are attending school in the cooperative 25638  
district and who, if the cooperative district were not 25639  
established, would be entitled to attend school in the city, 25640  
local, or exempted village school district pursuant to section 25641  
3313.64 or 3313.65 of the Revised Code; 25642

(b) Persons described in division (B)(6)(b) of this section. 25643

Any testing of students pursuant to such an agreement shall 25644  
be in lieu of any testing of such students or persons pursuant to 25645  
this section. 25646

(K)(1) Any chartered nonpublic school may participate in the 25647  
testing program by administering any of the tests prescribed by 25648  
section 3301.0710 of the Revised Code if the chief administrator 25649  
of the school specifies which tests the school wishes to 25650  
administer. Such specification shall be made in writing to the 25651  
superintendent of public instruction prior to the first day of 25652  
August of any school year in which tests are administered and 25653  
shall include a pledge that the nonpublic school will administer 25654  
the specified tests in the same manner as public schools are 25655  
required to do under this section and rules adopted by the 25656  
department. 25657

(2) The department of education shall furnish the tests 25658  
prescribed by section 3301.0710 of the Revised Code to any 25659  
chartered nonpublic school electing to participate under this 25660  
division. 25661

(L)(1) The superintendent of the state school for the blind 25662

and the superintendent of the state school for the deaf shall 25663  
administer the tests described by section 3301.0710 of the Revised 25664  
Code. Each superintendent shall administer the tests in the same 25665  
manner as district boards are required to do under this section 25666  
and rules adopted by the department of education and in conformity 25667  
with division (C)(1)(a) of this section. 25668

(2) The department of education shall furnish the tests 25669  
described by section 3301.0710 of the Revised Code to each 25670  
superintendent. 25671

(M) Notwithstanding division (E) of this section, a school 25672  
district may use a student's failure to attain a score in at least 25673  
the basic range on any of the tests described by division 25674  
(A)(1)(b), (c), (d), or (e) of section 3301.0710 of the Revised 25675  
Code as a factor in retaining that student in the current grade 25676  
level. 25677

(N)(1) All tests required by section 3301.0710 of the Revised 25678  
Code shall become public records pursuant to section 149.43 of the 25679  
Revised Code on the first day of July following the school year 25680  
that the test was administered. 25681

(2) The department may field test proposed test questions 25682  
with samples of students to determine the validity, reliability, 25683  
or appropriateness of test questions for possible inclusion in a 25684  
future year's test. 25685

Field test questions shall not be considered in computing 25686  
test scores for individual students. Field test questions may be 25687  
included as part of the administration of any test required by 25688  
section 3301.0710 of the Revised Code. 25689

(3) Any field test question administered under division 25690  
(N)(2) of this section shall not be a public record. Such field 25691  
test questions shall be redacted from any tests which are released 25692  
as a public record pursuant to division (N)(1) of this section. 25693

**Sec. 3301.0714.** (A) The state board of education shall adopt 25694  
rules for a statewide education management information system. The 25695  
rules shall require the state board to establish guidelines for 25696  
the establishment and maintenance of the system in accordance with 25697  
this section and the rules adopted under this section. The 25698  
guidelines shall include: 25699

(1) Standards identifying and defining the types of data in 25700  
the system in accordance with divisions (B) and (C) of this 25701  
section; 25702

(2) Procedures for annually collecting and reporting the data 25703  
to the state board in accordance with division (D) of this 25704  
section; 25705

(3) Procedures for annually compiling the data in accordance 25706  
with division (G) of this section; 25707

(4) Procedures for annually reporting the data to the public 25708  
in accordance with division (H) of this section. 25709

(B) The guidelines adopted under this section shall require 25710  
the data maintained in the education management information system 25711  
to include at least the following: 25712

(1) Student participation and performance data, for each 25713  
grade in each school district as a whole and for each grade in 25714  
each school building in each school district, that includes: 25715

(a) The numbers of students receiving each category of 25716  
instructional service offered by the school district, such as 25717  
regular education instruction, vocational education instruction, 25718  
specialized instruction programs or enrichment instruction that is 25719  
part of the educational curriculum, instruction for gifted 25720  
students, instruction for handicapped students, and remedial 25721  
instruction. The guidelines shall require instructional services 25722  
under this division to be divided into discrete categories if an 25723

instructional service is limited to a specific subject, a specific 25724  
type of student, or both, such as regular instructional services 25725  
in mathematics, remedial reading instructional services, 25726  
instructional services specifically for students gifted in 25727  
mathematics or some other subject area, or instructional services 25728  
for students with a specific type of handicap. The categories of 25729  
instructional services required by the guidelines under this 25730  
division shall be the same as the categories of instructional 25731  
services used in determining cost units pursuant to division 25732  
(C)(3) of this section. 25733

(b) The numbers of students receiving support or 25734  
extracurricular services for each of the support services or 25735  
extracurricular programs offered by the school district, such as 25736  
counseling services, health services, and extracurricular sports 25737  
and fine arts programs. The categories of services required by the 25738  
guidelines under this division shall be the same as the categories 25739  
of services used in determining cost units pursuant to division 25740  
(C)(4)(a) of this section. 25741

(c) Average student grades in each subject in grades nine 25742  
through twelve; 25743

(d) Academic achievement levels as assessed by the testing of 25744  
student achievement under sections 3301.0710 and 3301.0711 of the 25745  
Revised Code; 25746

(e) The number of students designated as having a 25747  
handicapping condition pursuant to division (C)(1) of section 25748  
3301.0711 of the Revised Code; 25749

(f) The numbers of students reported to the state board 25750  
pursuant to division (C)(2) of section 3301.0711 of the Revised 25751  
Code; 25752

(g) Attendance rates and the average daily attendance for the 25753  
year. For purposes of this division, a student shall be counted as 25754

present for any field trip that is approved by the school administration.	25755 25756
(h) Expulsion rates;	25757
(i) Suspension rates;	25758
(j) The percentage of students receiving corporal punishment;	25759
(k) Dropout rates;	25760
(l) Rates of retention in grade;	25761
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	25762 25763 25764
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	25765 25766 25767 25768 25769
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	25770 25771 25772 25773 25774 25775 25776
(2) Personnel and classroom enrollment data for each school district, including:	25777 25778
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall	25779 25780 25781 25782 25783 25784

require these categories of data to be maintained for the school 25785  
district as a whole and, wherever applicable, for each grade in 25786  
the school district as a whole, for each school building as a 25787  
whole, and for each grade in each school building. 25788

(b) The total number of employees and the number of full-time 25789  
equivalent employees providing each category of service used 25790  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 25791  
total numbers of licensed employees and nonlicensed employees and 25792  
the numbers of full-time equivalent licensed employees and 25793  
nonlicensed employees providing each category used pursuant to 25794  
division (C)(4)(c) of this section. The guidelines adopted under 25795  
this section shall require these categories of data to be 25796  
maintained for the school district as a whole and, wherever 25797  
applicable, for each grade in the school district as a whole, for 25798  
each school building as a whole, and for each grade in each school 25799  
building. 25800

(c) The total number of regular classroom teachers teaching 25801  
classes of regular education and the average number of pupils 25802  
enrolled in each such class, in each of grades kindergarten 25803  
through five in the district as a whole and in each school 25804  
building in the school district. 25805

(3)(a) Student demographic data for each school district, 25806  
including information regarding the gender ratio of the school 25807  
district's pupils, the racial make-up of the school district's 25808  
pupils, and an appropriate measure of the number of the school 25809  
district's pupils who reside in economically disadvantaged 25810  
households. The demographic data shall be collected in a manner to 25811  
allow correlation with data collected under division (B)(1) of 25812  
this section. Categories for data collected pursuant to division 25813  
(B)(3) of this section shall conform, where appropriate, to 25814  
standard practices of agencies of the federal government. 25815

(b) With respect to each student entering kindergarten, 25816

whether the student previously participated in a public preschool 25817  
program, a private preschool program, or a head start program, and 25818  
the number of years the student participated in each of these 25819  
programs. 25820

(C) The education management information system shall include 25821  
cost accounting data for each district as a whole and for each 25822  
school building in each school district. The guidelines adopted 25823  
under this section shall require the cost data for each school 25824  
district to be maintained in a system of mutually exclusive cost 25825  
units and shall require all of the costs of each school district 25826  
to be divided among the cost units. The guidelines shall require 25827  
the system of mutually exclusive cost units to include at least 25828  
the following: 25829

(1) Administrative costs for the school district as a whole. 25830  
The guidelines shall require the cost units under this division 25831  
(C)(1) to be designed so that each of them may be compiled and 25832  
reported in terms of average expenditure per pupil in formula ADM 25833  
in the school district, as determined pursuant to section 3317.03 25834  
of the Revised Code. 25835

(2) Administrative costs for each school building in the 25836  
school district. The guidelines shall require the cost units under 25837  
this division (C)(2) to be designed so that each of them may be 25838  
compiled and reported in terms of average expenditure per 25839  
full-time equivalent pupil receiving instructional or support 25840  
services in each building. 25841

(3) Instructional services costs for each category of 25842  
instructional service provided directly to students and required 25843  
by guidelines adopted pursuant to division (B)(1)(a) of this 25844  
section. The guidelines shall require the cost units under 25845  
division (C)(3) of this section to be designed so that each of 25846  
them may be compiled and reported in terms of average expenditure 25847  
per pupil receiving the service in the school district as a whole 25848

and average expenditure per pupil receiving the service in each 25849  
building in the school district and in terms of a total cost for 25850  
each category of service and, as a breakdown of the total cost, a 25851  
cost for each of the following components: 25852

(a) The cost of each instructional services category required 25853  
by guidelines adopted under division (B)(1)(a) of this section 25854  
that is provided directly to students by a classroom teacher; 25855

(b) The cost of the instructional support services, such as 25856  
services provided by a speech-language pathologist, classroom 25857  
aide, multimedia aide, or librarian, provided directly to students 25858  
in conjunction with each instructional services category; 25859

(c) The cost of the administrative support services related 25860  
to each instructional services category, such as the cost of 25861  
personnel that develop the curriculum for the instructional 25862  
services category and the cost of personnel supervising or 25863  
coordinating the delivery of the instructional services category. 25864

(4) Support or extracurricular services costs for each 25865  
category of service directly provided to students and required by 25866  
guidelines adopted pursuant to division (B)(1)(b) of this section. 25867  
The guidelines shall require the cost units under division (C)(4) 25868  
of this section to be designed so that each of them may be 25869  
compiled and reported in terms of average expenditure per pupil 25870  
receiving the service in the school district as a whole and 25871  
average expenditure per pupil receiving the service in each 25872  
building in the school district and in terms of a total cost for 25873  
each category of service and, as a breakdown of the total cost, a 25874  
cost for each of the following components: 25875

(a) The cost of each support or extracurricular services 25876  
category required by guidelines adopted under division (B)(1)(b) 25877  
of this section that is provided directly to students by a 25878  
licensed employee, such as services provided by a guidance 25879

counselor or any services provided by a licensed employee under a supplemental contract; 25880  
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(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer; 25882  
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(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category. 25885  
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(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the data acquisition site operated under section 3301.075 of the Revised Code and is authorized by the district or acquisition site to have access to such information. The guidelines may require school districts to provide the social 25890  
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security numbers of individual staff members. 25912

(2) The guidelines shall provide for each school district or 25913  
community school to assign a data verification code that is unique 25914  
on a statewide basis over time to each student whose initial Ohio 25915  
enrollment is in that district or school and to report all 25916  
required individual student data for that student utilizing such 25917  
code. The guidelines shall also provide for assigning data 25918  
verification codes to all students enrolled in districts or 25919  
community schools on the effective date of the guidelines 25920  
established under this section. 25921

Individual student data shall be reported to the department 25922  
through the data acquisition sites utilizing the code but at no 25923  
time shall the state board or the department have access to 25924  
information that would enable any data verification code to be 25925  
matched to personally identifiable student data. 25926

Each school district shall ensure that the data verification 25927  
code is included in the student's records reported to any 25928  
subsequent school district or community school in which the 25929  
student enrolls and shall remove all references to the code in any 25930  
records retained in the district or school that pertain to any 25931  
student no longer enrolled. Any such subsequent district or school 25932  
shall utilize the same identifier in its reporting of data under 25933  
this section. 25934

(E) The guidelines adopted under this section may require 25935  
school districts to collect and report data, information, or 25936  
reports other than that described in divisions (A), (B), and (C) 25937  
of this section for the purpose of complying with other reporting 25938  
requirements established in the Revised Code. The other data, 25939  
information, or reports may be maintained in the education 25940  
management information system but are not required to be compiled 25941  
as part of the profile formats required under division (G) of this 25942  
section or the annual statewide report required under division (H) 25943

of this section. 25944

(F) Beginning with the school year that begins July 1, 1991, 25945  
the board of education of each school district shall annually 25946  
collect and report to the state board, in accordance with the 25947  
guidelines established by the board, the data required pursuant to 25948  
this section. A school district may collect and report these data 25949  
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 25950

(G) The state board shall, in accordance with the procedures 25951  
it adopts, annually compile the data reported by each school 25952  
district pursuant to division (D) of this section. The state board 25953  
shall design formats for profiling each school district as a whole 25954  
and each school building within each district and shall compile 25955  
the data in accordance with these formats. These profile formats 25956  
shall: 25957

(1) Include all of the data gathered under this section in a 25958  
manner that facilitates comparison among school districts and 25959  
among school buildings within each school district; 25960

(2) Present the data on academic achievement levels as 25961  
assessed by the testing of student achievement maintained pursuant 25962  
to division (B)(1)(e) of this section so that the academic 25963  
achievement levels of students who are excused from taking any 25964  
such test pursuant to division (C)(1) of section 3301.0711 of the 25965  
Revised Code are distinguished from the academic achievement 25966  
levels of students who are not so excused. 25967

(H)(1) The state board shall, in accordance with the 25968  
procedures it adopts, annually prepare a statewide report for all 25969  
school districts and the general public that includes the profile 25970  
of each of the school districts developed pursuant to division (G) 25971  
of this section. Copies of the report shall be sent to each school 25972  
district. 25973

(2) The state board shall, in accordance with the procedures 25974

it adopts, annually prepare an individual report for each school 25975  
district and the general public that includes the profiles of each 25976  
of the school buildings in that school district developed pursuant 25977  
to division (G) of this section. Copies of the report shall be 25978  
sent to the superintendent of the district and to each member of 25979  
the district board of education. 25980

(3) Copies of the reports received from the state board under 25981  
divisions (H)(1) and (2) of this section shall be made available 25982  
to the general public at each school district's offices. Each 25983  
district board of education shall make copies of each report 25984  
available to any person upon request and payment of a reasonable 25985  
fee for the cost of reproducing the report. The board shall 25986  
annually publish in a newspaper of general circulation in the 25987  
school district, at least twice during the two weeks prior to the 25988  
week in which the reports will first be available, a notice 25989  
containing the address where the reports are available and the 25990  
date on which the reports will be available. 25991

(I) Any data that is collected or maintained pursuant to this 25992  
section and that identifies an individual pupil is not a public 25993  
record for the purposes of section 149.43 of the Revised Code. 25994

(J) As used in this section: 25995

(1) "School district" means any city, local, exempted 25996  
village, or joint vocational school district. 25997

(2) "Cost" means any expenditure for operating expenses made 25998  
by a school district excluding any expenditures for debt 25999  
retirement except for payments made to any commercial lending 26000  
institution for any loan approved pursuant to section 3313.483 of 26001  
the Revised Code. 26002

(K) Any person who removes data from the information system 26003  
established under this section for the purpose of releasing it to 26004  
any person not entitled under law to have access to such 26005

information is subject to section 2913.42 of the Revised Code 26006  
prohibiting tampering with data. 26007

(L) Any time the department of education determines that a 26008  
school district has taken any of the actions described under 26009  
division (L)(1), (2), or (3) of this section, it shall make a 26010  
report of the actions of the district, send a copy of the report 26011  
to the superintendent of such school district, and maintain a copy 26012  
of the report in its files: 26013

(1) The school district fails to meet any deadline 26014  
established pursuant to this section for the reporting of any data 26015  
to the education management information system; 26016

(2) The school district fails to meet any deadline 26017  
established pursuant to this section for the correction of any 26018  
data reported to the education management information system; 26019

(3) The school district reports data to the education 26020  
management information system in a condition, as determined by the 26021  
department, that indicates that the district did not make a good 26022  
faith effort in reporting the data to the system. 26023

Any report made under this division shall include 26024  
recommendations for corrective action by the school district. 26025

Upon making a report for the first time in a fiscal year, the 26026  
department shall withhold ten per cent of the total amount due 26027  
during that fiscal year under Chapter 3317. of the Revised Code to 26028  
the school district to which the report applies. Upon making a 26029  
second report in a fiscal year, the department shall withhold an 26030  
additional twenty per cent of such total amount due during that 26031  
fiscal year to the school district to which the report applies. 26032  
The department shall not release such funds unless it determines 26033  
that the district has taken corrective action. However, no such 26034  
release of funds shall occur if the district fails to take 26035  
corrective action within forty-five days of the date upon which 26036

the report was made by the department. 26037

(M) ~~The department of education, after consultation with the~~ 26038  
~~Ohio education computer network, may provide at no cost to school~~ 26039  
~~districts uniform computer software for use in reporting data to~~ 26040  
~~the education management information system, provided that no~~ 26041  
~~school district shall be required to utilize such software to~~ 26042  
~~report data to the education management information system if such~~ 26043  
~~district is so reporting data in an accurate, complete, and timely~~ 26044  
~~manner in a format compatible with that required by the education~~ 26045  
~~management information system~~ No data acquisition site or school 26046  
district shall acquire, change, or update its student 26047  
administration software package to manage and report data required 26048  
to be reported to the department unless it converts to a student 26049  
software package that is certified by the department. 26050

(N) The state board of education, in accordance with sections 26051  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 26052  
license as defined under division (A) of section 3319.31 of the 26053  
Revised Code that has been issued to any school district employee 26054  
found to have willfully reported erroneous, inaccurate, or 26055  
incomplete data to the education management information system. 26056

(O) No person shall release or maintain any information about 26057  
any student in violation of this section. Whoever violates this 26058  
division is guilty of a misdemeanor of the fourth degree. 26059

(P) The department shall disaggregate the data collected 26060  
under division (B)(1)(o) of this section according to the race and 26061  
socioeconomic status of the students assessed. No data collected 26062  
under that division shall be included on the report cards required 26063  
by section 3302.03 of the Revised Code. 26064

(Q) If the department cannot compile any of the information 26065  
required by division (D)(5) of section 3302.03 of the Revised Code 26066  
based upon the data collected under this section, the department 26067

shall develop a plan and a reasonable timeline for the collection 26068  
of any data necessary to comply with that division. 26069

Sec. 3301.31. As used in this section and sections 3301.32 to 26070  
3301.38 of the Revised Code: 26071

(A) "Eligible individual" means an individual eligible for 26072  
Title IV-A services under a head start program. 26073

(B) "Head start agency" means any or all of the following: 26074

(1) An entity in this state that has been approved to be an 26075  
agency for purposes of the "Head Start Act," 95 Stat. 489 (1981), 26076  
42 U.S.C. 9831, as amended; 26077

(2) A Title IV-A head start agency; 26078

(3) A Title IV-A head start plus agency. 26079

(C) "Head start program" has the same meaning as in section 26080  
5104.01 of the Revised Code. 26081

(D) "Title IV-A services" means benefits and services that 26082  
are allowable under Title IV-A of the "Social Security Act," as 26083  
specified in 42 U.S.C.A 604(a), except that they shall not be 26084  
benefits and services included in the term "assistance" as defined 26085  
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 26086  
excluded from the definition of the term "assistance" under 45 26087  
C.F.R. 260.31(b). 26088

(E) "Title IV-A head start agency" means an agency receiving 26089  
funds to operate a head start program as prescribed in section 26090  
3301.34 of the Revised Code. 26091

(F) "Title IV-A head start plus agency" means an agency 26092  
receiving funds to operate a head start program as prescribed in 26093  
section 3301.35 of the Revised Code. 26094

Sec. 3301.33. (A) There is hereby established the Title IV-A 26095

head start program to provide head start program services to 26096  
eligible individuals. 26097

(B) In accordance with the interagency agreement described in 26098  
division (C) of this section, there is hereby established the 26099  
Title IV-A head start plus program to provide year-long head start 26100  
program services and child care services to eligible individuals. 26101

(C) The programs established under divisions (A) and (B) of 26102  
this section shall be administered by the department of education 26103  
in accordance with an interagency agreement entered into with the 26104  
department of job and family services under section 5101.801 of 26105  
the Revised Code. This interagency agreement shall establish the 26106  
implementation date of the Title IV-A head start plus program, 26107  
which is July 1, 2004. The programs shall provide Title IV-A 26108  
services to eligible individuals who meet eligibility requirements 26109  
established in rules and administrative orders adopted by the 26110  
department of job and family services under Chapter 5104. of the 26111  
Revised Code. The department of job and family services and the 26112  
department of education jointly shall adopt policies and 26113  
procedures establishing program requirements for eligibility, 26114  
services, program administration, fiscal accountability, and other 26115  
criteria necessary to comply with the provisions of Title IV-A of 26116  
the "Social Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), 26117  
as amended. 26118

The department of education shall be responsible for 26119  
approving through an application process all Title IV-A head start 26120  
agencies and Title IV-A head start plus agencies for provision of 26121  
services under the programs established under this section. An 26122  
agency that is not approved by the department shall not be 26123  
reimbursed for the cost of providing services under the programs. 26124

Sec. 3301.34. In administering the Title IV-A head start 26125

program established under division (A) of section 3301.33 of the 26126  
Revised Code, the department of education shall enter into a 26127  
contract with each Title IV-A head start agency establishing the 26128  
terms and conditions applicable to the provision of Title IV-A 26129  
services for eligible individuals. The contracts shall specify the 26130  
respective duties of the Title IV-A head start agencies and the 26131  
department of education, reporting requirements, eligibility 26132  
requirements, reimbursement methodology, audit requirements, and 26133  
other provisions determined necessary in accordance with section 26134  
3301.38 of the Revised Code. The department of education shall 26135  
reimburse the Title IV-A head start agencies for Title IV-A 26136  
services provided to individuals determined eligible for Title 26137  
IV-A services by the county department of job and family services 26138  
in accordance with the terms of the contract, policies and 26139  
procedures adopted by the department of education and the 26140  
department of job and family services under section 3301.33 of the 26141  
Revised Code, and the interagency agreement entered into by the 26142  
departments. 26143

The department of education shall ensure that all 26144  
reimbursements paid to a Title IV-A head start agency are only for 26145  
Title IV-A services. 26146

The department of education shall ensure that all 26147  
reimbursements paid to a Title IV-A head start agency are for only 26148  
those individuals determined eligible for Title IV-A services by 26149  
the appropriate county department of job and family services, as 26150  
provided for in section 3301.36 of the Revised Code. 26151

**Sec. 3301.35.** (A) In administering the Title IV-A head start 26152  
plus program established under division (B) of section 3301.33, 26153  
the department of education shall enter into a contract with each 26154  
Title IV-A head start plus agency under which the department shall 26155  
reimburse the agency for allowable expenses in connection to 26156

services provided to eligible individuals. 26157

(B) Each county department of job and family services shall 26158  
assist the department of education in administering the program 26159  
within its respective county in accordance with requirements 26160  
established by the state department of job and family services 26161  
under section 5101.801 of the Revised Code. The county department 26162  
shall ensure that all reimbursements paid to a Title IV-A head 26163  
start plus agency are for only Title IV-A services. 26164

The administration of the Title IV-A head start plus program 26165  
by the county department shall solely consist of determining 26166  
eligibility of individuals and establishing co-payment 26167  
requirements in accordance with rules adopted by the state 26168  
department of job and family services. 26169

(C) The department of education shall enter into contracts 26170  
with only those agencies that have been approved by the department 26171  
of education as a Title IV-A head start plus agency and that have 26172  
been licensed in accordance with section 3301.37 of the Revised 26173  
Code. Each contract entered into under this division shall specify 26174  
all of the following: 26175

(1) Requirements applicable to the allowable use of and 26176  
accountability for Title IV-A funds; 26177

(2) Requirements for access, inspection, and examination of 26178  
the agency's financial and program records by the county 26179  
department, the state department of job and family services, the 26180  
department of education, the auditor of state, and any other state 26181  
or federal agency with authority to inspect and examine such 26182  
records; 26183

(3) Applicable audit requirements applicable to funds 26184  
received under the contract; 26185

(4) Reporting requirements by and for the county department, 26186

the state department of job and family services, and the 26187  
department of education; 26188

(5) Provisions for the department of education to suspend, 26189  
modify, or terminate the contract if the department of education 26190  
suspends or removes the agency from the list of approved Title 26191  
IV-A head start plus agencies or if the state department of job 26192  
and family services denies or revokes a license for the agency. 26193

Sec. 3301.36. Each county department of job and family 26194  
services shall determine eligibility for Title IV-A services for 26195  
individuals seeking Title IV-A services from a Title IV-A head 26196  
start agency or Title IV-A head start plus agency. 26197

Sec. 3301.37. (A) Each entity operating a head start program 26198  
shall be licensed or certified by the department of job and family 26199  
services in accordance with Chapter 5104. of the Revised Code. 26200

(B) Notwithstanding division (A) of this section, any current 26201  
license issued under section 3301.58 of the Revised Code by the 26202  
department of education to an entity operating a head start 26203  
program prior to the effective date of this section is hereby 26204  
deemed to be a license issued by the department of job and family 26205  
services under Chapter 5104. of the Revised Code. The expiration 26206  
date of the license shall be the earlier of the expiration date 26207  
specified in the license as issued under section 3301.58 of the 26208  
Revised Code or September 1, 2005. In order to continue operation 26209  
of its head start program after that expiration date, the entity 26210  
shall obtain a license as prescribed in division (A) of this 26211  
section. 26212

Sec. 3301.38. (A) The department of education shall adopt 26213  
policies and procedures for the approval, suspension, and removal 26214  
of Title IV-A head start and Title IV-A head start plus agencies 26215  
from the approved list of providers. 26216

(B) If a head start program that received state funding prior to July 1, 2001, waives its right to state funding or has its state funding eliminated for not meeting financial standards or program performance standards, the grantee or delegates shall transfer control of title to property, equipment, and remaining supplies purchased with state funds to the department along with any reports prescribed by the department.

(C) Title IV-A head start allocations shall be distributed on a per-pupil basis, which the department may adjust so that the per pupil amount multiplied by the number of eligible children enrolled and receiving services, as defined by the department of education, reported on the first day of December or the first business day following that date equals the amount allocated.

(D) The department of education shall prescribe the assessment instrument and determine target levels for critical performance indicators for the purpose of assessing Title IV-A head start and Title IV-A head start plus agencies. Onsite reviews and follow-up visits shall be based on progress in meeting the prescribed target levels.

(E) The department of education shall require Title IV-A head start and Title IV-A head start plus agencies to:

(1) Address federal head start education and assessment performance standards, as required by 45 C.F.R. 1304.20 to 1304.41 and the Ohio department of education pre-kindergarten math and literacy content standards;

(2) Comply with the department of education prescribed assessment requirements that are aligned with the assessment system for kindergarten through twelfth grade;

(3) Comply with federal head start performance standards for comprehensive services in health, nutrition, mental health, family partnership, and social services as required by 45 C.F.R. 1304.20

to 1304.41; 26248

(4) Require teachers to attend a minimum of twenty hours of professional development as prescribed by the department of education regarding the implementation of content standards and assessment; and 26249  
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(5) Document and report child progress using research-based indicators as prescribed by the department. 26253  
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(F) Costs for developing and administering a Title IV-A head start or Title IV-A head start plus program may not exceed fifteen percent of the total approved costs of the program. 26255  
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(G) In consultation with the department of job and family services, the department of education shall establish program requirements for Title IV-A head start and Title IV-A head start plus agencies. 26258  
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(H) The department of education may examine the financial and program records of Title IV-A head start agencies and Title IV-A head start plus agencies. The department of education shall monitor these agencies to ensure that all Title IV-A funds are used solely for purposes allowable under federal regulations, section 5101.801 of the Revised Code, and the Title IV-A state plan and shall take prompt action to recover funds that are not expended accordingly. The department of job and family services may examine the financial records of Title IV-A head start agencies and Title IV-A head start plus agencies. 26262  
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(I)(1) A Title IV-A head start agency or Title IV-A head start plus agency shall propose and implement a corrective action plan that has been approved by the department of education when the department determines either of the following: 26272  
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(a) The financial practices of the Title IV-A head start agency or Title IV-A head start plus agency are not in accordance with standard accounting principles and federal requirements or do 26276  
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not meet financial standards required in the contract as specified 26279  
under division (C) of section 3301.35 of the Revised Code; 26280

(b) The Title IV-A head start or Title IV-A head start plus 26281  
agency fails to substantially meet the head start performance 26282  
standards or exhibits below average performance as measured 26283  
against the performance indicators. 26284

(2) The approved corrective action plan shall be signed by 26285  
the appropriate official and agency governance body. 26286

(3) The corrective action plan shall include a schedule of 26287  
monitoring by the department of education. This monitoring may 26288  
include monthly reports, inspections, a timeline for correction of 26289  
deficiencies, and technical assistance to be provided by the 26290  
department or obtained by the Title IV-A head start agency or 26291  
Title IV-A head start plus agency. The department may withhold 26292  
funding to a Title IV-A head start agency or a Title IV-A head 26293  
start plus agency. 26294

(4) If a Title IV-A head start agency or a Title IV-A head 26295  
start plus agency fails to satisfactorily complete a corrective 26296  
action, the department may suspend or terminate part or all of the 26297  
funding to the agency and may remove the agency from the approved 26298  
list. 26299

(J) The department shall provide technical assistance to 26300  
Title IV-A head start agencies in administering Title IV-A head 26301  
start programs and to Title IV-A head start plus agencies and 26302  
child care partners in administering head start plus programs. 26303

**Sec. ~~3301.33~~ 3301.40.** (A) As used in this section, "adult 26304  
education" has the meaning as established under the "adult 26305  
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 26306  
amended. 26307

(B) Beginning July 1, 1996, the department of education may 26308

distribute state funds to organizations that qualify for federal 26309  
funds under the "Adult Education Act," 102 Stat. 302 (1988), 20 26310  
1201 to 1213d, as amended. The funds shall be used by qualifying 26311  
organizations to provide adult education services. State funds 26312  
distributed pursuant to this section shall be distributed in 26313  
accordance with the rules adopted by the state board of education 26314  
pursuant to this section. 26315

Each organization that receives funds under this section 26316  
shall file program performance reports with the department. The 26317  
reports shall be filed at times required by state board of 26318  
education rule and contain assessments of individual students as 26319  
they enter, progress through, and exit the adult education 26320  
program; records regarding individual student program 26321  
participation time; reports of individual student retention rates; 26322  
and any other information required by rule. 26323

(C) The state board of education shall adopt rules for the 26324  
distribution of funds under this section. The rules shall include 26325  
the following: 26326

(1) Requirements for program performance reports. 26327

(2) Indicators of adult education program quality, including 26328  
indicators of learner achievement, program environment, program 26329  
planning, curriculum and instruction, staff development, support 26330  
services, and recruitment and retention. 26331

(3) A formula for the distribution of funds under this 26332  
section. The formula shall include as a factor an organization's 26333  
quantifiable success in meeting the indicators of program quality 26334  
established pursuant to division (C)(2) of this section. 26335

(4) Standards and procedures for reducing or discontinuing 26336  
funding to organizations that fail to meet the requirements of 26337  
this section. 26338

(5) Any other requirements or standards considered 26339

appropriate by the board. 26340

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the Revised Code: 26341  
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(A) "Preschool program" means either of the following: 26343

(1) A child day-care program for preschool children that is operated by a school district board of education, or an eligible nonpublic school, ~~a head start grantee, or a head start delegate agency.~~ 26344  
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(2) A child day-care program for preschool children age three or older that is operated by a county MR/DD board. 26348  
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(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age. 26350  
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(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code. 26352  
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(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible nonpublic school. 26355  
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(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program. 26358  
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(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children. 26361  
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(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children. 26364  
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(H) "Eligible nonpublic school" means a nonpublic school 26368

chartered as described in division (B)(8) of section 5104.02 of 26369  
the Revised Code or chartered by the state board of education for 26370  
any combination of grades one through twelve, regardless of 26371  
whether it also offers kindergarten. 26372

(I) "County MR/DD board" means a county board of mental 26373  
retardation and developmental disabilities. 26374

(J) "School child program" means a child day-care program for 26375  
only school children that is operated by a school district board 26376  
of education, county MR/DD board, or eligible nonpublic school. 26377

(K) "School child" and "child day-care" have the same 26378  
meanings as in section 5104.01 of the Revised Code. 26379

(L) "School child program staff member" means an employee 26380  
whose primary responsibility is the care, teaching, or supervision 26381  
of children in a school child program. 26382

~~(M) "Head start" means a program operated in accordance with 26383  
subchapter II of the "Community Economic Development Act," 95 26384  
Stat. 489 (1981), 42 U.S.C. 9831, and amendments thereto. 26385~~

**Sec. 3301.53.** (A) Not later than July 1, 1988, the state 26386  
board of education, in consultation with the director of job and 26387  
family services, shall formulate and prescribe by rule adopted 26388  
under Chapter 119. of the Revised Code minimum standards to be 26389  
applied to preschool programs operated by school district boards 26390  
of education, county MR/DD boards, or eligible nonpublic schools, 26391  
~~head start grantees, and head start delegate agencies.~~ The rules 26392  
shall include the following: 26393

(1) Standards ensuring that the preschool program is located 26394  
in a safe and convenient facility that accommodates the enrollment 26395  
of the program, is of the quality to support the growth and 26396  
development of the children according to the program objectives, 26397  
and meets the requirements of section 3301.55 of the Revised Code; 26398

(2) Standards ensuring that supervision, discipline, and	26399
programs will be administered according to established objectives	26400
and procedures;	26401
(3) Standards ensuring that preschool staff members and	26402
nonteaching employees are recruited, employed, assigned,	26403
evaluated, and provided inservice education without discrimination	26404
on the basis of age, color, national origin, race, or sex; and	26405
that preschool staff members and nonteaching employees are	26406
assigned responsibilities in accordance with written position	26407
descriptions commensurate with their training and experience;	26408
(4) A requirement that boards of education intending to	26409
establish a preschool program on or after March 17, 1989,	26410
demonstrate a need for a preschool program that is not being met	26411
by any existing program providing child day-care, prior to	26412
establishing the program;	26413
(5) Requirements that children participating in preschool	26414
programs have been immunized to the extent considered appropriate	26415
by the state board to prevent the spread of communicable disease;	26416
(6) Requirements that the parents of preschool children	26417
complete the emergency medical authorization form specified in	26418
section 3313.712 of the Revised Code.	26419
(B) The state board of education in consultation with the	26420
director of job and family services shall ensure that the rules	26421
adopted by the state board under sections 3301.52 to 3301.58 of	26422
the Revised Code are consistent with and meet or exceed the	26423
requirements of Chapter 5104. of the Revised Code with regard to	26424
child day-care centers. The state board and the director of job	26425
and family services shall review all such rules at least once	26426
every five years.	26427
(C) On or before January 1, 1992, the state board of	26428
education, in consultation with the director of job and family	26429

services, shall adopt rules for school child programs that are 26430  
consistent with and meet or exceed the requirements of the rules 26431  
adopted for school child day-care centers under Chapter 5104. of 26432  
the Revised Code. 26433

**Sec. 3301.54.** (A)(1) Each preschool program shall be directed 26434  
and supervised by a director, a head teacher, an elementary 26435  
principal, or a site administrator who is on site and responsible 26436  
for supervision of the program. Except as otherwise provided in 26437  
division (A)(2), (3), or (4) of this section, this person shall 26438  
hold a valid educator license designated as appropriate for 26439  
teaching or being an administrator in a preschool setting issued 26440  
pursuant to section 3319.22 of the Revised Code and have completed 26441  
at least four courses in child development or early childhood 26442  
education from an accredited college, university, or technical 26443  
college. 26444

(2) If the person was employed prior to July 1, 1988, by a 26445  
school district board of education or an eligible nonpublic school 26446  
to direct a preschool program, the person shall be considered to 26447  
meet the requirements of this section if the person holds a valid 26448  
kindergarten-primary certificate described under former division 26449  
(A) of section 3319.22 of the Revised Code as it existed on 26450  
January 1, 1996. 26451

(3) If the person is employed to direct a preschool program 26452  
operated by an eligible, nontax-supported, nonpublic school, the 26453  
person shall be considered to meet the requirements of this 26454  
section if the person holds a valid teaching certificate issued in 26455  
accordance with section 3301.071 of the Revised Code. 26456

~~(4) If the person is a site administrator for a head start 26457  
grantee or head start delegate agency, the person shall be 26458  
considered to meet the requirements of this section if the person 26459  
provides evidence that the person has attained at least a high 26460~~

~~school diploma or certification of high school equivalency issued 26461  
by the state board of education or a comparable agency of another 26462  
state, and that the person meets at least one of the following 26463  
requirements: 26464~~

~~(a) Two years of experience working as a child care staff 26465  
member in a child day care center or preschool program and at 26466  
least four courses in child development or early childhood 26467  
education from an accredited college, university, or technical 26468  
college, except that a person who has two years of experience 26469  
working as a child care staff member in a particular day care 26470  
center or preschool program and who has been promoted to or 26471  
designated director shall have one year from the time the person 26472  
was promoted or designated to complete the required four courses; 26473~~

~~(b) Two years of training in an accredited college, 26474  
university, or technical college that includes at least four 26475  
courses in child development or early childhood education; 26476~~

~~(c) A child development associate credential issued by the 26477  
national child development associate credentialing commission; 26478~~

~~(d) An associate or higher degree in child development or 26479  
early childhood education from an accredited college, university, 26480  
or technical college. 26481~~

(B) Each preschool staff member shall be at least eighteen 26482  
years of age and have a high school diploma or a certification of 26483  
high school equivalency issued by the state board of education or 26484  
a comparable agency of another state, except that a staff member 26485  
may be less than eighteen years of age if the staff member is a 26486  
graduate of a two-year vocational child-care training program 26487  
approved by the state board of education, or is a student enrolled 26488  
in the second year of such a program that leads to high school 26489  
graduation, provided that the student performs duties in the 26490  
preschool program under the continuous supervision of an 26491

experienced preschool staff member and receives periodic 26492  
supervision from the vocational child-care training program 26493  
teacher-coordinator in the student's high school. 26494

A preschool staff member shall annually complete fifteen 26495  
hours of inservice training in child development or early 26496  
childhood education, child abuse recognition and prevention, and 26497  
first aid, and in the prevention, recognition, and management of 26498  
communicable diseases, until a total of forty-five hours has been 26499  
completed, unless the staff member holds an associate or higher 26500  
degree in child development or early childhood education from an 26501  
accredited college, university, or technical college, or any type 26502  
of educator license designated as appropriate for teaching in an 26503  
associate teaching position in a preschool setting issued by the 26504  
state board of education pursuant to section 3319.22 of the 26505  
Revised Code. 26506

**Sec. 3301.55.** (A) A school district, county MR/DD board, or 26507  
eligible nonpublic school, ~~head start grantee, or head start~~ 26508  
~~delegate agency~~ operating a preschool program shall house the 26509  
program in buildings that meet the following requirements: 26510

(1) The building is operated by the district, county MR/DD 26511  
board, or eligible nonpublic school, ~~head start grantee, or head~~ 26512  
~~start delegate agency~~ and has been approved by the division of 26513  
industrial compliance in the department of commerce or a certified 26514  
municipal, township, or county building department for the purpose 26515  
of operating a program for preschool children. Any such structure 26516  
shall be constructed, equipped, repaired, altered, and maintained 26517  
in accordance with applicable provisions of Chapters 3781. and 26518  
3791. and with rules adopted by the board of building standards 26519  
under Chapter 3781. of the Revised Code for the safety and 26520  
sanitation of structures erected for this purpose. 26521

(2) The building is in compliance with fire and safety laws 26522

and regulations as evidenced by reports of annual school fire and 26523  
safety inspections as conducted by appropriate local authorities. 26524

(3) The school is in compliance with rules established by the 26525  
state board of education regarding school food services. 26526

(4) The facility includes not less than thirty-five square 26527  
feet of indoor space for each child in the program. Safe play 26528  
space, including both indoor and outdoor play space, totaling not 26529  
less than sixty square feet for each child using the space at any 26530  
one time, shall be regularly available and scheduled for use. 26531

(5) First aid facilities and space for temporary placement or 26532  
isolation of injured or ill children are provided. 26533

(B) Each school district, county MR/DD board, or eligible 26534  
nonpublic school, ~~head start grantee, or head start delegate~~ 26535  
~~agency~~ that operates, or proposes to operate, a preschool program 26536  
shall submit a building plan including all information specified 26537  
by the state board of education to the board not later than the 26538  
first day of September of the school year in which the program is 26539  
to be initiated. The board shall determine whether the buildings 26540  
meet the requirements of this section and section 3301.53 of the 26541  
Revised Code, and notify the superintendent of its determination. 26542  
If the board determines, on the basis of the building plan or any 26543  
other information, that the buildings do not meet those 26544  
requirements, it shall cause the buildings to be inspected by the 26545  
department of education. The department shall make a report to the 26546  
superintendent specifying any aspects of the building that are not 26547  
in compliance with the requirements of this section and section 26548  
3301.53 of the Revised Code and the time period that will be 26549  
allowed the district, county MR/DD board, or school, ~~grantee, or~~ 26550  
~~agency~~ to meet the requirements. 26551

**Sec. 3301.57.** (A) For the purpose of improving programs, 26552  
facilities, and implementation of the standards promulgated by the 26553

state board of education under section 3301.53 of the Revised Code, the state department of education shall provide consultation and technical assistance to school districts, county MR/DD boards, and eligible nonpublic schools, ~~head start grantees, and head start delegate agencies~~ operating preschool programs or school child programs, and inservice training to preschool staff members, school child program staff members, and nonteaching employees.

(B) The department and the school district board of education, county MR/DD board, or eligible nonpublic school, ~~head start grantee, or head start delegate agency~~ shall jointly monitor each preschool program and each school child program.

If the program receives any grant or other funding from the state or federal government, the department annually shall monitor all reports on attendance, financial support, and expenditures according to provisions for use of the funds.

~~(C) The department of job and family services and the department of education shall enter into a contract pursuant to which the department of education inspects preschool programs and school child programs in accordance with sections 3301.52 to 3301.59 of the Revised Code, the rules adopted under those sections, and any applicable procedures in Chapter 5104. of the Revised Code and investigates any complaints filed pursuant to those sections or rules. The contract shall require the department of job and family services to pay the department of education for conducting the inspections and investigations an amount equal to the amount that the department of job and family services would expend conducting the same number of inspections and investigations with its employees under Chapter 5104. of the Revised Code.~~

~~(D)~~ The department of education, at least twice during every twelve-month period of operation of a preschool program or a licensed school child program, shall inspect the program and

provide a written inspection report to the superintendent of the 26586  
school district, county MR/DD board, or eligible nonpublic school, 26587  
~~head start grantee, or head start delegate agency~~. At least one 26588  
inspection shall be unannounced, and all inspections may be 26589  
unannounced. No person shall interfere with any inspection 26590  
conducted pursuant to this division or to the rules adopted 26591  
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 26592

Upon receipt of any complaint that a preschool program or a 26593  
licensed school child program is out of compliance with the 26594  
requirements in sections 3301.52 to 3301.59 of the Revised Code or 26595  
the rules adopted under those sections, the department shall 26596  
investigate and may inspect the program. 26597

~~(E)~~(D) If a preschool program or a licensed school child 26598  
program is determined to be out of compliance with the 26599  
requirements of sections 3301.52 to 3301.59 of the Revised Code or 26600  
the rules adopted under those sections, the department of 26601  
education shall notify the appropriate superintendent, county 26602  
MR/DD board, or eligible nonpublic school, ~~head start grantee, or~~ 26603  
~~head start delegate agency~~ in writing regarding the nature of the 26604  
violation, what must be done to correct the violation, and by what 26605  
date the correction must be made. If the correction is not made by 26606  
the date established by the department, it may commence action 26607  
under Chapter 119. of the Revised Code to close the program or to 26608  
revoke the license of the program. If a program does not comply 26609  
with an order to cease operation issued in accordance with Chapter 26610  
119. of the Revised Code, the department shall notify the attorney 26611  
general, the prosecuting attorney of the county in which the 26612  
program is located, or the city attorney, village solicitor, or 26613  
other chief legal officer of the municipal corporation in which 26614  
the program is located that the program is operating in violation 26615  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 26616  
adopted under those sections and in violation of an order to cease 26617

operation issued in accordance with Chapter 119. of the Revised 26618  
Code. Upon receipt of the notification, the attorney general, 26619  
prosecuting attorney, city attorney, village solicitor, or other 26620  
chief legal officer shall file a complaint in the court of common 26621  
pleas of the county in which the program is located requesting the 26622  
court to issue an order enjoining the program from operating. The 26623  
court shall grant the requested injunctive relief upon a showing 26624  
that the program named in the complaint is operating in violation 26625  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 26626  
adopted under those sections and in violation of an order to cease 26627  
operation issued in accordance with Chapter 119. of the Revised 26628  
Code. 26629

~~(F)~~(E) The department of education shall prepare an annual 26630  
report on inspections conducted under this section. The report 26631  
shall include the number of inspections conducted, the number and 26632  
types of violations found, and the steps taken to address the 26633  
violations. The department shall file the report with the 26634  
governor, the president and minority leader of the senate, and the 26635  
speaker and minority leader of the house of representatives on or 26636  
before the first day of January of each year, beginning in 1999. 26637

**Sec. 3301.58.** (A) The department of education is responsible 26638  
for the licensing of preschool programs and school child programs 26639  
and for the enforcement of sections 3301.52 to 3301.59 of the 26640  
Revised Code and of any rules adopted under those sections. No 26641  
school district board of education, county MR/DD board, or 26642  
eligible nonpublic school, ~~head start grantee, or head start~~ 26643  
~~delegate agency~~ shall operate, establish, manage, conduct, or 26644  
maintain a preschool program without a license issued under this 26645  
section. A school district board of education, county MR/DD board, 26646  
or eligible nonpublic school may obtain a license under this 26647  
section for a school child program. The school district board of 26648  
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 26649

~~start grantee, or head start delegate agency~~ shall post the 26650  
current license for each preschool program and licensed school 26651  
child program it operates, establishes, manages, conducts, or 26652  
maintains in a conspicuous place in the preschool program or 26653  
licensed school child program that is accessible to parents, 26654  
custodians, or guardians and employees and staff members of the 26655  
program at all times when the program is in operation. 26656

(B) Any school district board of education, county MR/DD 26657  
board, or eligible nonpublic school, ~~head start grantee, or head~~ 26658  
~~start delegate agency~~ that desires to operate, establish, manage, 26659  
conduct, or maintain a preschool program shall apply to the 26660  
department of education for a license on a form that the 26661  
department shall prescribe by rule. Any school district board of 26662  
education, county MR/DD board, or eligible nonpublic school that 26663  
desires to obtain a license for a school child program shall apply 26664  
to the department for a license on a form that the department 26665  
shall prescribe by rule. The department shall provide at no charge 26666  
to each applicant for a license under this section a copy of the 26667  
requirements under sections 3301.52 to 3301.59 of the Revised Code 26668  
and any rules adopted under those sections. The department shall 26669  
mail application forms for the renewal of a license at least one 26670  
hundred twenty days prior to the date of the expiration of the 26671  
license, and the application for renewal of a license shall be 26672  
filed with the department at least sixty days before the date of 26673  
the expiration of the existing license. The department may 26674  
establish application fees by rule adopted under Chapter 119. of 26675  
the Revised Code, and all applicants for a license shall pay any 26676  
fee established by the department at the time of making an 26677  
application for a license. All fees collected pursuant to this 26678  
section shall be paid into the state treasury to the credit of the 26679  
general revenue fund. 26680

(C) Upon the filing of an application for a license, the 26681

department of education shall investigate and inspect the 26682  
preschool program or school child program to determine the license 26683  
capacity for each age category of children of the program and to 26684  
determine whether the program complies with sections 3301.52 to 26685  
3301.59 of the Revised Code and any rules adopted under those 26686  
sections. When, after investigation and inspection, the department 26687  
of education is satisfied that sections 3301.52 to 3301.59 of the 26688  
Revised Code and any rules adopted under those sections are 26689  
complied with by the applicant, the department of education shall 26690  
issue the program a provisional license as soon as practicable in 26691  
the form and manner prescribed by the rules of the department. The 26692  
provisional license shall be valid for six months from the date of 26693  
issuance unless revoked. 26694

(D) The department of education shall investigate and inspect 26695  
a preschool program or school child program that has been issued a 26696  
provisional license at least once during operation under the 26697  
provisional license. If, after the investigation and inspection, 26698  
the department of education determines that the requirements of 26699  
sections 3301.52 to 3301.59 of the Revised Code and any rules 26700  
adopted under those sections are met by the provisional licensee, 26701  
the department of education shall issue a license that is 26702  
effective for two years from the date of the issuance of the 26703  
provisional license. 26704

(E) Upon the filing of an application for the renewal of a 26705  
license by a preschool program or school child program, the 26706  
department of education shall investigate and inspect the 26707  
preschool program or school child program. If the department of 26708  
education determines that the requirements of sections 3301.52 to 26709  
3301.59 of the Revised Code and any rules adopted under those 26710  
sections are met by the applicant, the department of education 26711  
shall renew the license for two years from the date of the 26712  
expiration date of the previous license. 26713

(F) The license or provisional license shall state the name 26714  
of the school district board of education, county MR/DD board, or 26715  
eligible nonpublic school, ~~head start grantee, or head start~~ 26716  
~~delegate agency~~ that operates the preschool program or school 26717  
child program and the license capacity of the program. The license 26718  
shall include any other information required by section 5104.03 of 26719  
the Revised Code for the license of a child day-care center. 26720

(G) The department of education may revoke the license of any 26721  
preschool program or school child program that is not in 26722  
compliance with the requirements of sections 3301.52 to 3301.59 of 26723  
the Revised Code and any rules adopted under those sections. 26724

(H) If the department of education revokes a license or 26725  
refuses to renew a license to a program, the department shall not 26726  
issue a license to the program within two years from the date of 26727  
the revocation or refusal. All actions of the department with 26728  
respect to licensing preschool programs and school child programs 26729  
shall be in accordance with Chapter 119. of the Revised Code. 26730

**Sec. 3301.68.** There is hereby created the legislative 26731  
committee on education oversight as a subcommittee of the 26732  
legislative service commission. The committee shall consist of 26733  
five members of the house of representatives appointed by the 26734  
speaker of the house of representatives and five members of the 26735  
senate appointed by the president of the senate. Not more than 26736  
three of the members appointed from each house shall be members of 26737  
the same political party. Members shall serve during the term of 26738  
office to which they were elected. 26739

The committee, subject to the oversight and direction of the 26740  
legislative service commission, shall direct the work of the 26741  
legislative office of education oversight, which is hereby 26742  
established. The committee may employ a staff director and such 26743  
other staff as are necessary for the operation of the office, who 26744

shall be in the unclassified service of the state, and may 26745  
contract for the services of whatever technical advisors are 26746  
necessary for the committee and the office to carry out their 26747  
duties. 26748

The chairperson and vice-chairperson of the legislative 26749  
service commission shall fix the compensation of the director. The 26750  
director, with the approval of the director of the legislative 26751  
service commission, shall fix the compensation of other staff of 26752  
the office in accordance with a salary schedule established by the 26753  
director of the legislative service commission. Contracts for the 26754  
services of necessary technical advisors shall be approved by the 26755  
director of the legislative service commission. 26756

All expenses incurred by the committee or office shall be 26757  
paid upon vouchers approved by the chairperson of the committee. 26758  
The committee shall adopt rules for the conduct of its business 26759  
and the election of officers, except that the office of 26760  
chairperson of the committee shall alternate each general assembly 26761  
between a member of the house of representatives selected by the 26762  
speaker and a member of the senate selected by the president. 26763

The committee shall select, for the office to review and 26764  
evaluate, education and school-related programs that receive state 26765  
financial assistance in any form. The reviews and evaluations may 26766  
include any of the following: 26767

(A) Assessment of the uses school districts and institutions 26768  
of higher education make of state money they receive and 26769  
determination of the extent to which such money improves school 26770  
district or institutional performance in the areas for which the 26771  
money was intended to be used; 26772

(B) Determination of whether an education program meets its 26773  
intended goals, has adequate operating or administrative 26774  
procedures and fiscal controls, encompasses only authorized 26775

activities, has any undesirable or unintended effects, and is 26776  
efficiently managed; 26777

(C) Examination of various pilot programs developed and 26778  
initiated in school districts and at state-assisted colleges and 26779  
universities to determine whether such programs suggest 26780  
innovative, effective ways to deal with problems that may exist in 26781  
other school districts or state-assisted colleges or universities, 26782  
and to assess the fiscal costs and likely impact of adopting such 26783  
programs throughout the state or in other state-assisted colleges 26784  
and universities. 26785

The committee shall report the results of each program review 26786  
the office conducts to the general assembly. 26787

If the general assembly directs the legislative office of 26788  
education oversight to submit a study to the general assembly by a 26789  
particular date, the committee, upon a majority vote of its 26790  
members, may modify the scope and due date of the study to 26791  
accommodate the availability of data and resources. 26792

**Sec. 3301.80.** (A) There is hereby created the Ohio SchoolNet 26793  
commission as an independent agency. The commission shall 26794  
administer programs to provide financial and other assistance to 26795  
school districts and other educational institutions for the 26796  
acquisition and utilization of educational technology. 26797

The commission is a body corporate and politic, an agency of 26798  
the state performing essential governmental functions of the 26799  
state. 26800

(B)(1) The commission shall consist of ~~eleven~~ thirteen 26801  
members, ~~seven~~ nine of whom are voting members. Of the voting 26802  
members, one shall be appointed by the speaker of the house of 26803  
representatives ~~and~~, one shall be appointed by the president of 26804  
the senate, and two shall be appointed by the governor. The 26805

members appointed by the speaker of the house and the president of 26806  
the senate shall not be members of the general assembly. The state 26807  
superintendent of public instruction or a designee of the 26808  
superintendent, the director of budget and management or a 26809  
designee of the director, the director of administrative services 26810  
or a designee of the director, the chairperson of the public 26811  
utilities commission or a designee of the chairperson, and the 26812  
director of the Ohio educational telecommunications network 26813  
commission or a designee of the director shall serve on the 26814  
commission as ex officio voting members. Of the nonvoting members, 26815  
two shall be members of the house of representatives appointed by 26816  
the speaker of the house and two shall be members of the senate 26817  
appointed by the president of the senate. The members appointed 26818  
from each house shall not be members of the same political party. 26819  
The commission shall appoint officers from among its members. 26820

(2) The members shall serve without compensation. The voting 26821  
members appointed by the speaker of the house of representatives 26822  
~~and~~, the president of the senate, and the governor shall be 26823  
reimbursed, pursuant to office of budget and management 26824  
guidelines, for necessary expenses incurred in the performance of 26825  
official duties. 26826

(3) The terms of office for the members appointed by the 26827  
speaker of the house ~~and~~, the president of the senate, and the 26828  
governor shall be for two years, with each term ending on the same 26829  
day of the same month as did the term that it succeeds, except 26830  
that the voting members so appointed may be removed at ~~anytime~~ any 26831  
time by their respective appointing authority. The members 26832  
appointed by the speaker of the house ~~and~~, the president of the 26833  
senate, and the governor may be reappointed. Any member appointed 26834  
from the house of representatives or senate who ceases to be a 26835  
member of the legislative house from which the member was 26836  
appointed shall cease to be a member of the commission. Vacancies 26837

among appointed members shall be filled in the manner provided for 26838  
original appointments. Any member appointed to fill a vacancy 26839  
occurring prior to the expiration date of the term for which a 26840  
predecessor was appointed shall hold office as a member for the 26841  
remainder of that term. The members appointed by the speaker of 26842  
the house ~~and~~, the president of the senate, and the governor shall 26843  
continue in office subsequent to the expiration date of that 26844  
member's term until a successor takes office or until a period of 26845  
sixty days has elapsed, whichever occurs first. 26846

(C)(1) The commission shall be under the supervision of an 26847  
executive director who shall be appointed by the commission. The 26848  
executive director shall serve at the pleasure of the commission 26849  
and shall direct commission employees in the administration of all 26850  
programs for the provision of financial and other assistance to 26851  
school districts and other educational institutions for the 26852  
acquisition and utilization of educational technology. 26853

(2) The employees of the Ohio SchoolNet commission shall be 26854  
placed in the unclassified service. The commission shall fix the 26855  
compensation of the executive director. The executive director 26856  
shall employ and fix the compensation for such employees as 26857  
necessary to facilitate the activities and purposes of the 26858  
commission. The employees shall serve at the pleasure of the 26859  
executive director. 26860

(3) The employees of the Ohio SchoolNet commission shall be 26861  
exempt from Chapter 4117. of the Revised Code and shall not be 26862  
public employees as defined in section 4117.01 of the Revised 26863  
Code. 26864

(D) The Ohio SchoolNet commission shall do all of the 26865  
following: 26866

(1) Make grants to institutions and other organizations as 26867  
prescribed by the general assembly for the provision of technical 26868

assistance, professional development, and other support services 26869  
to enable school districts, community schools established under 26870  
Chapter 3314. of the Revised Code, and other educational 26871  
institutions to utilize educational technology; 26872

(2) Contract with the department of education, state 26873  
institutions of higher education, private nonprofit institutions 26874  
of higher education holding certificates of authorization under 26875  
section 1713.02 of the Revised Code, and such other public or 26876  
private entities as the executive director deems necessary for the 26877  
administration and implementation of the programs under the 26878  
commission's jurisdiction; 26879

(3) Establish a reporting system to which school districts, 26880  
community schools established under Chapter 3314. of the Revised 26881  
Code, and other educational institutions receiving financial 26882  
assistance pursuant to this section for the acquisition of 26883  
educational technology report information as to the manner in 26884  
which such assistance was expended, the manner in which the 26885  
equipment or services purchased with the assistance is being 26886  
utilized, the results or outcome of this utilization, and other 26887  
information as may be required by the commission; 26888

(4) Establish necessary guidelines governing purchasing and 26889  
procurement by participants in programs administered by the 26890  
commission that facilitate the timely and effective implementation 26891  
of such programs; 26892

(5) Take into consideration the efficiency and cost savings 26893  
of statewide procurement prior to allocating and releasing funds 26894  
for any programs under its administration. 26895

(E)(1) The executive director shall implement policies and 26896  
directives issued by the Ohio SchoolNet commission. 26897

(2) The Ohio SchoolNet commission may establish a systems 26898  
support network to facilitate the timely implementation of the 26899

programs, projects, or activities for which it provides 26900  
assistance. 26901

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 26902  
9.332, and 9.333 of the Revised Code do not apply to contracts, 26903  
programs, projects, or activities of the Ohio SchoolNet 26904  
commission. 26905

**Sec. 3307.01.** As used in this chapter: 26906

(A) "Employer" means the board of education, school district, 26907  
governing authority of any community school established under 26908  
Chapter 3314. of the Revised Code, college, university, 26909  
institution, or other agency within the state by which a teacher 26910  
is employed and paid. 26911

(B) "Teacher" means all of the following: 26912

(1) Any person paid from public funds and employed in the 26913  
public schools of the state under any type of contract described 26914  
in section 3319.08 of the Revised Code in a position for which the 26915  
person is required to have a license issued pursuant to sections 26916  
3319.22 to 3319.31 of the Revised Code; 26917

(2) Any person employed as a teacher by a community school 26918  
pursuant to Chapter 3314. of the Revised Code; 26919

(3) Any person holding an internship certificate issued under 26920  
section 3319.28 of the Revised Code and employed in a public 26921  
school in this state; 26922

(4) Any person having a license issued pursuant to sections 26923  
3319.22 to 3319.31 of the Revised Code and employed in a public 26924  
school in this state in an educational position, as determined by 26925  
the state board of education, under programs provided for by 26926  
federal acts or regulations and financed in whole or in part from 26927  
federal funds, but for which no licensure requirements for the 26928  
position can be made under the provisions of such federal acts or 26929

regulations; 26930

(5) Any other teacher or faculty member employed in any 26931  
school, college, university, institution, or other agency wholly 26932  
controlled and managed, and supported in whole or in part, by the 26933  
state or any political subdivision thereof, including Central 26934  
state university, Cleveland state university, the university of 26935  
Toledo, and the medical college of Ohio at Toledo; 26936

(6) The educational employees of the department of education, 26937  
as determined by the state superintendent of public instruction. 26938

In all cases of doubt, the state teachers retirement board 26939  
shall determine whether any person is a teacher, and its decision 26940  
shall be final. 26941

"Teacher" does not include any academic or administrative 26942  
employee of a public institution of higher education, as defined 26943  
in section 3305.01 of the Revised Code, who participates in an 26944  
alternative retirement plan established under Chapter 3305. of the 26945  
Revised Code. 26946

(C) "Member" means any person included in the membership of 26947  
the state teachers retirement system, which shall consist of all 26948  
teachers and contributors as defined in divisions (B) and (D) of 26949  
this section and all disability benefit recipients, as defined in 26950  
section 3307.50 of the Revised Code. However, for purposes of this 26951  
chapter, the following persons shall not be considered members: 26952

(1) A student, intern, or resident who is not a member while 26953  
employed part-time by a school, college, or university at which 26954  
the student, intern, or resident is regularly attending classes; 26955

(2) A person denied membership pursuant to section 3307.24 of 26956  
the Revised Code; 26957

(3) An other system retirant, as defined in section 3307.35 26958  
of the Revised Code, or a superannuate; 26959

(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501.	26960 26961 26962
(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund.	26963 26964
(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.	26965 26966 26967
(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.	26968 26969 26970 26971 26972
(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.	26973 26974 26975
(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.	26976 26977 26978 26979
(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.	26980 26981 26982 26983 26984
(J) "Actuary" means the actuarial consultant to the state teachers retirement board, who shall be either of the following:	26985 26986
(1) A member of the American academy of actuaries;	26987
(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	26988 26989

(K) "Fiduciary" means a person who does any of the following:	26990
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	26991 26992 26993
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	26994 26995
(3) Has any discretionary authority or responsibility in the administration of the system.	26996 26997
(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	26998 26999 27000 27001 27002 27003 27004 27005 27006 27007
(2) Compensation does not include any of the following:	27008
(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	27009 27010 27011 27012
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	27013 27014 27015
(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter are paid;	27016 27017 27018
(d) Amounts paid by the employer to provide life insurance,	27019

sickness, accident, endowment, health, medical, hospital, dental, 27020  
or surgical coverage, or other insurance for the teacher or the 27021  
teacher's family, or amounts paid by the employer to the teacher 27022  
in lieu of providing the insurance; 27023

(e) Incidental benefits, including lodging, food, laundry, 27024  
parking, or services furnished by the employer, use of the 27025  
employer's property or equipment, and reimbursement for 27026  
job-related expenses authorized by the employer, including moving 27027  
and travel expenses and expenses related to professional 27028  
development; 27029

(f) Payments made by the employer in exchange for a member's 27030  
waiver of a right to receive any payment, amount, or benefit 27031  
described in division (L)(2) of this section; 27032

(g) Payments by the employer for services not actually 27033  
rendered; 27034

(h) Any amount paid by the employer as a retroactive increase 27035  
in salary, wages, or other earnings, unless the increase is one of 27036  
the following: 27037

(i) A retroactive increase paid to a member employed by a 27038  
school district board of education in a position that requires a 27039  
license designated for teaching and not designated for being an 27040  
administrator issued under section 3319.22 of the Revised Code 27041  
that is paid in accordance with uniform criteria applicable to all 27042  
members employed by the board in positions requiring the licenses; 27043

(ii) A retroactive increase paid to a member employed by a 27044  
school district board of education in a position that requires a 27045  
license designated for being an administrator issued under section 27046  
3319.22 of the Revised Code that is paid in accordance with 27047  
uniform criteria applicable to all members employed by the board 27048  
in positions requiring the licenses; 27049

(iii) A retroactive increase paid to a member employed by a 27050

school district board of education as a superintendent that is 27051  
also paid as described in division (L)(2)(h)(i) of this section; 27052

(iv) A retroactive increase paid to a member employed by an 27053  
employer other than a school district board of education in 27054  
accordance with uniform criteria applicable to all members 27055  
employed by the employer. 27056

(i) Payments made to or on behalf of a teacher that are in 27057  
excess of the annual compensation that may be taken into account 27058  
by the retirement system under division (a)(17) of section 401 of 27059  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 27060  
401(a)(17), as amended. For a teacher who first establishes 27061  
membership before July 1, 1996, the annual compensation that may 27062  
be taken into account by the retirement system shall be determined 27063  
under division (d)(3) of section 13212 of the "Omnibus Budget 27064  
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 27065

(j) Payments made under division (B), (C), or (E) of section 27066  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 27067  
No. 3 of the 119th general assembly, Section 3 of Amended 27068  
Substitute Senate Bill No. 164 of the 124th general assembly, or 27069  
Amended Substitute House Bill No. 405 of the 124th general 27070  
assembly; 27071

(k) Anything of value received by the teacher that is based 27072  
on or attributable to retirement or an agreement to retire. 27073

(3) The retirement board shall determine by rule both of the 27074  
following: 27075

(a) Whether particular forms of earnings are included in any 27076  
of the categories enumerated in this division; 27077

(b) Whether any form of earnings not enumerated in this 27078  
division is to be included in compensation. 27079

Decisions of the board made under this division shall be 27080

final. 27081

(M) "Superannuate" means both of the following: 27082

(1) A former teacher receiving from the system a retirement 27083  
allowance under section 3307.58 or 3307.59 of the Revised Code; 27084

(2) A former teacher receiving a benefit from the system 27085  
under a plan established under section 3307.81 of the Revised 27086  
Code, except that "superannuate" does not include a former teacher 27087  
who is receiving a benefit based on disability under a plan 27088  
established under section 3307.81 of the Revised Code. 27089

For purposes of ~~section~~ sections 3307.35 and 3307.353 of the 27090  
Revised Code, "superannuate" also means a former teacher receiving 27091  
from the system a combined service retirement benefit paid in 27092  
accordance with section 3307.57 of the Revised Code, regardless of 27093  
which retirement system is paying the benefit. 27094

**Sec. 3307.35.** (A) As used in this section and section 27095  
3307.352 of the Revised Code, "other system retirant" means a 27096  
member or former member of the public employees retirement system, 27097  
Ohio police and fire pension fund, school employees retirement 27098  
system, state highway patrol retirement system, or Cincinnati 27099  
retirement system who is receiving age and service or commuted age 27100  
and service retirement, or a disability benefit from a system of 27101  
which the retirant is a member or former member. 27102

(B) ~~A~~ Subject to this section and section 3307.353 of the 27103  
Revised Code, a superannuate or other system retirant may be 27104  
employed as a teacher. 27105

(C) A superannuate or other system retirant employed in 27106  
accordance with this section shall contribute to the state 27107  
teachers retirement system in accordance with section 3307.26 of 27108  
the Revised Code and the employer shall contribute in accordance 27109  
with sections 3307.28 and 3307.31 of the Revised Code. Such 27110

contributions shall be received as specified in section 3307.14 of 27111  
the Revised Code. A superannuate or other system retirant employed 27112  
as a teacher is not a member of the state teachers retirement 27113  
system, does not have any of the rights, privileges, or 27114  
obligations of membership, except as provided in this section, and 27115  
is not eligible to receive health, medical, hospital, or surgical 27116  
benefits under section 3307.39 of the Revised Code for employment 27117  
subject to this section. 27118

(D) The employer that employs a superannuate or other system 27119  
retirant shall notify the state teachers retirement board of the 27120  
employment not later than the end of the month in which the 27121  
employment commences. Any overpayment of benefits to a 27122  
superannuate by the retirement system resulting from an employer's 27123  
failure to give timely notice may be charged to the employer and 27124  
may be certified and deducted as provided in section 3307.31 of 27125  
the Revised Code. 27126

(E) On receipt of notice from an employer that a person who 27127  
is an other system retirant has been employed, the state teachers 27128  
retirement system shall notify the state retirement system of 27129  
which the other system retirant was a member of such employment. 27130

(F) A superannuate or other system retirant who has received 27131  
an allowance or benefit for less than two months when employment 27132  
subject to this section commences shall forfeit the allowance or 27133  
benefit for any month the superannuate or retirant is employed 27134  
prior to the expiration of such period. Contributions shall be 27135  
made to the retirement system from the first day of such 27136  
employment, but service and contributions for that period shall 27137  
not be used in the calculation of any benefit payable to the 27138  
superannuate or other system retirant, and those contributions 27139  
shall be refunded on the superannuate's or retirant's death or 27140  
termination of the employment. Contributions made on compensation 27141  
earned after the expiration of such period shall be used in 27142

calculation of the benefit or payment due under section 3307.352 27143  
of the Revised Code. 27144

(G) On receipt of notice from the Ohio police and fire 27145  
pension fund, public employees retirement system, or school 27146  
employees retirement system of the re-employment of a 27147  
superannuate, the state teachers retirement system shall not pay, 27148  
or if paid shall recover, the amount to be forfeited by the 27149  
superannuate in accordance with section 145.38, 742.26, or 27150  
3309.341 of the Revised Code. 27151

(H) If the disability benefit of an other system retirant 27152  
employed under this section is terminated, the retirant shall 27153  
become a member of the state teachers retirement system, effective 27154  
on the first day of the month next following the termination, with 27155  
all the rights, privileges, and obligations of membership. If such 27156  
person, after the termination of the retirant's disability 27157  
benefit, earns two years of service credit under this retirement 27158  
system or under the public employees retirement system, Ohio 27159  
police and fire pension fund, school employees retirement system, 27160  
or state highway patrol retirement system, the retirant's prior 27161  
contributions as an other system retirant under this section shall 27162  
be included in the retirant's total service credit, as defined in 27163  
section 3307.50 of the Revised Code, as a state teachers 27164  
retirement system member, and the retirant shall forfeit all 27165  
rights and benefits of this section. Not more than one year of 27166  
credit may be given for any period of twelve months. 27167

(I) This section does not affect the receipt of benefits by 27168  
or eligibility for benefits of any person who on August 20, 1976, 27169  
was receiving a disability benefit or service retirement pension 27170  
or allowance from a state or municipal retirement system in Ohio 27171  
and was a member of any other state or municipal retirement system 27172  
of this state. 27173

(J) The state teachers retirement board may make the 27174

necessary rules to carry into effect this section and to prevent 27175  
the abuse of the rights and privileges thereunder. 27176

Sec. 3307.353. (A) This section applies in the case of a 27177  
person who is or most recently has been employed by an employer in 27178  
a position that is customarily filled by a vote of members of a 27179  
board or commission. 27180

(B) A board or commission that proposes to continue the 27181  
employment as a reemployed superannuate or rehire as a reemployed 27182  
superannuate to the same position an individual described in 27183  
division (A) of this section shall do both of the following in 27184  
accordance with rules adopted under division (C) of this section: 27185

(1) Not less than sixty days before the employment as a 27186  
reemployed superannuate is to begin, give public notice that the 27187  
person is or will be retired and is seeking employment with the 27188  
employer; 27189

(2) Between fifteen and thirty days before the employment as 27190  
a reemployed superannuate is to begin and after complying with 27191  
division (B)(1) of this section, hold a public meeting on the 27192  
issue of the person being employed by the employer. 27193

The notice regarding division (B)(1) of this section shall 27194  
include the time, date, and location at which the public meeting 27195  
is to take place. 27196

(C) The state teachers retirement board shall adopt rules as 27197  
necessary to implement this section. 27198

**Sec. 3309.341. (A) As used in this section and section 27199**  
3309.344 of the Revised Code: 27200

(1) "SERS retirant" means any person who is receiving a 27201  
retirement allowance from the school employees retirement system 27202  
under section 3309.36, 3309.38, or 3309.381 of the Revised Code or 27203

any benefit paid under a plan established under section 3309.81 of 27204  
the Revised Code. 27205

(2) "Other system retirant" means a member or former member 27206  
of the public employees retirement system, Ohio police and fire 27207  
pension fund, state teachers retirement system, state highway 27208  
patrol retirement system, or Cincinnati retirement system who is 27209  
receiving age and service or commuted age and service retirement, 27210  
or a disability benefit from a system of which the retirant is a 27211  
member or former member. 27212

(B)(1) ~~An~~ Subject to this section and section 3309.345 of the 27213  
Revised Code, an SERS retirant or other system retirant may be 27214  
employed by a public employer. If so employed, the SERS retirant 27215  
or other system retirant shall contribute to the school employees 27216  
retirement system in accordance with section 3309.47 of the 27217  
Revised Code, and the employer shall make contributions in 27218  
accordance with section 3309.49 of the Revised Code. 27219

(2) An employer that employs an SERS retirant or other system 27220  
retirant shall notify the retirement board of the employment not 27221  
later than the end of the month in which the employment commences. 27222  
On receipt of notice from an employer that a person who is an 27223  
other system retirant has been employed, the school employees 27224  
retirement system shall notify the state retirement system of 27225  
which the other system retirant was a member of such employment. 27226

(C) An SERS retirant or other system retirant who has 27227  
received a retirement allowance or disability benefit for less 27228  
than two months when employment subject to this section commences 27229  
shall forfeit the retirement allowance or disability benefit for 27230  
any month the SERS retirant or other system retirant is employed 27231  
prior to the expiration of the two-month period. Service and 27232  
contributions for that period shall not be included in the 27233  
calculation of any benefits payable to the SERS retirant or other 27234  
system retirant, and those contributions shall be refunded on 27235

death or termination of the employment. Contributions made on 27236  
compensation earned after the expiration of such period shall be 27237  
used in the calculation of the benefit or payment due under 27238  
section 3309.344 of the Revised Code. 27239

(D) On receipt of notice from the Ohio police and fire 27240  
pension fund, public employees retirement system, or state 27241  
teachers retirement system of the re-employment of an SERS 27242  
retirant, the school employees retirement system shall not pay, or 27243  
if paid shall recover, the amount to be forfeited by the SERS 27244  
retirant in accordance with section 145.38, 742.26, or 3307.35 of 27245  
the Revised Code. 27246

(E) An SERS retirant or other system retirant subject to this 27247  
section is not a member of the school employees retirement system; 27248  
does not have any of the rights, privileges, or obligations of 27249  
membership, except as specified in this section; and is not 27250  
eligible to receive health, medical, hospital, or surgical 27251  
benefits under section 3309.69 of the Revised Code for employment 27252  
subject to this section. 27253

(F) If the disability benefit of an other system retirant 27254  
employed under this section is terminated, the retirant shall 27255  
become a member of the school employees retirement system, 27256  
effective on the first day of the month next following the 27257  
termination, with all the rights, privileges, and obligations of 27258  
membership. If the retirant, after the termination of the 27259  
disability benefit, earns two years of service credit under this 27260  
retirement system or under the public employees retirement system, 27261  
Ohio police and fire pension fund, state teachers retirement 27262  
system, or state highway patrol retirement system, the retirant's 27263  
prior contributions as an other system retirant under this section 27264  
shall be included in the retirant's total service credit as a 27265  
school employees retirement system member, and the retirant shall 27266  
forfeit all rights and benefits of this section. Not more than one 27267

year of credit may be given for any period of twelve months. 27268

(G) This section does not affect the receipt of benefits by 27269  
or eligibility for benefits of any person who on August 29, 1976, 27270  
was receiving a disability benefit or service retirement pension 27271  
or allowance from a state or municipal retirement system in Ohio 27272  
and was a member of any other state or municipal retirement system 27273  
of this state. 27274

(H) The school employees retirement board may adopt rules to 27275  
carry out this section. 27276

Sec. 3309.345. (A) This section applies in the case of a 27277  
person who is or most recently has been employed by an employer in 27278  
a position that is customarily filled by a vote of members of a 27279  
board or commission. 27280

(B) A board or commission that proposes to continue the 27281  
employment as a reemployed retirant or rehire as a reemployed 27282  
retirant to the same position an individual described in division 27283  
(A) of this section shall do both of the following in accordance 27284  
with rules adopted under division (C) of this section: 27285

(1) Not less than sixty days before the employment as a 27286  
reemployed retirant is to begin, give public notice that the 27287  
person is or will be retired and is seeking employment with the 27288  
employer; 27289

(2) Between fifteen and thirty days before the employment as 27290  
a reemployed retirant is to begin and after complying with 27291  
division (B)(1) of this section, hold a public meeting on the 27292  
issue of the person being employed by the employer. 27293

The notice regarding division (B)(1) of this section shall 27294  
include the time, date, and location at which the public meeting 27295  
is to take place. 27296

(C) The school employees retirement board shall adopt rules 27297

as necessary to implement this section. 27298

**Sec. 3311.05.** (A) The territory within the territorial limits 27299  
of a county, or the territory included in a district formed under 27300  
either section 3311.053 or 3311.059 of the Revised Code, exclusive 27301  
of the territory embraced in any city school district or exempted 27302  
village school district, and excluding the territory detached 27303  
therefrom for school purposes and including the territory attached 27304  
thereto for school purposes constitutes an educational service 27305  
center. 27306

(B) A county school financing district created under section 27307  
3311.50 of the Revised Code is not the school district described 27308  
in division (A) of this section or any other school district but 27309  
is a taxing district. 27310

**Sec. 3311.059.** The procedure prescribed in this section may 27311  
be used in lieu of a transfer prescribed under section 3311.231 of 27312  
the Revised Code. 27313

(A) Subject to divisions (B) and (C) of this section, a board 27314  
of education of a local school district may by a resolution 27315  
approved by a majority of all its members propose to sever that 27316  
local school district from the territory of the educational 27317  
service center in which the local school district is currently 27318  
included and to instead annex the local school district to the 27319  
territory of another educational service center, the current 27320  
territory of which is adjacent to the territory of the educational 27321  
service center in which the local school district is currently 27322  
included. The resolution shall promptly be filed with the 27323  
governing board of each educational service center affected by the 27324  
resolution and with the superintendent of public instruction. 27325

(B) The resolution adopted under division (A) of this section 27326  
shall not be effective unless it is approved by both the governing 27327

board of the educational service center to which the board of 27328  
education proposes to annex the local school district and the 27329  
state board of education. The severance of the local school 27330  
district from one educational service center and its annexation to 27331  
another educational service center under this section shall not be 27332  
effective until one year after the first day of July following the 27333  
later of the date that the governing board of the educational 27334  
service center to which the local school district is proposed to 27335  
be annexed approves the resolution or the date the board of 27336  
elections certifies the results of the referendum election as 27337  
provided in division (C) of this section. 27338

(C) Within sixty days following the date of the adoption of 27339  
the resolution under division (A) of this section, the electors of 27340  
the local school district may petition for a referendum vote on 27341  
the resolution. The question whether to approve or disapprove the 27342  
resolution shall be submitted to the electors of such school 27343  
district if a number of qualified electors equal to twenty per 27344  
cent of the number of electors in the school district who voted 27345  
for the office of governor at the most recent general election for 27346  
that office sign a petition asking that the question of whether 27347  
the resolution shall be disapproved be submitted to the electors. 27348  
The petition shall be filed with the board of elections of the 27349  
county in which the school district is located. If the school 27350  
district is located in more than one county, the petition shall be 27351  
filed with the board of elections of the county in which the 27352  
majority of the territory of the school district is located. The 27353  
board shall certify the validity and sufficiency of the signatures 27354  
on the petition. 27355

The board of elections shall immediately notify the board of 27356  
education of the local school district and the governing board of 27357  
each educational service center affected by the resolution that 27358  
the petition has been filed. 27359

The effect of the resolution shall be stayed until the board of elections certifies the validity and sufficiency of the signatures on the petition. If the board of elections determines that the petition does not contain a sufficient number of valid signatures and sixty days have passed since the adoption of the resolution, the resolution shall become effective as provided in division (B) of this section. 27360  
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If the board of elections certifies that the petition contains a sufficient number of valid signatures, the board shall submit the question to the qualified electors of the school district on the day of the next general or primary election held at least seventy-five days after the board of elections certifies the validity and sufficiency of signatures on the petition. The election shall be conducted and canvassed and the results shall be certified in the same manner as in regular elections for the election of members of a board of education. 27367  
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If a majority of the electors voting on the question disapprove the resolution, the resolution shall not become effective. If a majority of the electors voting on the question approve the resolution, the resolution shall become effective as provided in division (B) of this section. 27376  
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(D) Upon the effective date of the severance of the local school district from one educational service center and its annexation to another educational service center as provided in division (B) of this section, the governing board of each educational service center shall take such steps for the election of members of the governing board and for organization of the governing board as prescribed in Chapter 3313. of the Revised Code. 27381  
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(E) If a school district is severed from one educational service center and annexed to another service center under this section, the board of education of that school district shall not 27389  
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propose a subsequent severance and annexation action under this 27392  
section that would be effective sooner than five years after the 27393  
effective date of the next previous severance and annexation 27394  
action under this section. 27395

**Sec. 3311.24.** (A) Except as provided in division (B) of this 27396  
section, if the board of education of a city, exempted village, or 27397  
local school district deems it advisable to transfer territory 27398  
from such district to an adjoining city, exempted village, or 27399  
local school district, or if a petition, signed by seventy-five 27400  
per cent of the qualified electors residing within that portion of 27401  
a city, exempted village, or local school district proposed to be 27402  
transferred voting at the last general election, requests such a 27403  
transfer, the board of education of the district in which such 27404  
proposal originates shall file such proposal, together with a map 27405  
showing the boundaries of the territory proposed to be 27406  
transferred, with the state board of education prior to the first 27407  
day of April in any even-numbered year. The state board of 27408  
education may, if it is advisable, provide for a hearing in any 27409  
suitable place in any of the school districts affected by such 27410  
proposed transfer of territory. The state board of education or 27411  
its representatives shall preside at any such hearing. 27412

A board of education of a city, exempted village, or local 27413  
school district that receives a petition of transfer under this 27414  
division shall cause the board of elections to check the 27415  
sufficiency of signatures on the petition. 27416

Not later than the first day of September the state board of 27417  
education shall either approve or disapprove a proposed transfer 27418  
of territory filed with it as provided by this section and shall 27419  
notify, in writing, the boards of education of the districts 27420  
affected by such proposed transfer of territory of its decision. 27421

If the decision of the state board of education is an 27422

approval of the proposed transfer of territory then the board of 27423  
education of the district in which the territory is located shall, 27424  
within thirty days after receiving the state board of education's 27425  
decision, adopt a resolution transferring the territory and shall 27426  
forthwith submit a copy of such resolution to the treasurer of the 27427  
board of education of the city, exempted village, or local school 27428  
district to which the territory is transferred. Such transfer 27429  
shall not be complete however, until: 27430

(1) A resolution accepting the transfer has been passed by a 27431  
majority vote of the full membership of the board of education of 27432  
the city, exempted village, or local school district to which the 27433  
territory is transferred; 27434

(2) An equitable division of the funds and indebtedness 27435  
between the districts involved has been made by the board of 27436  
education making the transfer; 27437

(3) A map showing the boundaries of the territory transferred 27438  
has been filed, by the board of education accepting the transfer, 27439  
with the county auditor of each county affected by the transfer. 27440

When such transfer is complete the legal title of the school 27441  
property in the territory transferred shall be vested in the board 27442  
of education or governing board of the school district to which 27443  
the territory is transferred. 27444

(B) Whenever the transfer of territory pursuant to this 27445  
section is initiated by a board of education, the board shall, 27446  
before filing a proposal for transfer with the state board of 27447  
education under this section, make a good faith effort to 27448  
negotiate the terms of transfer with any other school district 27449  
whose territory would be affected by the transfer. Before the 27450  
state board may hold a hearing on the transfer, or approve or 27451  
disapprove any such transfer, it must receive the following: 27452

(1) A resolution requesting approval of the transfer, passed 27453

by the school district submitting the proposal; 27454

(2) Evidence determined to be sufficient by the state board 27455  
to show that good faith negotiations have taken place or that the 27456  
district requesting the transfer has made a good faith effort to 27457  
hold such negotiations; 27458

(3) If any negotiations took place, a statement signed by all 27459  
boards that participated in the negotiations, listing the terms 27460  
agreed on and the points on which no agreement could be reached. 27461

Negotiations held pursuant to this section shall be governed 27462  
by the rules adopted by the state board under division (D) of 27463  
section 3311.06 of the Revised Code. Districts involved in a 27464  
transfer under division (B) of this section may agree to share 27465  
revenues from the property included in the territory to be 27466  
transferred, establish cooperative programs between the 27467  
participating districts, and establish mechanisms for the 27468  
settlement of any future boundary disputes. 27469

**Sec. 3311.26.** ~~A governing board of an educational service~~ 27470  
~~center~~ The state board of education may, by resolution adopted by 27471  
majority vote of its full membership, propose the creation of a 27472  
new local school district from one or more local school districts 27473  
or parts thereof, including the creation of a local district with 27474  
noncontiguous territory from one or more local school districts if 27475  
one of those districts has entered into an agreement under section 27476  
3313.42 of the Revised Code. Such proposal shall include an 27477  
accurate map showing the territory affected. After the adoption of 27478  
the resolution, the ~~governing~~ state board shall file a copy of 27479  
such proposal with the board of education of each school district 27480  
whose boundaries would be altered by such proposal. 27481

~~A governing board of a service center proposing~~ Upon the 27482  
creation of a new district under this section, the state board 27483  
shall at its next regular meeting that occurs not earlier than 27484

thirty days after the adoption by the ~~governing state~~ board of the 27485  
resolution proposing such creation, adopt a resolution making the 27486  
creation effective prior to the next succeeding first day of July, 27487  
unless, prior to the expiration of such thirty-day period, 27488  
qualified electors residing in the area included in such proposed 27489  
new district, equal in number to thirty-five per cent of the 27490  
qualified electors voting at the last general election, file a 27491  
petition of referendum against the creation of the proposed new 27492  
district. 27493

A petition of referendum filed under this section shall be 27494  
filed at the office of the ~~educational service center state~~ 27495  
superintendent of public instruction. The person presenting the 27496  
petition shall be given a receipt containing thereon the time of 27497  
day, the date, and the purpose of the petition. 27498

If a petition of referendum is filed, the ~~governing state~~ 27499  
board shall, at the next regular meeting of the ~~governing state~~ 27500  
board, certify the proposal to the board of elections for the 27501  
purpose of having the proposal placed on the ballot at the next 27502  
general or primary election which occurs not less than 27503  
seventy-five days after the date of such certification, or at a 27504  
special election, the date of which shall be specified in the 27505  
certification, which date shall not be less than seventy-five days 27506  
after the date of such certification. 27507

Upon certification of a proposal to the board or boards of 27508  
elections pursuant to this section, the board or boards of 27509  
elections shall make the necessary arrangements for the submission 27510  
of such question to the electors of the county or counties 27511  
qualified to vote thereon, and the election shall be conducted and 27512  
canvassed and the results shall be certified in the same manner as 27513  
in regular elections for the election of members of a board of 27514  
education. 27515

The persons qualified to vote upon a proposal are the 27516

electors residing in the proposed new districts. 27517

If the proposed district be approved by at least a majority 27518  
of the electors voting on the proposal, the ~~governing~~ state board 27519  
shall then create such new district prior to the next succeeding 27520  
first day of July, ~~and shall so notify the state board of~~ 27521  
~~education.~~ 27522

Upon the creation of such district, the indebtedness of each 27523  
former district becoming in its entirety a part of the new 27524  
district shall be assumed in full by the new district. Upon the 27525  
creation of such district, that part of the net indebtedness of 27526  
each former district becoming only in part a part of the new 27527  
district shall be assumed by the new district which bears the same 27528  
ratio to the entire net indebtedness of the former district as the 27529  
assessed valuation of the part taken by the new district bears to 27530  
the entire assessed valuation of the former district as fixed on 27531  
the effective date of transfer. As used in this section, "net 27532  
indebtedness" means the difference between the par value of the 27533  
outstanding and unpaid bonds and notes of the school district and 27534  
the amount held in the sinking fund and other indebtedness 27535  
retirement funds for their redemption. Upon the creation of such 27536  
district, the funds of each former district becoming in its 27537  
entirety a part of the new district shall be paid over in full to 27538  
the new district. Upon the creation of such district, the funds of 27539  
each former district becoming only in part a part of the new 27540  
district shall be divided equitably by the ~~governing~~ state board 27541  
between the new district and that part of the former district not 27542  
included in the new district as such funds existed on the 27543  
effective date of the creation of the new district. 27544

The ~~governing~~ state board shall, following the election, file 27545  
with the county auditor of each county affected by the creation of 27546  
a new district an accurate map showing the boundaries of such 27547  
newly created district. 27548

When a new local school district is so created ~~within an~~ 27549  
~~educational service center,~~ a board of education for such newly 27550  
created district shall be appointed by the ~~educational service~~ 27551  
~~center governing~~ state board. The members of such appointed board 27552  
of education shall hold their office until their successors are 27553  
elected and qualified. A board of education shall be elected for 27554  
such newly created district at the next general election held in 27555  
an odd numbered year occurring more than thirty days after the 27556  
appointment of the board of education of such newly created 27557  
district. At such election two members shall be elected for a term 27558  
of two years and three members shall be elected for a term of four 27559  
years, and, thereafter, their successors shall be elected in the 27560  
same manner and for the same terms as members of the board of 27561  
education of a local school district. 27562

When the new district consists of territory lying in two or 27563  
more counties, the state board shall determine to which 27564  
educational service center the new district shall be assigned. 27565

The legal title of all property of the board of education in 27566  
the territory taken shall become vested in the board of education 27567  
of the newly created school district. 27568

Foundation program moneys accruing to a district created 27569  
under the provisions of this section or previous section 3311.26 27570  
of the Revised Code, shall not be less, in any year during the 27571  
next succeeding three years following the creation, than the sum 27572  
of the amounts received by the districts separately in the year in 27573  
which the creation of the district became effective. 27574

If, prior to the effective date of this amendment, a local 27575  
school district board of education or a group of individuals 27576  
requests the governing board of an educational service center to 27577  
consider proposing the creation of a new local school district, 27578  
the governing board, at any time during the one-year period 27579  
following the date that request is made, may adopt a resolution 27580

proposing the creation of a new local school district in response 27581  
to that request and in accordance with the first paragraph of the 27582  
version of this section in effect prior to the effective date of 27583  
this amendment. If the governing board so proposes within that 27584  
one-year period, the governing board may proceed to create the new 27585  
local school district as it proposed, in accordance with the 27586  
version of this section in effect prior to the effective date of 27587  
this amendment, subject to the provisions of that version 27588  
authorizing a petition and referendum on the matter. 27589

Consolidations of school districts which include all of the 27590  
schools of a county and which become effective on or after July 1, 27591  
1959, shall be governed and included under this section. 27592

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 27593  
3311.52 of the Revised Code, this section does not apply to either 27594  
of the following: 27595

(1) Any cooperative education school district; 27596

(2) Any city or exempted village school district with a total 27597  
student count of thirteen thousand or more determined pursuant to 27598  
section 3317.03 of the Revised Code that has not entered into one 27599  
or more agreements pursuant to this section prior to July 1, 1993, 27600  
unless the district's total student count did not exceed thirteen 27601  
thousand at the time it entered into an initial agreement under 27602  
this section. 27603

(B) The board of education of a city or exempted village 27604  
school district and the governing board of an educational service 27605  
center with territory in a county in which the city or exempted 27606  
village school district also has territory may enter into an 27607  
agreement, through adoption of identical resolutions, under which 27608  
the educational service center governing board will provide 27609  
services to the city or exempted village school district. 27610

Services provided under the agreement shall be specified in 27611  
the agreement, and may include any one or a combination of the 27612  
following: supervisory teachers; in-service and continuing 27613  
education programs for city or exempted village school district 27614  
personnel; curriculum services as provided to the local school 27615  
districts under the supervision of the service center governing 27616  
board; research and development programs; academic instruction for 27617  
which the governing board employs teachers pursuant to section 27618  
3319.02 of the Revised Code; and assistance in the provision of 27619  
special accommodations and classes for handicapped students. 27620  
Services included in the agreement shall be provided to the city 27621  
or exempted village district in the same manner they are provided 27622  
to local school districts under the governing board's supervision, 27623  
unless otherwise specified in the agreement. The city or exempted 27624  
village board of education shall reimburse the educational service 27625  
center governing board pursuant to section 3317.11 of the Revised 27626  
Code. 27627

(C)(1) If an educational service center received funding 27628  
under division (B) of former section 3317.11 or division (F) of 27629  
section 3317.11 of the Revised Code for an agreement under this 27630  
section involving a city school district whose total student count 27631  
was less than thirteen thousand, the service center may continue 27632  
to receive funding under that division for such an agreement in 27633  
any subsequent year if the city district's total student count 27634  
exceeds thirteen thousand. However, only the first thirteen 27635  
thousand pupils in the formula ADM of such district shall be 27636  
included in determining the amount of the per pupil subsidy the 27637  
service center shall receive under division ~~(B)~~(F) of section 27638  
3317.11 of the Revised Code. 27639

(2) If, prior to ~~the effective date of this amendment~~ July 1, 27640  
1998, an educational service center received funding under 27641  
division (B) of former section 3317.11 of the Revised Code for a 27642

period of at least three years, for a good faith agreement under 27643  
this section involving a city school district with no territory in 27644  
the county in which the educational service center has territory, 27645  
that educational service center and that city school district may 27646  
enter into an agreement under this section, and the service center 27647  
shall receive funding under division ~~(B)~~(F) of section 3317.11 of 27648  
the Revised Code for any such agreement, notwithstanding the 27649  
territorial boundaries of the service center and the city school 27650  
district. 27651

(D) Any agreement entered into pursuant to this section shall 27652  
be valid only if a copy is filed with the department of education 27653  
by the first day of the school year for which the agreement is in 27654  
effect. 27655

**Sec. 3313.975.** As used in this section and in sections 27656  
3313.975 to 3313.979 of the Revised Code, "the pilot project 27657  
school district" or "the district" means any school district 27658  
included in the pilot project scholarship program pursuant to this 27659  
section. 27660

(A) The superintendent of public instruction shall establish 27661  
a pilot project scholarship program and shall include in such 27662  
program any school districts that are or have ever been under 27663  
federal court order requiring supervision and operational 27664  
management of the district by the state superintendent. The 27665  
program shall provide for a number of students residing in any 27666  
such district to receive scholarships to attend alternative 27667  
schools, and for an equal number of students to receive tutorial 27668  
assistance grants while attending public school in any such 27669  
district. 27670

(B) The state superintendent shall establish an application 27671  
process and deadline for accepting applications from students 27672  
residing in the district to participate in the scholarship 27673

program. In the initial year of the program students may only use 27674  
a scholarship to attend school in grades kindergarten through 27675  
third. 27676

The state superintendent shall award as many scholarships and 27677  
tutorial assistance grants as can be funded given the amount 27678  
appropriated for the program. In no case, however, shall more than 27679  
fifty per cent of all scholarships awarded be used by students who 27680  
were enrolled in a nonpublic school during the school year of 27681  
application for a scholarship. 27682

(C)(1) The pilot project program shall continue in effect 27683  
each year that the general assembly has appropriated sufficient 27684  
money to fund scholarships and tutorial assistance grants. In each 27685  
year the program continues, no new students may receive 27686  
scholarships unless they are enrolled in grade kindergarten, one, 27687  
two, or three. However, any student who has received a scholarship 27688  
the preceding year may continue to receive one until the student 27689  
has completed grade eight. Beginning in the 2003-2004 academic 27690  
year, a student who previously has received a scholarship may 27691  
receive a scholarship in grade nine. Beginning in the 2004-2005 27692  
academic year, a student who previously has received a scholarship 27693  
may receive a scholarship in grade ten. 27694

(2) If the general assembly discontinues the scholarship 27695  
program, all students who are attending an alternative school 27696  
under the pilot project shall be entitled to continued admittance 27697  
to that specific school through all grades up to the ~~eight~~ tenth 27698  
grade that are provided in such school, under the same conditions 27699  
as when they were participating in the pilot project. The state 27700  
superintendent shall continue to make scholarship payments in 27701  
accordance with division (A) or (B) of section 3313.979 of the 27702  
Revised Code for students who remain enrolled in an alternative 27703  
school under this provision in any year that funds have been 27704  
appropriated for this purpose. 27705

If funds are not appropriated, the tuition charged to the parents of a student who remains enrolled in an alternative school under this provision shall not be increased beyond the amount equal to the amount of the scholarship plus any additional amount charged that student's parent in the most recent year of attendance as a participant in the pilot project, except that tuition for all the students enrolled in such school may be increased by the same percentage.

(D) Notwithstanding sections 124.39, 3307.54, and 3319.17 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

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

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

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code,

including, but not limited to, the requirements for admitting 27737  
students pursuant to section 3313.977 of the Revised Code; 27738

(3) The school meets all state minimum standards for 27739  
chartered nonpublic schools in effect on July 1, 1992, except that 27740  
the state superintendent at the superintendent's discretion may 27741  
register nonchartered nonpublic schools meeting the other 27742  
requirements of this division; 27743

(4) The school does not discriminate on the basis of race, 27744  
religion, or ethnic background; 27745

(5) The school enrolls a minimum of ten students per class or 27746  
a sum of at least twenty-five students in all the classes offered; 27747

(6) The school does not advocate or foster unlawful behavior 27748  
or teach hatred of any person or group on the basis of race, 27749  
ethnicity, national origin, or religion; 27750

(7) The school does not provide false or misleading 27751  
information about the school to parents, students, or the general 27752  
public; 27753

(8) ~~The~~ For students in grades kindergarten through eight, 27754  
the school agrees not to charge any tuition to low-income families 27755  
participating in receiving ninety per cent of the scholarship 27756  
amount through the scholarship program, pursuant to division (A) 27757  
of section 3313.978 of the Revised Code, in excess of ten per cent 27758  
of the scholarship amount established pursuant to division (C)(1) 27759  
of section 3313.978 of the Revised Code, excluding any increase 27760  
described in division (C)(2) of that section. The school shall 27761  
permit any such tuition, at the discretion of the parent, to be 27762  
satisfied by the low-income family's provision of in-kind 27763  
contributions or services. 27764

(9) For students in grades kindergarten through eight, the 27765  
school agrees not to charge any tuition to low-income families 27766  
receiving a seventy-five per cent scholarship amount through the 27767

scholarship program, pursuant to division (A) of section 3313.978 27768  
of the Revised Code, in excess of the difference between the 27769  
actual tuition charge of the school and seventy-five per cent of 27770  
the scholarship amount established pursuant to division (C)(1) of 27771  
section 3313.978 of the Revised Code, excluding any increase 27772  
described in division (C)(2) of that section. The school shall 27773  
permit such tuition, at the discretion of the parent, to be 27774  
satisfied by the low-income family's provision of in-kind 27775  
contributions or services. 27776

(10) The school agrees not to charge any tuition to families 27777  
of students in grades nine and ten receiving a scholarship in 27778  
excess of the actual tuition charge of the school less 27779  
seventy-five or ninety per cent of the scholarship amount 27780  
established pursuant to division (C)(1) of section 3313.978 of the 27781  
Revised Code, as applicable, excluding any increase described in 27782  
division (C)(2) of that section. 27783

(B) The state superintendent shall revoke the registration of 27784  
any school if, after a hearing, the superintendent determines that 27785  
the school is in violation of any of the provisions of division 27786  
(A) of this section. 27787

(C) Any public school located in a school district adjacent 27788  
to the pilot project district may receive scholarship payments on 27789  
behalf of parents pursuant to section 3313.979 of the Revised Code 27790  
if the superintendent of the district in which such public school 27791  
is located notifies the state superintendent prior to the first 27792  
day of March that the district intends to admit students from the 27793  
pilot project district for the ensuing school year pursuant to 27794  
section 3327.06 of the Revised Code. 27795

(D) Any parent wishing to purchase tutorial assistance from 27796  
any person or governmental entity pursuant to the pilot project 27797  
program under sections 3313.974 to 3313.979 of the Revised Code 27798  
shall apply to the state superintendent. The state superintendent 27799

shall approve providers who appear to possess the capability of 27800  
furnishing the instructional services they are offering to 27801  
provide. 27802

**Sec. 3313.977.** (A)(1) Each registered private school shall 27803  
admit students to kindergarten and first, second, and third grades 27804  
in accordance with the following priorities: 27805

(a) Students who were enrolled in the school during the 27806  
preceding year; 27807

(b) Siblings of students enrolled in the school during the 27808  
preceding year, at the discretion of the school; 27809

(c) Children from low-income families attending school or 27810  
residing in the school district in which the school is located 27811  
until the number of such students in each grade equals the number 27812  
that constituted twenty per cent of the total number of students 27813  
enrolled in the school during the preceding year in such grade. 27814  
Admission of such twenty per cent shall be by lot from among all 27815  
low-income family applicants who apply prior to the fifteenth day 27816  
of February prior to admission. 27817

(d) All other applicants residing anywhere, provided that all 27818  
remaining available spaces shall be filled from among such 27819  
applicants by lot. 27820

Children from low-income families not selected by lot under 27821  
division (A)(1)(c) of this section shall be included in the 27822  
lottery of all remaining applicants pursuant to division (A)(1)(d) 27823  
of this section. 27824

(2) Each registered private school shall first admit to 27825  
grades four through ~~eight~~ ten students who were enrolled in the 27826  
school during the preceding year. Any remaining spaces for 27827  
students in these grades may be filled as determined by the 27828  
school. 27829

(B) Notwithstanding division (A) of this section, except 27830  
where otherwise prohibited by federal law, a registered private 27831  
school may elect to admit students of only one gender and may deny 27832  
admission to any separately educated handicapped student. 27833

(C) If a scholarship student who has been accepted in 27834  
accordance with this section fails to enroll in the school for any 27835  
reason or withdraws from the school during the school year for any 27836  
reason, the school may elect to replace such student with another 27837  
scholarship student only by first offering the admission to any 27838  
low-income scholarship students who filed applications by the 27839  
preceding fifteenth day of February and who were not accepted at 27840  
that time due to space limitations. 27841

**Sec. 3313.978.** (A) Annually by the first day of November, the 27842  
superintendent of public instruction shall notify the pilot 27843  
project school district of the number of initial scholarships that 27844  
the state superintendent will be awarding in each of grades 27845  
kindergarten through third. 27846

The state superintendent shall provide information about the 27847  
scholarship program to all students residing in the district, 27848  
shall accept applications from any such students until such date 27849  
as shall be established by the state superintendent as a deadline 27850  
for applications, and shall establish criteria for the selection 27851  
of students to receive scholarships from among all those applying 27852  
prior to the deadline, which criteria shall give preference to 27853  
students from low-income families. For each student selected, the 27854  
state superintendent shall also determine whether the student 27855  
qualifies for seventy-five or ninety per cent of the scholarship 27856  
amount. Students whose family income is at or above two hundred 27857  
per cent of the maximum income level established by the state 27858  
superintendent for low-income families shall qualify for 27859  
seventy-five per cent of the scholarship amount and students whose 27860

family income is below two hundred per cent of that maximum income 27861  
level shall qualify for ninety per cent of the scholarship amount. 27862  
The state superintendent shall notify students of their selection 27863  
prior to the fifteenth day of January and whether they qualify for 27864  
seventy-five or ninety per cent of the scholarship amount. 27865

(1) A student receiving a pilot project scholarship may 27866  
utilize it at an alternative public school by notifying the 27867  
district superintendent, at any time before the beginning of the 27868  
school year, of the name of the public school in an adjacent 27869  
school district to which the student has been accepted pursuant to 27870  
section 3327.06 of the Revised Code. 27871

(2) A student may decide to utilize a pilot project 27872  
scholarship at a registered private school in the district if all 27873  
of the following conditions are met: 27874

(a) By the fifteenth day of February of the preceding school 27875  
year, or at any time prior to the start of the school year, the 27876  
parent makes an application on behalf of the student to a 27877  
registered private school. 27878

(b) The registered private school notifies the parent and the 27879  
state superintendent as follows that the student has been 27880  
admitted: 27881

(i) By the fifteenth day of March of the preceding school 27882  
year if the student filed an application by the fifteenth day of 27883  
February and was admitted by the school pursuant to division (A) 27884  
of section 3313.977 of the Revised Code; 27885

(ii) Within one week of the decision to admit the student if 27886  
the student is admitted pursuant to division (C) of section 27887  
3313.977 of the Revised Code. 27888

(c) The student actually enrolls in the registered private 27889  
school to which the student was first admitted or in another 27890  
registered private school in the district or in a public school in 27891

an adjacent school district. 27892

(B) The state superintendent shall also award in any school 27893  
year tutorial assistance grants to a number of students equal to 27894  
the number of students who receive scholarships under division (A) 27895  
of this section. Tutorial assistance grants shall be awarded 27896  
solely to students who are enrolled in the public schools of the 27897  
district in a grade level covered by the pilot project. Tutorial 27898  
assistance grants may be used solely to obtain tutorial assistance 27899  
from a provider approved pursuant to division (D) of section 27900  
3313.976 of the Revised Code. 27901

All students wishing to obtain tutorial assistance grants 27902  
shall make application to the state superintendent by the first 27903  
day of the school year in which the assistance will be used. The 27904  
state superintendent shall award assistance grants in accordance 27905  
with criteria the superintendent shall establish. For each student 27906  
awarded a grant, the state superintendent shall also determine 27907  
whether the student qualifies for seventy-five or ninety per cent 27908  
of the grant amount and so notify the student. Students whose 27909  
family income is at or above two hundred per cent of the maximum 27910  
income level established by the state superintendent for 27911  
low-income families shall qualify for seventy-five per cent of the 27912  
grant amount and students whose family income is below two hundred 27913  
per cent of that maximum income level shall qualify for ninety per 27914  
cent of the grant amount. 27915

(C)(1) In the case of basic scholarships for students in 27916  
grades kindergarten through eight, the scholarship amount shall 27917  
not exceed the lesser of the tuition charges of the alternative 27918  
school the scholarship recipient attends or an amount established 27919  
by the state superintendent not in excess of ~~twenty-five hundred~~ 27920  
three thousand dollars. 27921

In the case of basic scholarships for students in grades nine 27922  
and ten, the scholarship amount shall not exceed the lesser of the 27923

tuition charges of the alternative school the scholarship 27924  
recipient attends or an amount established by the state 27925  
superintendent not in excess of two thousand seven hundred 27926  
dollars. 27927

(2) The state superintendent shall provide for an increase in 27928  
the basic scholarship amount in the case of any student who is a 27929  
mainstreamed handicapped student and shall further increase such 27930  
amount in the case of any separately educated handicapped child. 27931  
Such increases shall take into account the instruction, related 27932  
services, and transportation costs of educating such students. 27933

(3) In the case of tutorial assistance grants, the grant 27934  
amount shall not exceed the lesser of the provider's actual 27935  
charges for such assistance or a percentage established by the 27936  
state superintendent, not to exceed twenty per cent, of the amount 27937  
of the pilot project school district's average basic scholarship 27938  
amount. 27939

(4) No scholarship or tutorial assistance grant shall be 27940  
awarded unless the state superintendent determines that 27941  
twenty-five or ten per cent, as applicable, of the amount 27942  
specified for such scholarship or grant pursuant to division 27943  
(C)(1), (2), or (3) of this section will be furnished by a 27944  
political subdivision, a private nonprofit or for profit entity, 27945  
or another person. Only seventy-five or ninety per cent of such 27946  
amounts, as applicable, shall be paid from state funds pursuant to 27947  
section 3313.979 of the Revised Code. 27948

(D)(1) Annually by the first day of November, the state 27949  
superintendent shall estimate the maximum per-pupil scholarship 27950  
amounts for the ensuing school year. The state superintendent 27951  
shall make this estimate available to the general public at the 27952  
offices of the district board of education together with the forms 27953  
required by division (D)(2) of this section. 27954

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations.

**Sec. 3313.979.** Each scholarship ~~or grant~~ to be used for payments to a registered private school ~~or to an approved tutorial assistance provider~~ is payable to the parents of the student entitled to the scholarship ~~or grant~~. Each scholarship to be used for payments to a public school in an adjacent school district is payable to the school district of attendance by the superintendent of public instruction. Each grant to be used for payments to an approved tutorial assistance provider is payable to the approved tutorial assistance provider.

(A)(1) By the fifteenth day of each month of the school year that any scholarship students are enrolled in a registered private school, the chief administrator of that school shall notify the state superintendent of:

(a) The number of students who were reported to the school district as having been admitted by that private school pursuant to division (A)(2)(b) of section 3313.978 of the Revised Code and who were still enrolled in the private school as of the first day of such month, and the numbers of such students who qualify for seventy-five and ninety per cent of the scholarship amount;

(b) The number of students who were reported to the school district as having been admitted by another private school

pursuant to division (A)(2)(b) of section 3313.978 of the Revised Code and since the date of admission have transferred to the school providing the notification under division (A)(1) of this section, and the numbers of such students who qualify for seventy-five and ninety per cent of the scholarship amount.

(2) From time to time, the state superintendent shall make a payment to the parent of each student entitled to a scholarship. Each payment shall include for each student reported under division (A)(1) of this section, a portion of seventy-five or ninety per cent, as applicable, of the scholarship amount specified in divisions (C)(1) and (2) of section 3313.978 of the Revised Code. This amount shall be proportionately reduced in the case of any such student who is not enrolled in a registered private school for the entire school year.

(3) The first payment under this division shall be made by the last day of November and shall equal one-third of seventy-five or ninety per cent, as applicable, of the estimated total amount that will be due to the parent for the school year pursuant to division (A)(2) of this section.

(B) The state superintendent, on behalf of the parents of a scholarship student enrolled in a public school in an adjacent school district pursuant to section 3327.06 of the Revised Code, shall make the tuition payments required by that section to the school district admitting the student, except that, notwithstanding sections 3323.13, 3323.14, and 3327.06 of the Revised Code, the total payments in any school year shall not exceed seventy-five or ninety per cent, as applicable, of the scholarship amount provided in divisions (C)(1) and (2) of section 3313.978 of the Revised Code.

(C) Whenever an approved provider provides tutorial assistance to a student, the state superintendent shall pay the ~~parent~~ approved provider for such costs upon receipt of a

statement ~~from the parent~~ specifying the services provided and the 28018  
costs of the services, which statement shall be signed by the 28019  
provider and verified by the chief administrator having 28020  
supervisory control over the tutoring site. The total payments to 28021  
any ~~parent~~ approved provider under this division for all provider 28022  
services to any individual student in any school year shall not 28023  
exceed seventy-five or ninety per cent, as applicable, of the 28024  
grant amount provided in division (C)(3) of section 3313.978 of 28025  
the Revised Code. 28026

**Sec. 3313.981.** (A) The state board shall adopt rules 28027  
requiring all of the following: 28028

(1) The board of education of each city, exempted village, 28029  
and local school district to annually report to the department of 28030  
education all of the following: 28031

(a) The number of adjacent district or other district 28032  
students, as applicable, and adjacent district or other district 28033  
joint vocational students, as applicable, enrolled in the district 28034  
and the number of native students enrolled in adjacent or other 28035  
districts, in accordance with a policy adopted under division (B) 28036  
of section 3313.98 of the Revised Code; 28037

(b) Each adjacent district or other district student's or 28038  
adjacent district or other district joint vocational student's 28039  
date of enrollment in the district; 28040

(c) The full-time equivalent number of adjacent district or 28041  
other district students enrolled in vocational education programs 28042  
or classes described in division (A) of section 3317.014 of the 28043  
Revised Code and the full-time equivalent number of such students 28044  
enrolled in vocational education programs or classes described in 28045  
division (B) of that section; 28046

(d) Each native student's date of enrollment in an adjacent 28047

or other district. 28048

(2) The board of education of each joint vocational school 28049  
district to annually report to the department all of the 28050  
following: 28051

(a) The number of adjacent district or other district joint 28052  
vocational students, as applicable, enrolled in the district; 28053

(b) The full-time equivalent number of adjacent district or 28054  
other district joint vocational students enrolled in vocational 28055  
education programs or classes described in division (A) of section 28056  
3317.014 of the Revised Code and the full-time equivalent number 28057  
of such students enrolled in vocational education programs or 28058  
classes described in division (B) of that section; 28059

(c) For each adjacent district or other district joint 28060  
vocational student, the city, exempted village, or local school 28061  
district in which the student is also enrolled. 28062

(3) Prior to the first full school week in October each year, 28063  
the superintendent of each city, local, or exempted village school 28064  
district that admits adjacent district or other district students 28065  
or adjacent district or other district joint vocational students 28066  
in accordance with a policy adopted under division (B) of section 28067  
3313.98 of the Revised Code to notify each adjacent or other 28068  
district where those students are entitled to attend school under 28069  
section 3313.64 or 3313.65 of the Revised Code of the number of 28070  
the adjacent or other district's native students who are enrolled 28071  
in the superintendent's district under the policy. 28072

The rules shall provide for the method of counting students 28073  
who are enrolled for part of a school year in an adjacent or other 28074  
district or as an adjacent district or other district joint 28075  
vocational student. 28076

(B) From the payments made to a city, exempted village, or 28077  
local school district under Chapter 3317. of the Revised Code, the 28078

department of education shall annually subtract both of the 28079  
following: 28080

(1) An amount equal to the number of the district's native 28081  
students reported under division (A)(1) of this section who are 28082  
enrolled in adjacent or other school districts pursuant to 28083  
policies adopted by such districts under division (B) of section 28084  
3313.98 of the Revised Code multiplied by the adjusted formula 28085  
amount for the district; 28086

(2) The excess costs computed in accordance with division (E) 28087  
of this section for any such native students receiving special 28088  
education and related services in adjacent or other school 28089  
districts or as an adjacent district or other district joint 28090  
vocational student; 28091

(3) For the full-time equivalent number of the district's 28092  
native students reported under division (A)(1)(c) or (2)(b) of 28093  
this section as enrolled in vocational education programs or 28094  
classes described in section 3317.014 of the Revised Code, an 28095  
amount equal to the formula amount times the applicable multiple 28096  
prescribed by that section. 28097

(C) To the payments made to a city, exempted village, or 28098  
local school district under Chapter 3317. of the Revised Code, the 28099  
department of education shall annually add all of the following: 28100

(1) An amount equal to the adjusted formula amount for the 28101  
district multiplied by the remainder obtained by subtracting the 28102  
number of adjacent district or other district joint vocational 28103  
students from the number of adjacent district or other district 28104  
students enrolled in the district, as reported under division 28105  
(A)(1) of this section; 28106

(2) The excess costs computed in accordance with division (E) 28107  
of this section for any adjacent district or other district 28108  
students, except for any adjacent or other district joint 28109

vocational students, receiving special education and related services in the district;	28110 28111
(3) For the full-time equivalent number of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(c) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section;	28112 28113 28114 28115 28116 28117 28118
(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to <del>one-fourth</del> <u>twenty per cent</u> of the adjusted formula amount for the district.	28119 28120 28121 28122
(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:	28123 28124 28125 28126 28127
(1) An amount equal to the adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled;	28128 28129 28130
(2) An amount equal to the full-time equivalent number of students reported pursuant to division (A)(2)(b) of this section times the formula amount times the applicable multiple prescribed by section 3317.014 of the Revised Code.	28131 28132 28133 28134
(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:	28135 28136 28137 28138 28139
(a) Subtract the adjusted formula amount for the district	28140

from the actual costs to educate the student; 28141

(b) From the amount computed under division (E)(1)(a) of this 28142  
section subtract the amount of any funds received by the district 28143  
under Chapter 3317. of the Revised Code to provide special 28144  
education and related services to the student. 28145

(2) The board shall report the excess costs computed under 28146  
this division to the department of education. 28147

(3) If any student for whom excess costs are computed under 28148  
division (E)(1) of this section is an adjacent or other district 28149  
joint vocational student, the department of education shall add 28150  
the amount of such excess costs to the payments made under Chapter 28151  
3317. of the Revised Code to the joint vocational school district 28152  
enrolling the student. 28153

(F) As provided in division (D)(1)(b) of section 3317.03 of 28154  
the Revised Code, no joint vocational school district shall count 28155  
any adjacent or other district joint vocational student enrolled 28156  
in the district in its formula ADM certified under section 3317.03 28157  
of the Revised Code. 28158

(G) No city, exempted village, or local school district shall 28159  
receive a payment under division (C) of this section for a 28160  
student, and no joint vocational school district shall receive a 28161  
payment under division (D) of this section for a student, if for 28162  
the same school year that student is counted in the district's 28163  
formula ADM certified under section 3317.03 of the Revised Code. 28164

(H) Upon request of a parent, and provided the board offers 28165  
transportation to native students of the same grade level and 28166  
distance from school under section 3327.01 of the Revised Code, a 28167  
city, exempted village, or local school board enrolling an 28168  
adjacent or other district student shall provide transportation 28169  
for the student within the boundaries of the board's district, 28170  
except that the board shall be required to pick up and drop off a 28171

nonhandicapped student only at a regular school bus stop 28172  
designated in accordance with the board's transportation policy. 28173  
Pursuant to rules of the state board of education, such board may 28174  
reimburse the parent from funds received under division (D) of 28175  
section 3317.022 of the Revised Code for the reasonable cost of 28176  
transportation from the student's home to the designated school 28177  
bus stop if the student's family has an income below the federal 28178  
poverty line. 28179

**Sec. 3314.02.** (A) As used in this chapter: 28180

(1) "Sponsor" means an entity listed in division (C)(1) of 28181  
this section, which has been approved by the department of 28182  
education to sponsor community schools and with which the 28183  
governing authority of the proposed community school enters into a 28184  
contract pursuant to this section. 28185

(2) "Pilot project area" means the school districts included 28186  
in the territory of the former community school pilot project 28187  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 28188  
the 122nd general assembly. 28189

(3) "Challenged school district" means any of the following: 28190

(a) A school district that is part of the pilot project area; 28191

(b) A school district that is either in a state of academic 28192  
emergency or in a state of academic watch under section 3302.03 of 28193  
the Revised Code; 28194

(c) A big eight school district; 28195

(d) An urban school district. 28196

(4) "Big eight school district" means a school district that 28197  
for fiscal year 1997 had both of the following: 28198

(a) A percentage of children residing in the district and 28199  
participating in the predecessor of Ohio works first greater than 28200

thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in non-classroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and non-computer-based learning opportunities.

(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, or exempted village school district in which the public school is proposed to be converted. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school, indicating the intention of the board of education to support the conversion to a community school. A proposing

person or group that has a preliminary agreement under this 28232  
division may proceed to finalize plans for the school, establish a 28233  
governing authority for the school, and negotiate a contract with 28234  
the board of education. Provided the proposing person or group 28235  
adheres to the preliminary agreement and all provisions of this 28236  
chapter, the board of education shall negotiate in good faith to 28237  
enter into a contract in accordance with section 3314.03 of the 28238  
Revised Code and division (C) of this section. 28239

(C)(1) Any person or group of individuals may propose under 28240  
this division the establishment of a new start-up school to be 28241  
located in a challenged school district. The proposal may be made 28242  
to any of the following entities: 28243

(a) The board of education of the district in which the 28244  
school is proposed to be located; 28245

(b) The board of education of any joint vocational school 28246  
district with territory in the county in which is located the 28247  
majority of the territory of the district in which the school is 28248  
proposed to be located; 28249

(c) The board of education of any other city, local, or 28250  
exempted village school district having territory in the same 28251  
county where the district in which the school is proposed to be 28252  
located has the major portion of its territory; 28253

(d) The governing board of any educational service center ~~as~~ 28254  
~~long as the proposed school will be located in a county within the~~ 28255  
~~territory of the service center or in a county contiguous to such~~ 28256  
~~county;~~ 28257

(e) A sponsoring authority designated by the board of 28258  
trustees of any of the thirteen state universities listed in 28259  
section 3345.011 of the Revised Code or the board of trustees 28260  
itself as long as a mission of the proposed school to be specified 28261  
in the contract under division (A)(2) of section 3314.03 of the 28262

Revised Code and as approved by the department of education under 28263  
division (B)(2) of section 3314.015 of the Revised Code will be 28264  
the practical demonstration of teaching methods, educational 28265  
technology, or other teaching practices that are included in the 28266  
curriculum of the university's teacher preparation program 28267  
approved by the state board of education; 28268

(f) Any qualified tax-exempt entity under section 501(c)(3) 28269  
of the Internal Revenue Code as long as all of the following 28270  
conditions are satisfied: 28271

(i) The entity has been in operation for at least five years 28272  
prior to applying to be a community school sponsor. 28273

(ii) The entity has assets of at least five hundred thousand 28274  
dollars. 28275

(iii) The department of education has determined that the 28276  
entity is an education-oriented entity under division (B)(3) of 28277  
section 3314.015 of the Revised Code. 28278

Until July 1, 2005, any entity described in division 28279  
(C)(1)(f) of this section may sponsor only schools that formerly 28280  
were sponsored by the state board of education under division 28281  
(C)(1)(d) of this section, as it existed prior to April 8, 2003. 28282  
After July 1, 2005, such entity may sponsor any new or existing 28283  
school. 28284

Any entity described in division (C)(1) of this section may 28285  
enter into a preliminary agreement pursuant to division (C)(2) of 28286  
this section with the proposing person or group. 28287

(2) A preliminary agreement indicates the intention of an 28288  
entity described in division (C)(1) of this section to sponsor the 28289  
community school. A proposing person or group that has such a 28290  
preliminary agreement may proceed to finalize plans for the 28291  
school, establish a governing authority as described in division 28292  
(E) of this section for the school, and negotiate a contract with 28293

the entity. Provided the proposing person or group adheres to the 28294  
preliminary agreement and all provisions of this chapter, the 28295  
entity shall negotiate in good faith to enter into a contract in 28296  
accordance with section 3314.03 of the Revised Code. 28297

(3) A new start-up school that is established in a school 28298  
district while that district is either in a state of academic 28299  
emergency or in a state of academic watch under section 3302.03 of 28300  
the Revised Code may continue in existence once the school 28301  
district is no longer in a state of academic emergency or academic 28302  
watch, provided there is a valid contract between the school and a 28303  
sponsor. 28304

(4) A copy of every preliminary agreement entered into under 28305  
this division shall be filed with the superintendent of public 28306  
instruction. 28307

(D) A majority vote of the board of a sponsoring entity and a 28308  
majority vote of the members of the governing authority of a 28309  
community school shall be required to adopt a contract and convert 28310  
the public school to a community school or establish the new 28311  
start-up school. Up to the statewide limit prescribed in section 28312  
3314.013 of the Revised Code, an unlimited number of community 28313  
schools may be established in any school district provided that a 28314  
contract is entered into for each community school pursuant to 28315  
this chapter. 28316

(E) As used in this division, "immediate relatives" are 28317  
limited to spouses, children, parents, grandparents, siblings, and 28318  
in-laws. 28319

Each new start-up community school established under this 28320  
chapter shall be under the direction of a governing authority 28321  
which shall consist of a board of not less than five individuals 28322  
who are not owners or employees, or immediate relatives of owners 28323  
or employees, of any for-profit firm that operates or manages a 28324

school for the governing authority. 28325

No person shall serve on the governing authority or operate 28326  
the community school under contract with the governing authority 28327  
so long as the person owes the state any money or is in a dispute 28328  
over whether the person owes the state any money concerning the 28329  
operation of a community school that has closed. 28330

(F) Nothing in this chapter shall be construed to permit the 28331  
establishment of a community school in more than one school 28332  
district under the same contract. 28333

**Sec. 3314.03.** A copy of every contract entered into under 28334  
this section shall be filed with the superintendent of public 28335  
instruction. 28336

(A) Each contract entered into between a sponsor and the 28337  
governing authority of a community school shall specify the 28338  
following: 28339

(1) That the school shall be established as either of the 28340  
following: 28341

(a) A nonprofit corporation established under Chapter 1702. 28342  
of the Revised Code, if established prior to ~~the effective date of~~ 28343  
~~this amendment~~ April 8, 2003; 28344

(b) A public benefit corporation established under Chapter 28345  
1702. of the Revised Code, if established after ~~the effective date~~ 28346  
~~of this amendment~~ April 8, 2003; 28347

(2) The education program of the school, including the 28348  
school's mission, the characteristics of the students the school 28349  
is expected to attract, the ages and grades of students, and the 28350  
focus of the curriculum; 28351

(3) The academic goals to be achieved and the method of 28352  
measurement that will be used to determine progress toward those 28353  
goals, which shall include the statewide achievement tests; 28354

(4) Performance standards by which the success of the school will be evaluated by the sponsor;	28355 28356
(5) The admission standards of section 3314.06 of the Revised Code;	28357 28358
(6)(a) Dismissal procedures;	28359
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five <del>cumulative</del> <u>consecutive</u> hours of the learning opportunities offered to the student. Such a policy shall provide for withdrawing the student by the end of the thirtieth day after the student has failed to participate as required under this division.	28360 28361 28362 28363 28364 28365 28366 28367
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	28368 28369
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	28370 28371 28372 28373 28374 28375
(9) The facilities to be used and their locations;	28376
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	28377 28378 28379 28380 28381 28382
(11) That the school will comply with the following requirements:	28383 28384

(a) The school will provide learning opportunities to a 28385  
minimum of twenty-five students for a minimum of nine hundred 28386  
twenty hours per school year; 28387

(b) The governing authority will purchase liability 28388  
insurance, or otherwise provide for the potential liability of the 28389  
school; 28390

(c) The school will be nonsectarian in its programs, 28391  
admission policies, employment practices, and all other 28392  
operations, and will not be operated by a sectarian school or 28393  
religious institution; 28394

(d) The school will comply with sections 9.90, 9.91, 109.65, 28395  
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 28396  
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 28397  
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 28398  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 28399  
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 28400  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 28401  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 28402  
4123., 4141., and 4167. of the Revised Code as if it were a school 28403  
district and will comply with section 3301.0714 of the Revised 28404  
Code in the manner specified in section 3314.17 of the Revised 28405  
Code; 28406

(e) The school shall comply with Chapter 102. of the Revised 28407  
Code except that nothing in that chapter shall prohibit a member 28408  
of the school's governing board from also being an employee of the 28409  
school and nothing in that chapter or section 2921.42 of the 28410  
Revised Code shall prohibit a member of the school's governing 28411  
board from having an interest in a contract into which the 28412  
governing board enters that is not a contract with a for-profit 28413  
firm for the operation or management of a school under the 28414  
auspices of the governing authority; 28415

(f) The school will comply with sections 3313.61, 3313.611, 28416  
and 3313.614 of the Revised Code, except that the requirement in 28417  
sections 3313.61 and 3313.611 of the Revised Code that a person 28418  
must successfully complete the curriculum in any high school prior 28419  
to receiving a high school diploma may be met by completing the 28420  
curriculum adopted by the governing authority of the community 28421  
school rather than the curriculum specified in Title XXXIII of the 28422  
Revised Code or any rules of the state board of education; 28423

(g) The school governing authority will submit within four 28424  
months after the end of each school year a report of its 28425  
activities and progress in meeting the goals and standards of 28426  
divisions (A)(3) and (4) of this section and its financial status 28427  
to the sponsor, the parents of all students enrolled in the 28428  
school, and the legislative office of education oversight. The 28429  
school will collect and provide any data that the legislative 28430  
office of education oversight requests in furtherance of any study 28431  
or research that the general assembly requires the office to 28432  
conduct, including the studies required under Section 50.39 of Am. 28433  
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 28434  
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 28435

(12) Arrangements for providing health and other benefits to 28436  
employees; 28437

(13) The length of the contract, which shall begin at the 28438  
beginning of an academic year. No contract shall exceed five years 28439  
unless such contract has been renewed pursuant to division (E) of 28440  
this section. 28441

(14) The governing authority of the school, which shall be 28442  
responsible for carrying out the provisions of the contract; 28443

(15) A financial plan detailing an estimated school budget 28444  
for each year of the period of the contract and specifying the 28445  
total estimated per pupil expenditure amount for each such year. 28446

The plan shall specify for each year the base formula amount that 28447  
will be used for purposes of funding calculations under section 28448  
3314.08 of the Revised Code. This base formula amount for any year 28449  
shall not exceed the formula amount defined under section 3317.02 28450  
of the Revised Code. The plan may also specify for any year a 28451  
percentage figure to be used for reducing the per pupil amount of 28452  
disadvantaged pupil impact aid calculated pursuant to section 28453  
3317.029 of the Revised Code the school is to receive that year 28454  
under section 3314.08 of the Revised Code. 28455

(16) Requirements and procedures regarding the disposition of 28456  
employees of the school in the event the contract is terminated or 28457  
not renewed pursuant to section 3314.07 of the Revised Code; 28458

(17) Whether the school is to be created by converting all or 28459  
part of an existing public school or is to be a new start-up 28460  
school, and if it is a converted public school, specification of 28461  
any duties or responsibilities of an employer that the board of 28462  
education that operated the school before conversion is delegating 28463  
to the governing board of the community school with respect to all 28464  
or any specified group of employees provided the delegation is not 28465  
prohibited by a collective bargaining agreement applicable to such 28466  
employees; 28467

(18) Provisions establishing procedures for resolving 28468  
disputes or differences of opinion between the sponsor and the 28469  
governing authority of the community school; 28470

(19) A provision requiring the governing authority to adopt a 28471  
policy regarding the admission of students who reside outside the 28472  
district in which the school is located. That policy shall comply 28473  
with the admissions procedures specified in section 3314.06 of the 28474  
Revised Code and, at the sole discretion of the authority, shall 28475  
do one of the following: 28476

(a) Prohibit the enrollment of students who reside outside 28477

the district in which the school is located;	28478
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	28479 28480
(c) Permit the enrollment of students who reside in any other district in the state.	28481 28482
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	28483 28484 28485 28486
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	28487 28488 28489
(22) A provision recognizing both of the following:	28490
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	28491 28492 28493 28494
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;	28495 28496 28497 28498 28499 28500 28501
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code.	28502 28503 28504 28505 28506 28507

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance

and the organization and operation of the community school on at 28538  
least an annual basis; 28539

(3) Report on an annual basis the results of the evaluation 28540  
conducted under division (D)(2) of this section to the department 28541  
of education and to the parents of students enrolled in the 28542  
community school; 28543

(4) Provide technical assistance to the community school in 28544  
complying with laws applicable to the school and terms of the 28545  
contract; 28546

(5) Take steps to intervene in the school's operation to 28547  
correct problems in the school's overall performance, declare the 28548  
school to be on probationary status pursuant to section 3314.073 28549  
of the Revised Code, suspend the operation of the school pursuant 28550  
to section 3314.072 of the Revised Code, or terminate the contract 28551  
of the school pursuant to section 3314.07 of the Revised Code as 28552  
determined necessary by the sponsor; 28553

(6) Have in place a plan of action to be undertaken in the 28554  
event the community school experiences financial difficulties or 28555  
closes prior to the end of a school year. 28556

(E) Upon the expiration of a contract entered into under this 28557  
section, the sponsor of a community school may, with the approval 28558  
of the governing authority of the school, renew that contract for 28559  
a period of time determined by the sponsor, but not ending earlier 28560  
than the end of any school year, if the sponsor finds that the 28561  
school's compliance with applicable laws and terms of the contract 28562  
and the school's progress in meeting the academic goals prescribed 28563  
in the contract have been satisfactory. Any contract that is 28564  
renewed under this division remains subject to the provisions of 28565  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 28566

**Sec. 3314.041.** The governing authority of each community 28567

school and any operator of such school shall ~~place in a~~ 28568  
~~conspicuous manner in all documents that are distributed~~ 28569  
distribute to parents of students of the school ~~or to the general~~ 28570  
~~public~~ upon their enrollment in the school the following statement 28571  
in writing: 28572

"The ..... (here fill in name of the school) school 28573  
is a community school established under Chapter 3314. of the 28574  
Revised Code. The school is a public school and students enrolled 28575  
in and attending the school are required to take proficiency tests 28576  
and other examinations prescribed by law. In addition, there may 28577  
be other requirements for students at the school that are 28578  
prescribed by law. Students who have been excused from the 28579  
compulsory attendance law for the purpose of home education as 28580  
defined by the Administrative Code shall no longer be excused for 28581  
that purpose upon their enrollment in a community school. For more 28582  
information about this matter contact the school administration or 28583  
the Ohio Department of Education." 28584

**Sec. 3314.07.** (A) The expiration of the contract for a 28585  
community school between a sponsor and a school shall be the date 28586  
provided in the contract. A successor contract may be entered into 28587  
pursuant to division (E) of section 3314.03 of the Revised Code 28588  
unless the contract is terminated or not renewed pursuant to this 28589  
section. 28590

(B)(1) A sponsor may choose not to renew a contract at its 28591  
expiration or may choose to terminate a contract prior to its 28592  
expiration for any of the following reasons: 28593

(a) Failure to meet student performance requirements stated 28594  
in the contract; 28595

(b) Failure to meet generally accepted standards of fiscal 28596  
management; 28597

(c) Violation of any provision of the contract or applicable state or federal law;	28598 28599
(d) Other good cause.	28600
(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code.	28601 28602 28603
(3) At least ninety days prior to the termination or nonrenewal of a contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within seventy days of the receipt of a request for the hearing. Promptly following the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract.	28604 28605 28606 28607 28608 28609 28610 28611 28612 28613 28614 28615
(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The decision by the state board pertaining to an appeal under this division is final. If the sponsor is the state board, its decision to terminate a contract under division (B)(3) of this section shall be final.	28616 28617 28618 28619 28620
(5) The termination of a contract under this section shall be effective upon the occurrence of the later of the following events:	28621 28622 28623
(a) Ninety days following the date the sponsor notifies the school of its decision to terminate the contract as prescribed in division (B)(3) of this section;	28624 28625 28626
(b) If an informal hearing is requested under division (B)(3) of this section and as a result of that hearing the sponsor	28627 28628

affirms its decision to terminate the contract, the effective date 28629  
of the termination specified in the notice issued under division 28630  
(B)(3) of this section, or if that decision is appealed to the 28631  
state board under division (B)(4) of this section and the state 28632  
board affirms that decision, the date established in the 28633  
resolution of the state board affirming the sponsor's decision. 28634

(6) Any community school whose contract is terminated under 28635  
this division shall not enter into a contract with any other 28636  
sponsor. 28637

(C) A child attending a community school whose contract has 28638  
been terminated, nonrenewed, or suspended or that closes for any 28639  
reason shall be admitted to the schools of the district in which 28640  
the child is entitled to attend under section 3313.64 or 3313.65 28641  
of the Revised Code. Any deadlines established for the purpose of 28642  
admitting students under section 3313.97 or 3313.98 of the Revised 28643  
Code shall be waived for students to whom this division pertains. 28644

(D) If a community school does not intend to renew a contract 28645  
with its sponsor, the community school shall notify its sponsor in 28646  
writing of that fact at least one hundred eighty days prior to the 28647  
expiration of the contract. Such a community school may enter into 28648  
a contract with a new sponsor in accordance with section 3314.03 28649  
of the Revised Code upon the expiration of the previous contract. 28650

(E) A sponsor of a community school and the officers, 28651  
directors, or employees of such a sponsor are not liable in 28652  
damages in a tort or other civil action for harm allegedly arising 28653  
from either of the following: 28654

(1) A failure of the community school or any of its officers, 28655  
directors, or employees to perform any statutory or common law 28656  
duty or responsibility or any other legal obligation; 28657

(2) An action or omission of the community school or any of 28658  
its officers, directors, or employees that results in harm. 28659

<del>(E)</del> (F) As used in this section:	28660
(1) "Harm" means injury, death, or loss to person or property.	28661 28662
(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.	28663 28664 28665 28666
<b>Sec. 3314.08.</b> (A) As used in this section:	28667
(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	28668 28669 28670
(2) "Cost-of-doing-business factor" has the same meaning as in section 3317.02 of the Revised Code.	28671 28672
(3) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.	28673 28674
(4) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a handicap described in that section.	28675 28676 28677
(5) "Applicable vocational education weight" means:	28678
(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;	28679 28680 28681
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	28682 28683 28684
(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	28685 28686 28687
(7) A community school student is "included in the DPIA	28688

student count" of a school district if the student is entitled to attend school in the district and:

(a) For school years prior to fiscal year 2004, the student's family receives assistance under the Ohio works first program.

(b) For school years in and after fiscal year 2004, the student's family income does not exceed the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, and the student's family receives family assistance, as defined in section 3317.029 of the Revised Code.

(8) "DPIA reduction factor" means the percentage figure, if any, for reducing the per pupil amount of disadvantaged pupil impact aid a community school is entitled to receive pursuant to divisions (D)(5) and (6) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(9) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.

(10) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (J), (P), and (R) of section 3317.024, and sections 3317.029, 3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979, divisions (B), (C), (D), (E), (K), (L), and (M) of section 3317.023, and division (C) of section 3317.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are

enrolled in grades one through twelve in a community school 28720  
established under this chapter, the number of students entitled to 28721  
attend school in the district who are enrolled in kindergarten in 28722  
a community school, the number of those kindergartners who are 28723  
enrolled in all-day kindergarten in their community school, and 28724  
for each child, the community school in which the child is 28725  
enrolled. 28726

(2) The governing authority of each community school 28727  
established under this chapter to annually report all of the 28728  
following: 28729

(a) The number of students enrolled in grades one through 28730  
twelve and the number of students enrolled in kindergarten in the 28731  
school who are not receiving special education and related 28732  
services pursuant to an IEP; 28733

(b) The number of enrolled students in grades one through 28734  
twelve and the number of enrolled students in kindergarten, who 28735  
are receiving special education and related services pursuant to 28736  
an IEP; 28737

(c) The number of students reported under division (B)(2)(b) 28738  
of this section receiving special education and related services 28739  
pursuant to an IEP for a handicap described in each of divisions 28740  
(A) to (F) of section 3317.013 of the Revised Code; 28741

(d) The full-time equivalent number of students reported 28742  
under divisions (B)(2)(a) and (b) of this section who are enrolled 28743  
in vocational education programs or classes described in each of 28744  
divisions (A) and (B) of section 3317.014 of the Revised Code that 28745  
are provided by the community school; 28746

(e) ~~One-fourth~~ Twenty per cent of the number of students 28747  
reported under divisions (B)(2)(a) and (b) of this section who are 28748  
not reported under division (B)(2)(d) of this section but who are 28749  
enrolled in vocational education programs or classes described in 28750

each of divisions (A) and (B) of section 3317.014 of the Revised Code at a joint vocational school district under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district;

(f) The number of enrolled preschool handicapped students receiving special education services in a state-funded unit;

(g) The community school's base formula amount;

(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;

(i) Any DPIA reduction factor that applies to a school year.

(C) From the ~~payments~~ SF-3 payment made to a city, exempted village, or local school district ~~under Chapter 3317. of the Revised Code~~ and, if necessary, from the payment made to the district under sections 321.14 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract all the sum of the following: amounts described in divisions (C)(1) to (6) of this section. However, the aggregate amount deducted under this division shall not exceed the sum of the district's SF-3 payment and its payment under sections 321.24 and 323.156 of the Revised Code.

(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (e) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the base formula amount of that community school as adjusted by the school district's cost-of-doing-business factor.

(2) The sum of the amounts calculated under divisions	28782
(C)(2)(a) and (b) of this section:	28783
(a) For each of the district's students reported under	28784
division (B)(2)(c) of this section as enrolled in a community	28785
school in grades one through twelve and receiving special	28786
education and related services pursuant to an IEP for a handicap	28787
described in section 3317.013 of the Revised Code, the product of	28788
the applicable special education weight times the community	28789
school's base formula amount;	28790
(b) For each of the district's students reported under	28791
division (B)(2)(c) of this section as enrolled in kindergarten in	28792
a community school and receiving special education and related	28793
services pursuant to an IEP for a handicap described in section	28794
3317.013 of the Revised Code, one-half of the amount calculated as	28795
prescribed in division (C)(2)(a) of this section.	28796
(3) For each of the district's students reported under	28797
division (B)(2)(d) of this section for whom payment is made under	28798
division (D)(4) of this section, the amount of that payment;	28799
(4) An amount equal to the sum of the amounts obtained when,	28800
for each community school where the district's students are	28801
enrolled, the number of the district's students enrolled in that	28802
community school who are included in the district's DPIA student	28803
count is multiplied by the per pupil amount of disadvantaged pupil	28804
impact aid the school district receives that year pursuant to	28805
division (B) or (C) of section 3317.029 of the Revised Code, as	28806
adjusted by any DPIA reduction factor of that community school. If	28807
the district receives disadvantaged pupil impact aid under	28808
division (B) of that section, the per pupil amount of that aid is	28809
the quotient of the amount the district received under that	28810
division divided by the district's DPIA student count, as defined	28811
in that section. If the district receives disadvantaged pupil	28812
impact aid under division (C) of section 3317.029 of the Revised	28813

Code, the per pupil amount of that aid is the per pupil dollar amount prescribed for the district in division (C)(1) or (2) of that section. 28814  
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(5) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any DPIA reduction factor of the community school, is multiplied by the sum of the following: 28817  
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(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP; 28823  
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(b) One-half of the district's students who are enrolled in all-day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP; 28827  
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(c) One-half of the district's students who are enrolled in all-day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP. 28831  
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The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section. 28835  
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(6) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one-half of the number of students in kindergarten, who are 28840  
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entitled to attend school in the district and are enrolled in a 28845  
community school as reported under division (B)(1) of this 28846  
section. 28847

(D) The department shall annually pay to a community school 28848  
established under this chapter ~~all the sum~~ of the ~~following~~: 28849  
amounts described in divisions (D)(1) to (7) of this section. 28850  
However, the sum of the payments to all community schools under 28851  
divisions (D)(1), (2), (4), (5), (6), and (7) of this section for 28852  
the students entitled to attend school in any particular school 28853  
district shall not exceed the sum of that district's SF-3 payment 28854  
and its payment under sections 321.24 and 323.156 of the Revised 28855  
Code. If the sum of the payments calculated under those divisions 28856  
for the students entitled to attend school in a particular school 28857  
district exceeds the sum of that district's SF-3 payment and its 28858  
payment under sections 321.24 and 323.156 of the Revised Code, the 28859  
department shall calculate and apply a proration factor to the 28860  
payments to all community schools under those divisions for the 28861  
students entitled to attend school in that district. 28862

(1) An amount equal to the sum of the amounts obtained when 28863  
the number of students enrolled in grades one through twelve, plus 28864  
one-half of the kindergarten students in the school, reported 28865  
under divisions (B)(2)(a), (b), and (e) of this section who are 28866  
not receiving special education and related services pursuant to 28867  
an IEP for a handicap described in section 3317.013 of the Revised 28868  
Code is multiplied by the community school's base formula amount, 28869  
as adjusted by the cost-of-doing-business factor of the school 28870  
district in which the student is entitled to attend school; 28871

(2) The greater of the following: 28872

(a) The aggregate amount that the department paid to the 28873  
community school in fiscal year 1999 for students receiving 28874  
special education and related services pursuant to IEPs, excluding 28875  
federal funds and state disadvantaged pupil impact aid funds; 28876

(b) The sum of the amounts calculated under divisions	28877
(D)(2)(b)(i) and (ii) of this section:	28878
(i) For each student reported under division (B)(2)(c) of	28879
this section as enrolled in the school in grades one through	28880
twelve and receiving special education and related services	28881
pursuant to an IEP for a handicap described in section 3317.013 of	28882
the Revised Code, the following amount:	28883
(the community school's base formula amount	28884
X the cost-of-doing-business factor	28885
of the district where the student	28886
is entitled to attend school) +	28887
(the applicable special education weight X	28888
the community school's base formula amount);	28889
(ii) For each student reported under division (B)(2)(c) of	28890
this section as enrolled in kindergarten and receiving special	28891
education and related services pursuant to an IEP for a handicap	28892
described in section 3317.013 of the Revised Code, one-half of the	28893
amount calculated under the formula prescribed in division	28894
(D)(2)(b)(i) of this section.	28895
(3) An amount received from federal funds to provide special	28896
education and related services to students in the community	28897
school, as determined by the superintendent of public instruction.	28898
(4) For each student reported under division (B)(2)(d) of	28899
this section as enrolled in vocational education programs or	28900
classes that are described in section 3317.014 of the Revised	28901
Code, are provided by the community school, and are comparable as	28902
determined by the superintendent of public instruction to school	28903
district vocational education programs and classes eligible for	28904
state weighted funding under section 3317.014 of the Revised Code,	28905
an amount equal to the applicable vocational education weight	28906
times the community school's base formula amount times the	28907
percentage of time the student spends in the vocational education	28908

programs or classes. 28909

(5) An amount equal to the sum of the amounts obtained when, 28910  
for each school district where the community school's students are 28911  
entitled to attend school, the number of that district's students 28912  
enrolled in the community school who are included in the 28913  
district's DPIA student count is multiplied by the per pupil 28914  
amount of disadvantaged pupil impact aid that school district 28915  
receives that year pursuant to division (B) or (C) of section 28916  
3317.029 of the Revised Code, as adjusted by any DPIA reduction 28917  
factor of the community school. The per pupil amount of aid shall 28918  
be determined as described in division (C)(4) of this section. 28919

(6) An amount equal to the sum of the amounts obtained when, 28920  
for each school district where the community school's students are 28921  
entitled to attend school, the district's per pupil amount of aid 28922  
received under division (E) of section 3317.029 of the Revised 28923  
Code, as adjusted by any DPIA reduction factor of the community 28924  
school, is multiplied by the sum of the following: 28925

(a) The number of the district's students reported under 28926  
division (B)(2)(a) of this section who are enrolled in grades one 28927  
to three in that community school and who are not receiving 28928  
special education and related services pursuant to an IEP; 28929

(b) One-half of the district's students who are enrolled in 28930  
all-day or any other kindergarten class in that community school 28931  
and who are not receiving special education and related services 28932  
pursuant to an IEP; 28933

(c) One-half of the district's students who are enrolled in 28934  
all-day kindergarten in that community school and who are not 28935  
receiving special education and related services pursuant to an 28936  
IEP. 28937

The district's per pupil amount of aid under division (E) of 28938  
section 3317.029 of the Revised Code shall be determined as 28939

described in division (C)(5) of this section. 28940

(7) An amount equal to the sum of the amounts obtained when, 28941  
for each school district where the community school's students are 28942  
entitled to attend school, the district's per pupil amount of 28943  
state parity aid funding calculated under either division (C) or 28944  
(D) of section 3317.0217 of the Revised Code is multiplied by the 28945  
sum of the number of that district's students enrolled in grades 28946  
one through twelve, and one-half of the number of that district's 28947  
students enrolled in kindergarten, in the community school as 28948  
reported under division (B)(2)(a) and (b) of this section. 28949

(E)(1) If a community school's costs for a fiscal year for a 28950  
student receiving special education and related services pursuant 28951  
to an IEP for a handicap described in divisions (B) to (F) of 28952  
section 3317.013 of the Revised Code exceed the threshold 28953  
catastrophic cost for serving the student as specified in division 28954  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 28955  
submit to the superintendent of public instruction documentation, 28956  
as prescribed by the superintendent, of all its costs for that 28957  
student. Upon submission of documentation for a student of the 28958  
type and in the manner prescribed, the department shall pay to the 28959  
community school an amount equal to the school's costs for the 28960  
student in excess of the threshold catastrophic costs. 28961

(2) The community school shall only report under division 28962  
(E)(1) of this section, and the department shall only pay for, the 28963  
costs of educational expenses and the related services provided to 28964  
the student in accordance with the student's individualized 28965  
education program. Any legal fees, court costs, or other costs 28966  
associated with any cause of action relating to the student may 28967  
not be included in the amount. 28968

(F) A community school may apply to the department of 28969  
education for preschool handicapped or gifted unit funding the 28970  
school would receive if it were a school district. Upon request of 28971

its governing authority, a community school that received unit 28972  
funding as a school district-operated school before it became a 28973  
community school shall retain any units awarded to it as a school 28974  
district-operated school provided the school continues to meet 28975  
eligibility standards for the unit. 28976

A community school shall be considered a school district and 28977  
its governing authority shall be considered a board of education 28978  
for the purpose of applying to any state or federal agency for 28979  
grants that a school district may receive under federal or state 28980  
law or any appropriations act of the general assembly. The 28981  
governing authority of a community school may apply to any private 28982  
entity for additional funds. 28983

(G) A board of education sponsoring a community school may 28984  
utilize local funds to make enhancement grants to the school or 28985  
may agree, either as part of the contract or separately, to 28986  
provide any specific services to the community school at no cost 28987  
to the school. 28988

(H) A community school may not levy taxes or issue bonds 28989  
secured by tax revenues. 28990

(I) No community school shall charge tuition for the 28991  
enrollment of any student. 28992

(J)(1)(a) A community school may borrow money to pay any 28993  
necessary and actual expenses of the school in anticipation of the 28994  
receipt of any portion of the payments to be received by the 28995  
school pursuant to division (D) of this section. The school may 28996  
issue notes to evidence such borrowing . The proceeds of the notes 28997  
shall be used only for the purposes for which the anticipated 28998  
receipts may be lawfully expended by the school. 28999

(b) A school may also borrow money for a term not to exceed 29000  
fifteen years for the purpose of acquiring facilities. 29001

(2) Except for any amount guaranteed under section 3318.50 of 29002

the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the department shall report to the state department of education the number of students on the list who reside in each school district who were included in the department's report under section 3317.10 of the Revised Code. In complying with this division, the department of job and family services shall not report to the state department of education any personally identifiable information on any student.

(L) The department of education shall adjust the amounts subtracted and paid under divisions (C) and (D) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after ~~the effective date of this amendment~~ April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community

schools under this section including initial payments in a school 29035  
year and adjustments and reductions made in subsequent periodic 29036  
payments to community schools and corresponding deductions from 29037  
school district accounts as provided under divisions (C) and (D) 29038  
of this section. For purposes of this section: 29039

(1) A student shall be considered enrolled in the community 29040  
school for any portion of the school year the student is 29041  
participating at a college under Chapter 3365. of the Revised 29042  
Code. 29043

(2) A student shall be considered to be enrolled in a 29044  
community school during a school year for the period of time 29045  
between the date on which the school both has received 29046  
documentation of the student's enrollment from a parent and has 29047  
commenced participation in learning opportunities as defined in 29048  
the contract with the sponsor. For purposes of applying this 29049  
division to a community school student, "learning opportunities" 29050  
shall be defined in the contract, which shall describe both 29051  
classroom-based and non-classroom-based learning opportunities and 29052  
shall be in compliance with criteria and documentation 29053  
requirements for student participation which shall be established 29054  
by the department. Any student's instruction time in 29055  
non-classroom-based learning opportunities shall be certified by 29056  
an employee of the community school. A student's enrollment shall 29057  
be considered to cease on the date on which any of the following 29058  
occur: 29059

(a) The community school receives documentation from a parent 29060  
terminating enrollment of the student. 29061

(b) The community school is provided documentation of a 29062  
student's enrollment in another public or private school. 29063

(c) The community school ceases to offer learning 29064  
opportunities to the student pursuant to the terms of the contract 29065

with the sponsor or the operation of any provision of this 29066  
chapter. 29067

(3) A student's percentage of full-time equivalency shall be 29068  
considered to be the percentage the hours of learning opportunity 29069  
offered to that student is of nine hundred and twenty hours. 29070

(M) The department of education shall reduce the amounts paid 29071  
under division (D) of this section to reflect payments made to 29072  
colleges under division (B) of section 3365.07 of the Revised 29073  
Code. 29074

(N)(1) No student shall be considered enrolled in any 29075  
internet- or computer-based community school unless ~~the~~ both of 29076  
the following conditions are satisfied: 29077

(a) The student possesses or has been provided with all 29078  
required hardware and software materials and all such materials 29079  
are fully operational and the so that the student is capable of 29080  
fully participating in the learning opportunities specified in the 29081  
contract between the school and the school's sponsor as required 29082  
by division (A)(23) of section 3314.03 of the Revised Code; 29083

(b) The school is in compliance with division (A)(1) or (2) 29084  
of section 3314.032 of the Revised Code, relative to such student. 29085  
~~In~~ 29086

(2) In accordance with policies adopted jointly by the 29087  
superintendent of public instruction and the auditor of state, the 29088  
department shall reduce the amounts otherwise payable under 29089  
division (D) of this section to any internet- or computer-based 29090  
community school that includes in its program the provision of 29091  
computer hardware and software materials to each student, if such 29092  
hardware and software materials have not been delivered, 29093  
installed, and activated for all students in a timely manner or 29094  
other educational materials or services have not been provided 29095  
according to the contract between the individual community school 29096

and its sponsor. 29097

The superintendent of public instruction and the auditor of 29098  
state shall jointly establish a method for auditing any community 29099  
school to which this division pertains to ensure compliance with 29100  
this section. 29101

The superintendent, auditor of state, and the governor shall 29102  
jointly make recommendations to the general assembly for 29103  
legislative changes that may be required to assure fiscal and 29104  
academic accountability for such internet- or computer-based 29105  
schools. 29106

(O)(1) If the department determines that a review of a 29107  
community school's enrollment is necessary, such review shall be 29108  
completed and written notice of the findings shall be provided to 29109  
the governing authority of the community school and its sponsor 29110  
within ninety days of the end of the community school's fiscal 29111  
year, unless extended for a period not to exceed thirty additional 29112  
days for one of the following reasons: 29113

(a) The department and the community school mutually agree to 29114  
the extension. 29115

(b) Delays in data submission caused by either a community 29116  
school or its sponsor. 29117

(2) If the review results in a finding that additional 29118  
funding is owed to the school, such payment shall be made within 29119  
thirty days of the written notice. If the review results in a 29120  
finding that the community school owes moneys to the state, the 29121  
following procedure shall apply: 29122

(a) Within ten business days of the receipt of the notice of 29123  
findings, the community school may appeal the department's 29124  
determination to the state board of education or its designee. 29125

(b) The board or its designee shall conduct an informal 29126

hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

Sec. 3314.083. If the department of education pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a handicapped student who is enrolled in a community school, as calculated under division (G)(2) of that section, the department shall deduct the amount of that payment from the amount calculated for payment to the community school under section 3314.08 of the Revised Code.

**Sec. 3314.17.** (A) Each community school established under this chapter shall participate in the statewide education management information system established under section 3301.0714 of the Revised Code. All provisions of that section and the rules adopted under that section apply to each community school as if it were a school district, except as modified for community schools under division (B) of this section.

(B) The rules adopted by the state board of education under section 3301.0714 of the Revised Code may distinguish methods and

timelines for community schools to annually report data, which 29157  
methods and timelines differ from those prescribed for school 29158  
districts. Any methods and timelines prescribed for community 29159  
schools shall be appropriate to the academic schedule and 29160  
financing of community schools. The guidelines, however, shall not 29161  
modify the actual data required to be reported under that section. 29162

(C) Each fiscal officer appointed under section 3314.011 of 29163  
the Revised Code is responsible for annually reporting the 29164  
community school's data under section 3301.0714 of the Revised 29165  
Code. If the superintendent of public instruction determines that 29166  
a community school fiscal officer has willfully failed to report 29167  
data or has willfully reported erroneous, inaccurate, or 29168  
incomplete data in any year, or has negligently reported 29169  
erroneous, inaccurate, or incomplete data in the current and any 29170  
previous year, the superintendent may impose a civil penalty of 29171  
one hundred dollars on the fiscal officer after providing the 29172  
officer with notice and an opportunity for a hearing in accordance 29173  
with Chapter 119. of the Revised Code. The superintendent's 29174  
authority to impose civil penalties under this division does not 29175  
preclude the state board of education from suspending or revoking 29176  
the license of a community school employee under division (N) of 29177  
section 3301.0714 of the Revised Code. 29178

(D) No community school shall acquire, change, or update its 29179  
student administration software package to manage and report data 29180  
required to be reported to the department unless it converts to a 29181  
student software package that is certified by the department. 29182

**Sec. 3316.031.** (A) The state superintendent of public 29183  
instruction, in consultation with the auditor of state, shall 29184  
develop guidelines for identifying fiscal practices and budgetary 29185  
conditions that, if uncorrected, could result in a future 29186  
declaration of a fiscal watch or fiscal emergency within a school 29187

district. 29188

The guidelines shall not include a requirement that a school district submit financial statements according to generally accepted accounting principles. 29189  
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(B)(1) If the state superintendent determines from a school district's five-year forecast submitted under section 5705.391 of the Revised Code that a district is engaging in any of those practices or that any of those conditions exist within the district, after consulting with the district board of education concerning the practices or conditions, the state superintendent may declare the district to be under a fiscal caution. 29192  
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(2) If the auditor of state finds that a district is engaging in any of those practices or that any of those conditions exist within the district, the auditor of state shall report that finding to the state superintendent and, after consulting with the district board of education concerning the practices or conditions, the state superintendent may declare the district to be under a fiscal caution. 29199  
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(3) Unless the auditor of state has elected to declare a state of fiscal watch under division (A)(4) of section 3316.03 of the Revised Code, the state superintendent shall declare a school district to be under a fiscal caution if the conditions described in divisions (A)(4)(a) and (b) of that section are both satisfied with respect to the school district. 29206  
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(C) When the state superintendent declares a district to be under fiscal caution, the state superintendent shall promptly notify the district board of education of that declaration and shall request the board to provide written proposals for discontinuing or correcting the fiscal practices or budgetary conditions that prompted the declaration and for preventing the district from experiencing further fiscal difficulties that could 29212  
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result in the district being declared to be in a state of fiscal watch or fiscal emergency. 29219  
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(D) The state superintendent, or a designee, may visit and inspect any district that is declared to be under a fiscal caution. The department of education shall provide technical assistance to the district board in implementing proposals to eliminate the practices or budgetary conditions that prompted the declaration of fiscal caution and may make recommendations concerning the board's proposals. 29221  
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(E) If the state superintendent finds that a school district declared to be under a fiscal caution has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal caution, and if the state superintendent considers it necessary to prevent further fiscal decline, the state superintendent may determine that the district should be in a state of fiscal watch. As provided in division (A)(3) of section 3316.03 of the Revised Code, the auditor of state shall declare the district to be in a state of fiscal watch if the auditor of state finds the superintendent's determination to be reasonable. 29228  
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**Sec. 3316.08.** During a school district's fiscal emergency period, the auditor of state shall determine annually, or at any other time upon request of the financial planning and supervision commission, whether the school district will incur an operating deficit. If the auditor of state determines that a school district will incur an operating deficit, the auditor of state shall certify that determination to the superintendent of public instruction, the financial planning and supervision commission, and the board of education of the school district. Upon receiving the auditor of state's certification, the ~~board of education or~~ commission shall adopt a resolution ~~to submit a ballot question~~ 29239  
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~~proposing the levy of a tax requesting that the board of education~~ 29250  
~~work with the county auditor or tax commissioner to estimate the~~ 29251  
~~amount and rate of a tax levy that is needed~~ under section 29252  
5705.194 or 5705.21 or Chapter 5748. of the Revised Code to 29253  
~~produce a positive fund balance not later than the fifth year of~~ 29254  
~~the five-year forecast submitted under section 5705.391 of the~~ 29255  
~~Revised Code. Except~~ 29256

The board of education shall recommend to the commission 29257  
whether the board supports or opposes a tax levy under section 29258  
5705.194 or 5705.21 or Chapter 5748. of the Revised Code and shall 29259  
provide supporting documentation to the commission of its 29260  
recommendation. 29261

After considering the board of education's recommendation and 29262  
supporting documentation, the commission shall adopt a resolution 29263  
to either submit a ballot question proposing a tax levy or not to 29264  
submit such a question. 29265

Except as otherwise provided in this division, the tax shall 29266  
be levied in the manner prescribed for a tax levied under section 29267  
5705.194 or 5705.21 or under Chapter 5748. of the Revised Code. 29268  
~~The~~ If the commission decides that a tax shall should be levied, 29269  
the tax shall be levied for the purpose of paying current 29270  
operating expenses of the school district. ~~The question shall~~ 29271  
~~propose that the tax be levied at the rate required to produce~~ 29272  
~~annual revenue sufficient to eliminate the operating deficit as~~ 29273  
~~certified by the auditor of state and to repay outstanding loans~~ 29274  
~~or other obligations incurred by the board of education for the~~ 29275  
~~purpose of reducing or eliminating operating deficits, as~~ 29276  
~~determined by the financial planning and supervision commission.~~ 29277  
The rate of a tax levied under section 5705.194 or 5705.21 of the 29278  
Revised Code shall be determined by the county auditor, and the 29279  
rate of a tax levied under section 5748.02 or 5748.08 of the 29280  
Revised Code shall be determined by the tax commissioner, upon the 29281

request of the commission. The commission, in consultation with 29282  
the board of education, shall determine the election at which the 29283  
question of the tax shall appear on the ballot, and the ~~board of~~ 29284  
~~education or~~ commission shall submit a copy of its resolution to 29285  
the board of elections not later than seventy-five days prior to 29286  
the day of that election. The board of elections conducting the 29287  
election shall certify the results of the election to the board of 29288  
education and to the financial planning and supervision 29289  
commission. 29290

**Sec. 3317.012.** (A)(1) The general assembly, having analyzed 29291  
school district expenditure and cost data for fiscal year 1999, 29292  
performed the calculation described in division (B) of this 29293  
section, adjusted the results for inflation, and added the amounts 29294  
described in division (A)(2) of this section, hereby determines 29295  
that the base cost of an adequate education per pupil for the 29296  
fiscal year beginning July 1, 2001, is \$4,814. ~~For the five~~ 29297  
~~following fiscal years, the~~ The base cost per pupil ~~for each of~~ 29298  
~~those years,~~ reflecting an annual rate of inflation of two and 29299  
eight-tenths per cent, is \$4,949 for fiscal year 2003, ~~\$5,088.~~ The 29300  
base cost per pupil, reflecting an annual rate of inflation of two 29301  
and two-tenths per cent, is \$5,058 for fiscal year 2004, ~~\$5,230~~ 29302  
~~and \$5,169~~ for fiscal year 2005, ~~\$5,376~~ for fiscal year 2006, and 29303  
~~\$5,527~~ for fiscal year 2007. 29304

(2) The base cost per pupil amounts specified in division 29305  
(A)(1) of this section include amounts to reflect the cost to 29306  
school districts of increasing the minimum number of high school 29307  
academic units required for graduation beginning September 15, 29308  
2001, under section 3313.603 of the Revised Code. Analysis of 29309  
fiscal year 1999 data revealed that the school districts meeting 29310  
the requirements of division (B) of this section on average 29311  
required high school students to complete a minimum of nineteen 29312  
and eight-tenths units to graduate. The general assembly 29313

determines that the cost of funding the additional two-tenths unit 29314  
required by section 3313.603 of the Revised Code is \$12 per pupil 29315  
in fiscal year 2002. This amount was added after the calculation 29316  
described in division (B) of this section and the adjustment for 29317  
inflation from fiscal year 1999 to fiscal year 2002. It is this 29318  
total amount, the calculated base cost plus the supplement to pay 29319  
for the additional partial unit, that constitutes the base cost 29320  
amount specified in division (A)(1) of this section for fiscal 29321  
year 2002 and that is inflated to produce the base cost amounts 29322  
for fiscal years 2003 through ~~2007~~ 2005. 29323

(B) In determining the base cost stated in division (A) of 29324  
this section, capital and debt costs, costs paid for by federal 29325  
funds, and costs covered by funds provided for disadvantaged pupil 29326  
impact aid and transportation were excluded, as were the effects 29327  
on the districts' state funds of the application of the 29328  
cost-of-doing-business factors, assuming a seven and one-half per 29329  
cent variance. 29330

The base cost for fiscal year 1999 was calculated as the 29331  
unweighted average cost per student, on a school district basis, 29332  
of educating students who were not receiving vocational education 29333  
or services pursuant to Chapter 3323. of the Revised Code and who 29334  
were enrolled in a city, exempted village, or local school 29335  
district that in fiscal year 1999 met all of the following 29336  
criteria: 29337

(1) The district met at least twenty of the following 29338  
twenty-seven performance indicators: 29339

(a) A ninety per cent or higher graduation rate; 29340

(b) At least seventy-five per cent of fourth graders 29341  
proficient on the mathematics test prescribed under former 29342  
division (A)(1) of section 3301.0710 of the Revised Code; 29343

(c) At least seventy-five per cent of fourth graders 29344

proficient on the reading test prescribed under former division	29345
(A)(1) of section 3301.0710 of the Revised Code;	29346
(d) At least seventy-five per cent of fourth graders	29347
proficient on the writing test prescribed under former division	29348
(A)(1) of section 3301.0710 of the Revised Code;	29349
(e) At least seventy-five per cent of fourth graders	29350
proficient on the citizenship test prescribed under former	29351
division (A)(1) of section 3301.0710 of the Revised Code;	29352
(f) At least seventy-five per cent of fourth graders	29353
proficient on the science test prescribed under <u>former</u> division	29354
(A)(1) of section 3301.0710 of the Revised Code;	29355
(g) At least seventy-five per cent of sixth graders	29356
proficient on the mathematics test prescribed under <u>former</u>	29357
division (A)(2) of section 3301.0710 of the Revised Code;	29358
(h) At least seventy-five per cent of sixth graders	29359
proficient on the reading test prescribed under <u>former</u> division	29360
(A)(2) of section 3301.0710 of the Revised Code;	29361
(i) At least seventy-five per cent of sixth graders	29362
proficient on the writing test prescribed under <u>former</u> division	29363
(A)(2) of section 3301.0710 of the Revised Code;	29364
(j) At least seventy-five per cent of sixth graders	29365
proficient on the citizenship test prescribed under <u>former</u>	29366
division (A)(2) of section 3301.0710 of the Revised Code;	29367
(k) At least seventy-five per cent of sixth graders	29368
proficient on the science test prescribed under <u>former</u> division	29369
(A)(2) of section 3301.0710 of the Revised Code;	29370
(l) At least seventy-five per cent of ninth graders	29371
proficient on the mathematics test prescribed under Section 4 of	29372
Am. Sub. S.B. 55 of the 122nd general assembly;	29373
(m) At least seventy-five per cent of ninth graders	29374

proficient on the reading test prescribed under Section 4 of Am.	29375
Sub. S.B. 55 of the 122nd general assembly;	29376
(n) At least seventy-five per cent of ninth graders	29377
proficient on the writing test prescribed under Section 4 of Am.	29378
Sub. S.B. 55 of the 122nd general assembly;	29379
(o) At least seventy-five per cent of ninth graders	29380
proficient on the citizenship test prescribed under Section 4 of	29381
Am. Sub. S.B. 55 of the 122nd general assembly;	29382
(p) At least seventy-five per cent of ninth graders	29383
proficient on the science test prescribed under Section 4 of Am.	29384
Sub. S.B. 55 of the 122nd general assembly;	29385
(q) At least eighty-five per cent of tenth graders proficient	29386
on the mathematics test prescribed under Section 4 of Am. Sub.	29387
S.B. 55 of the 122nd general assembly;	29388
(r) At least eighty-five per cent of tenth graders proficient	29389
on the reading test prescribed under Section 4 of Am. Sub. S.B. 55	29390
of the 122nd general assembly;	29391
(s) At least eighty-five per cent of tenth graders proficient	29392
on the writing test prescribed under Section 4 of Am. Sub. S.B. 55	29393
of the 122nd general assembly;	29394
(t) At least eighty-five per cent of tenth graders proficient	29395
on the citizenship test prescribed under Section 4 of Am. Sub.	29396
S.B. 55 of the 122nd general assembly;	29397
(u) At least eighty-five per cent of tenth graders proficient	29398
on the science test prescribed under Section 4 of Am. Sub. S.B. 55	29399
of the 122nd general assembly;	29400
(v) At least sixty per cent of twelfth graders proficient on	29401
the mathematics test prescribed under former division (A)(3) of	29402
section 3301.0710 of the Revised Code;	29403
(w) At least sixty per cent of twelfth graders proficient on	29404

the reading test prescribed under former division (A)(3) of 29405  
section 3301.0710 of the Revised Code; 29406

(x) At least sixty per cent of twelfth graders proficient on 29407  
the writing test prescribed under former division (A)(3) of 29408  
section 3301.0710 of the Revised Code; 29409

(y) At least sixty per cent of twelfth graders proficient on 29410  
the citizenship test prescribed under former division (A)(3) of 29411  
section 3301.0710 of the Revised Code; 29412

(z) At least sixty per cent of twelfth graders proficient on 29413  
the science test prescribed under former division (A)(3) of 29414  
section 3301.0710 of the Revised Code; 29415

(aa) An attendance rate for the year of at least ninety-three 29416  
per cent as defined in section 3302.01 of the Revised Code. 29417

In determining whether a school district met any of the 29418  
performance standards specified in divisions (B)(1)(a) to (aa) of 29419  
this section, the general assembly used a rounding procedure 29420  
previously recommended by the department of education. It is the 29421  
same rounding procedure the general assembly used in 1998 to 29422  
determine whether a district had met the standards of former 29423  
divisions (B)(1)(a) to (r) of this section for purposes of 29424  
constructing the previous model based on fiscal year 1996 data. 29425

(2) The district was not among the five per cent of all 29426  
districts with the highest income, nor among the five per cent of 29427  
all districts with the lowest income. 29428

(3) The district was not among the five per cent of all 29429  
districts with the highest valuation per pupil, nor among the five 29430  
per cent of all districts with the lowest valuation per pupil. 29431

This model for calculating the base cost of an adequate 29432  
education is expenditure-based. The general assembly recognizes 29433  
that increases in state funding to school districts since fiscal 29434

year 1996, the fiscal year upon which the general assembly based its model for calculating state funding to school districts for fiscal years 1999 through 2001, has increased school district base cost expenditures for fiscal year 1999, the fiscal year upon which the general assembly based its model for calculating state funding for fiscal years 2002 through ~~2007~~ 2005. In the case of school districts included in the fiscal year 1999 model that also had met the fiscal year 1996 performance criteria of former division (B)(1) of this section, the increased state funding may have driven the districts' expenditures beyond the expenditures that were actually needed to maintain their educational programs at the level necessary to maintain their ability to meet the fiscal year 1999 performance criteria of current division (B)(1) of this section. The general assembly has determined to control for this effect by stipulating in the later model that the fiscal year 1999 base cost expenditures of the districts that also met the performance criteria of former division (B)(1) of this section equals their base cost expenditures per pupil for fiscal year 1996, inflated to fiscal year 1999 using an annual rate of inflation of two and eight-tenths per cent. However, if this inflated amount exceeded the district's actual fiscal year 1999 base cost expenditures per pupil, the district's actual fiscal year 1999 base cost expenditures per pupil were used in the calculation. For districts in the 1999 model that did not also meet the performance criteria of former division (B)(1) of this section, the actual 1999 base cost per pupil expenditures were used in the calculation of the average district per pupil costs of the model districts.

~~(C) In July of 2005, and in July of every six years thereafter, the speaker of the house of representatives and the president of the senate shall each appoint three members to a committee to reexamine the cost of an adequate education. No more than two members from any political party shall represent each~~

~~house. The director of budget and management and the 29468  
superintendent of public instruction shall serve as nonvoting ex 29469  
officio members of the committee. 29470~~

~~The committee shall select a rational methodology for 29471  
calculating the costs of an adequate education system for the 29472  
ensuing six year period, and shall report the methodology and the 29473  
resulting costs to the general assembly. In performing its 29474  
function, the committee is not bound by any method used by 29475  
previous general assemblies to examine and calculate costs and 29476  
instead may utilize any rational method it deems suitable and 29477  
reasonable given the educational needs and requirements of the 29478  
state at that time. 29479~~

~~The methodology for determining the cost of an adequate 29480  
education system shall take into account the basic educational 29481  
costs that all districts incur in educating regular students, the 29482  
unique needs of special categories of students, and significant 29483  
special conditions encountered by certain classifications of 29484  
school districts. 29485~~

~~The committee also shall redetermine, for purposes of 29486  
updating the parity aid calculation under section 3317.0217 of the 29487  
Revised Code, the average number of effective operating mills that 29488  
school districts in the seventieth to ninetieth percentiles of 29489  
valuations per pupil collect above the revenues required to 29490  
finance their attributed local shares of the calculated cost of an 29491  
adequate education. 29492~~

~~Any committee appointed pursuant to this section shall make 29493  
its report to the office of budget and management and the general 29494  
assembly within one year of its appointment so that the 29495  
information is available for use by the office and the general 29496  
assembly in preparing the next biennial appropriations act. 29497~~

~~(D)(1) For purposes of this division, an "update year" is the 29498~~

~~first fiscal year for which the per pupil base cost of an adequate  
education is in effect after being recalculated by the general  
assembly. The first update year is fiscal year 2002. The second  
update year is fiscal year 2008.~~

~~(2) The general assembly shall recalculate the per pupil base  
cost of an adequate education every six years after considering  
the recommendations of the committee appointed under division (C)  
of this section. At the time of the recalculation, for each of the  
five fiscal years following the update year, the general assembly  
shall adjust the base cost recalculated for the update year using  
an annual rate of inflation that the general assembly determines  
appropriate.~~

~~(3) The general assembly shall include, in the act  
appropriating state funds for education programs for a fiscal  
biennium that begins with an update year, a statement of its  
determination of the total state share percentage of base cost and  
parity aid funding for the update year.~~

~~(4) During its biennial budget deliberations, the general  
assembly shall determine the total state share percentage of base  
cost and parity aid funding for each fiscal year of the upcoming  
biennium. This determination shall be based on the latest  
projections and data provided by the department of education under  
division (D)(6) of this section prior to the enactment of  
education appropriations for the upcoming biennium. If, based on  
those latest projections and data, the general assembly determines  
that the total state share percentage for either or both nonupdate  
fiscal years varies more than two and one half percentage points  
more or less than the total state share percentage for the most  
recent update year, as previously stated by the general assembly  
under division (D)(3) of this section, the general assembly shall  
determine and enact a method that it considers appropriate to  
restrict the estimated variance for each year to within two and~~

~~one half percentage points. The general assembly's methods may include, but are not required to include and need not be limited to, reexamining the rate of millage charged off as the local share of base cost funding under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. Regardless of any changes in charge off millage rates in years between update years, however, the charge off millage rate for update years shall be twenty three mills, unless the general assembly determines that a different millage rate is more appropriate to share the total calculated base cost between the state and school districts.~~

~~(5) The total state share percentage of base cost and parity aid funding for any fiscal year is calculated as follows:  
[(Total state base cost + total state parity aid funding) —  
statewide charge off amount] / (Total state base cost + total  
state parity aid funding)~~

~~Where:~~

~~(a) The total state base cost equals the sum of the base costs for all school districts for the fiscal year.~~

~~(b) The base cost for each school district equals:  
formula amount X cost of doing business factor X  
the greater of formula ADM or  
three year average formula ADM~~

~~(c) The total state parity aid funding equals the sum of the amounts paid to all school districts for the fiscal year under section 3317.0217 of the Revised Code.~~

~~(d) The statewide charge off amount equals the sum of the charge off amounts for all school districts.~~

~~(e) The charge off amount for each school district is the amount calculated as its local share of base cost funding and deducted from the total calculated base cost to determine the amount of its state payment under divisions (A)(1) and (2) of~~

~~section 3317.022 of the Revised Code. The charge off amount for 29562  
each school district in fiscal year 2002 is the product of 29563  
twenty three mills multiplied by the district's recognized 29564  
valuation as adjusted, if applicable, under division (A)(2) of 29565  
section 3317.022 of the Revised Code. If however, in any fiscal 29566  
year, including fiscal year 2002, a school district's calculated 29567  
charge off amount exceeds its base cost calculated as described in 29568  
division (D)(5)(b) of this section, the district's charge off 29569  
amount shall be deemed to equal its calculated base cost. 29570~~

~~(6) Whenever requested by the chairperson of the standing 29571  
committee of the house or representatives or the senate having 29572  
primary jurisdiction over appropriations, the legislative budget 29573  
officer, or the director of budget and management, the department 29574  
of education shall report its latest projections for total base 29575  
cost, total parity aid funding, and the statewide charge off 29576  
amount, as those terms are defined in division (D)(5) of this 29577  
section, for each year of the upcoming fiscal biennium, and all 29578  
data it used to make the projections. 29579~~

**Sec. 3317.013.** This section does not apply to handicapped 29580  
preschool students. 29581

Analysis of special education cost data has resulted in a 29582  
finding that the average special education additional cost per 29583  
pupil, including the costs of related services, can be expressed 29584  
as a multiple of the base cost per pupil calculated under section 29585  
3317.012 of the Revised Code. The multiples for the following 29586  
categories of special education programs, as these programs are 29587  
defined for purposes of Chapter 3323. of the Revised Code, and 29588  
adjusted as provided in this section, are as follows: 29589

(A) A multiple of 0.2892 for students whose primary or only 29590  
identified handicap is a speech and language handicap, as this 29591  
term is defined pursuant to Chapter 3323. of the Revised Code; 29592

(B) A multiple of 0.3691 for students identified as specific learning disabled or developmentally handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or other health handicapped-minor;

(C) A multiple of 1.7695 for students identified as hearing handicapped, vision impaired, or severe behavior handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) A multiple of 2.3646 for students identified as orthopedically handicapped, as this term is defined pursuant to Chapter 3323. of the Revised Code or other health handicapped - major;

(E) A multiple of 3.1129 for students identified as multihandicapped, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(F) A multiple of 4.7342 for students identified as autistic, having traumatic brain injuries, or as both visually and hearing disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code.

In fiscal year ~~2002~~ 2004, the multiples specified in divisions (A) to (F) of this section shall be adjusted by multiplying them by ~~0.825~~ 0.88. In fiscal year ~~2003~~ 2005, the multiples specified in those divisions shall be adjusted by multiplying them by ~~0.875~~ 0.90.

Not later than May 30, 2004, and May 30, 2005, the department shall submit to the office of budget and management a report that specifies for each city, local, exempted village, and joint vocational school district the fiscal year allocation of the state and local shares of special education and related services additional weighted funding and federal special education funds passed through to the district.

**Sec. 3317.014.** The average vocational education additional 29624  
cost per pupil can be expressed as a multiple of the base cost per 29625  
pupil calculated under section 3317.012 of the Revised Code. the 29626  
multiples for the following categories of vocational education 29627  
programs are as follows: 29628

(A) A multiple of 0.57 for students enrolled in vocational 29629  
education job-training and workforce development programs approved 29630  
by the department of education in accordance with rules adopted 29631  
under section 3313.90 of the Revised Code. 29632

(B) A multiple of 0.28 for students enrolled in vocational 29633  
education classes other than job-training and workforce 29634  
development programs. 29635

Vocational education associated services costs can be 29636  
expressed as a multiple of 0.05 of the base cost per pupil 29637  
calculated under section 3317.012 of the Revised Code. 29638

The general assembly has adjusted the multiples specified in 29639  
this section for calculating payments beginning in fiscal year 29640  
2002 in recognition that its policy change regarding the 29641  
application of the cost-of-doing-business factor produces a higher 29642  
base cost amount than would exist if no change were made to its 29643  
application. The adjustment maintains the same weighted costs as 29644  
would exist if no change were made to the application of the 29645  
cost-of-doing-business factor. 29646

The department of education shall annually report to the 29647  
governor and the general assembly the amount of weighted funding 29648  
for vocational education and associated services that is spent by 29649  
each city, local, exempted village, and joint vocational school 29650  
district specifically for vocational educational and associated 29651  
services. 29652

**Sec. 3317.02.** As used in this chapter: 29653

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in section 3317.012 of the Revised Code.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D)(1) "Formula ADM" means, for a city, local, or exempted village school district, the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and for a joint vocational school district, the number reported pursuant to division (D) of that section.

(2) "Three-year average formula ADM" means the average of formula ADMs for the current and preceding two fiscal years. However, as applicable in fiscal years 1999 and 2000, the three-year average for city, local, and exempted village school districts shall be determined utilizing the FY 1997 ADM or FY 1998 ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal years 2000 and 2001, the three-year average for joint vocational school districts shall be determined utilizing the average daily membership reported in fiscal years 1998 and 1999 under division (D) of section 3317.03 of the Revised Code in lieu of formula ADM for fiscal years 1998 and 1999.

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school district's average daily membership reported for the applicable fiscal year under the version of division (A) of section 3317.03

of the Revised Code in effect during that fiscal year, adjusted as follows:	29685
	29686
(1) Minus the average daily membership of handicapped preschool children;	29687
	29688
(2) Minus one-half of the average daily membership attending kindergarten;	29689
	29690
(3) Minus three-fourths of the average daily membership attending a joint vocational school district;	29691
	29692
(4) Plus the average daily membership entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district but receiving educational services in approved units from an educational service center or another school district under a compact or a cooperative education agreement, as determined by the department;	29693
	29694
	29695
	29696
	29697
	29698
(5) Minus the average daily membership receiving educational services from the district in approved units but entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in another school district, as determined by the department.	29699
	29700
	29701
	29702
(F)(1) "Category one special education ADM" means the average daily membership of handicapped children receiving special education services for the handicap specified in division (A) of section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.	29703
	29704
	29705
	29706
	29707
(2) "Category two special education ADM" means the average daily membership of handicapped children receiving special education services for those handicaps specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.	29708
	29709
	29710
	29711
	29712
	29713
(3) "Category three special education ADM" means the average	29714

daily membership of students receiving special education services 29715  
for those handicaps specified in division (C) of section 3317.013 29716  
of the Revised Code, and reported under division (B)(7) or 29717  
(D)(2)(d) of section 3317.03 of the Revised Code. 29718

(4) "Category four special education ADM" means the average 29719  
daily membership of students receiving special education services 29720  
for those handicaps specified in division (D) of section 3317.013 29721  
of the Revised Code and reported under division (B)(8) or 29722  
(D)(2)(e) of section 3317.03 of the Revised Code. 29723

(5) "Category five special education ADM" means the average 29724  
daily membership of students receiving special education services 29725  
for the handicap specified in division (E) of section 3317.013 of 29726  
the Revised Code and reported under division (B)(9) or (D)(2)(f) 29727  
of section 3317.03 of the Revised Code. 29728

(6) "Category six special education ADM" means the average 29729  
daily membership of students receiving special education services 29730  
for the handicap specified in division (F) of section 3317.013 of 29731  
the Revised Code and reported under division (B)(10) or (D)(2)(g) 29732  
of section 3317.03 of the Revised Code. 29733

(7) "Category one vocational education ADM" means the average 29734  
daily membership of students receiving vocational education 29735  
services described in division (A) of section 3317.014 of the 29736  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 29737  
section 3317.03 of the Revised Code. 29738

(8) "Category two vocational education ADM" means the average 29739  
daily membership of students receiving vocational education 29740  
services described in division (B) of section 3317.014 of the 29741  
Revised Code and reported under division (B)(12) or (D)(2)(i) of 29742  
section 3317.03 of the Revised Code. 29743

(G) "Handicapped preschool child" means a handicapped child, 29744  
as defined in section 3323.01 of the Revised Code, who is at least 29745

age three but is not of compulsory school age, as defined in 29746  
section 3321.01 of the Revised Code, and who is not currently 29747  
enrolled in kindergarten. 29748

(H) "County MR/DD board" means a county board of mental 29749  
retardation and developmental disabilities. 29750

(I) "Recognized valuation" means the amount calculated for a 29751  
school district pursuant to section 3317.015 of the Revised Code. 29752

(J) "Transportation ADM" means the number of children 29753  
reported under division (B)(13) of section 3317.03 of the Revised 29754  
Code. 29755

(K) "Average efficient transportation use cost per student" 29756  
means a statistical representation of transportation costs as 29757  
calculated under division (D)(2) of section 3317.022 of the 29758  
Revised Code. 29759

(L) "Taxes charged and payable" means the taxes charged and 29760  
payable against real and public utility property after making the 29761  
reduction required by section 319.301 of the Revised Code, plus 29762  
the taxes levied against tangible personal property. 29763

(M) "Total taxable value" means the sum of the amounts 29764  
certified for a city, local, exempted village, or joint vocational 29765  
school district under divisions (A)(1) and (2) of section 3317.021 29766  
of the Revised Code. 29767

(N) "Cost-of-doing-business factor" means the amount 29768  
indicated in this division for the county in which a city, local, 29769  
exempted village, or joint vocational school district is located. 29770  
If a city, local, or exempted village school district is located 29771  
in more than one county, the factor is the amount indicated for 29772  
the county to which the district is assigned by the state 29773  
department of education. If a joint vocational school district is 29774  
located in more than one county, the factor is the amount 29775  
indicated for the county in which the joint vocational school with 29776

the greatest formula ADM operated by the district is located.		29777
	COST-OF-DOING-BUSINESS	29778
COUNTY	FACTOR AMOUNT	29779
Adams	<del>1.0061</del> <u>1.0035</u>	29780
Allen	<del>1.0236</del> <u>1.0206</u>	29781
Ashland	<del>1.0331</del> <u>1.0297</u>	29782
Ashtabula	<del>1.0431</del> <u>1.0397</u>	29783
Athens	<del>1.0038</del> <u>1.0014</u>	29784
Auglaize	<del>1.0272</del> <u>1.0247</u>	29785
Belmont	<del>1.0043</del> <u>1.0064</u>	29786
Brown	<del>1.0207</del> <u>1.0177</u>	29787
Butler	<del>1.0663</del> <u>1.0646</u>	29788
Carroll	<del>1.0148</del> <u>1.0137</u>	29789
Champaign	<del>1.0413</del> <u>1.0446</u>	29790
Clark	<del>1.0443</del> <u>1.0447</u>	29791
Clermont	<del>1.0532</del> <u>1.0541</u>	29792
Clinton	<del>1.0296</del> <u>1.0329</u>	29793
Columbiana	<del>1.0262</del> <u>1.0214</u>	29794
Coshocton	<del>1.0200</del> <u>1.0173</u>	29795
Crawford	<del>1.0140</del> <u>1.0164</u>	29796
Cuyahoga	<del>1.0672</del> <u>1.0626</u>	29797
Darke	<del>1.0343</del> <u>1.0338</u>	29798
Defiance	<del>1.0165</del> <u>1.0146</u>	29799
Delaware	<del>1.0479</del> <u>1.0528</u>	29800
Erie	<del>1.0372</del> <u>1.0388</u>	29801
Fairfield	<del>1.0354</del> <u>1.0366</u>	29802
Fayette	<del>1.0258</del> <u>1.0319</u>	29803
Franklin	<del>1.0519</del> <u>1.0608</u>	29804
Fulton	<del>1.0361</del> <u>1.0330</u>	29805
Gallia	1.0000	29806
Geauga	<del>1.0528</del> <u>1.0501</u>	29807
Greene	<del>1.0407</del> <u>1.0444</u>	29808
Guernsey	<del>1.0064</del> <u>1.0066</u>	29809

Hamilton	1.0750	29810
Hancock	1.0215	29811
Hardin	<del>1.0348</del> <u>1.0356</u>	29812
Harrison	<del>1.0081</del> <u>1.0074</u>	29813
Henry	<del>1.0338</del> <u>1.0318</u>	29814
Highland	<del>1.0129</del> <u>1.0148</u>	29815
Hocking	<del>1.0151</del> <u>1.0188</u>	29816
Holmes	<del>1.0238</del> <u>1.0178</u>	29817
Huron	<del>1.0305</del> <u>1.0293</u>	29818
Jackson	<del>1.0118</del> <u>1.0138</u>	29819
Jefferson	<del>1.0067</del> <u>1.0073</u>	29820
Knox	<del>1.0258</del> <u>1.0279</u>	29821
Lake	<del>1.0556</del> <u>1.0524</u>	29822
Lawrence	<del>1.0122</del> <u>1.0081</u>	29823
Licking	<del>1.0375</del> <u>1.0381</u>	29824
Logan	<del>1.0362</del> <u>1.0385</u>	29825
Lorain	<del>1.0521</del> <u>1.0515</u>	29826
Lucas	<del>1.0406</del> <u>1.0390</u>	29827
Madison	<del>1.0437</del> <u>1.0488</u>	29828
Mahoning	<del>1.0384</del> <u>1.0346</u>	29829
Marion	<del>1.0263</del> <u>1.0306</u>	29830
Medina	<del>1.0595</del> <u>1.0536</u>	29831
Meigs	<del>1.0018</del> <u>1.0026</u>	29832
Mercer	<del>1.0199</del> <u>1.0203</u>	29833
Miami	<del>1.0415</del> <u>1.0411</u>	29834
Monroe	<del>1.0097</del> <u>1.0050</u>	29835
Montgomery	<del>1.0476</del> <u>1.0453</u>	29836
Morgan	<del>1.0128</del> <u>1.0089</u>	29837
Morrow	<del>1.0276</del> <u>1.0301</u>	29838
Muskingum	<del>1.0145</del> <u>1.0127</u>	29839
Noble	<del>1.0103</del> <u>1.0073</u>	29840
Ottawa	<del>1.0468</del> <u>1.0486</u>	29841
Paulding	<del>1.0140</del> <u>1.0115</u>	29842

Perry	<del>1.0154</del> <u>1.0160</u>	29843
Pickaway	<del>1.0326</del> <u>1.0391</u>	29844
Pike	<del>1.0094</del> <u>1.0103</u>	29845
Portage	<del>1.0516</del> <u>1.0472</u>	29846
Preble	<del>1.0476</del> <u>1.0442</u>	29847
Putnam	<del>1.0243</del> <u>1.0216</u>	29848
Richland	<del>1.0213</del> <u>1.0199</u>	29849
Ross	<del>1.0085</del> <u>1.0151</u>	29850
Sandusky	<del>1.0307</del> <u>1.0321</u>	29851
Scioto	<del>1.0029</del> <u>1.0012</u>	29852
Seneca	1.0223	29853
Shelby	<del>1.0263</del> <u>1.0278</u>	29854
Stark	<del>1.0300</del> <u>1.0255</u>	29855
Summit	<del>1.0598</del> <u>1.0542</u>	29856
Trumbull	<del>1.0381</del> <u>1.0351</u>	29857
Tuscarawas	<del>1.0097</del> <u>1.0089</u>	29858
Union	<del>1.0446</del> <u>1.0500</u>	29859
Van Wert	1.0133	29860
Vinton	<del>1.0070</del> <u>1.0095</u>	29861
Warren	<del>1.0659</del> <u>1.0658</u>	29862
Washington	<del>1.0075</del> <u>1.0060</u>	29863
Wayne	<del>1.0404</del> <u>1.0348</u>	29864
Williams	<del>1.0284</del> <u>1.0228</u>	29865
Wood	<del>1.0382</del> <u>1.0360</u>	29866
Wyandot	<del>1.0188</del> <u>1.0171</u>	29867

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(P) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

(Q) "District median income" means the median Ohio adjusted

gross income certified for a school district. On or before the 29875  
first day of July of each year, the tax commissioner shall certify 29876  
to the department of education for each city, exempted village, 29877  
and local school district the median Ohio adjusted gross income of 29878  
the residents of the school district determined on the basis of 29879  
tax returns filed for the second preceding tax year by the 29880  
residents of the district. 29881

(R) "Statewide median income" means the median district 29882  
median income of all city, exempted village, and local school 29883  
districts in the state. 29884

(S) "Income factor" for a city, exempted village, or local 29885  
school district means the quotient obtained by dividing that 29886  
district's median income by the statewide median income. 29887

(T) "Medically fragile child" means a child to whom all of 29888  
the following apply: 29889

(1) The child requires the services of a doctor of medicine 29890  
or osteopathic medicine at least once a week due to the 29891  
instability of the child's medical condition. 29892

(2) The child requires the services of a registered nurse on 29893  
a daily basis. 29894

(3) The child is at risk of institutionalization in a 29895  
hospital, skilled nursing facility, or intermediate care facility 29896  
for the mentally retarded. 29897

(U) A child may be identified as "other health 29898  
handicapped-major" if the child's condition meets the definition 29899  
of "other health impaired" established in rules adopted by the 29900  
state board of education prior to ~~the effective date of this~~ 29901  
~~amendment~~ July 1, 2001, and if either of the following apply: 29902

(1) The child is identified as having a medical condition 29903  
that is among those listed by the superintendent of public 29904

instruction as conditions where a substantial majority of cases 29905  
fall within the definition of "medically fragile child." The 29906  
superintendent of public instruction shall issue an initial list 29907  
no later than September 1, 2001. 29908

(2) The child is determined by the superintendent of public 29909  
instruction to be a medically fragile child. A school district 29910  
superintendent may petition the superintendent of public 29911  
instruction for a determination that a child is a medically 29912  
fragile child. 29913

(V) A child may be identified as "other health 29914  
handicapped-minor" if the child's condition meets the definition 29915  
of "other health impaired" established in rules adopted by the 29916  
state board of education prior to ~~the effective date of this~~ 29917  
~~amendment~~ July 1, 2001, but the child's condition does not meet 29918  
either of the conditions specified in division (U)(1) or (2) of 29919  
this section. 29920

**Sec. 3317.022.** (A)(1) The department of education shall 29921  
compute and distribute state base cost funding to each school 29922  
district for the fiscal year in accordance with the following 29923  
formula, making any adjustment required by division (A)(2) of this 29924  
section and using the information obtained under section 3317.021 29925  
of the Revised Code in the calendar year in which the fiscal year 29926  
begins. 29927

Compute the following for each eligible district: 29928

$$\begin{aligned} & \{ \text{cost-of-doing-business factor X} && 29929 \\ & \text{the formula amount X (the greater of formula ADM} && 29930 \\ & \text{or three-year average formula ADM)} \} - && 29931 \\ & (.023 \text{ X recognized valuation}) && 29932 \end{aligned}$$

If the difference obtained is a negative number, the 29933  
district's computation shall be zero. 29934

(2)(a) For each school district for which the tax exempt value of the district equals or exceeds twenty-five per cent of the potential value of the district, the department of education shall calculate the difference between the district's tax exempt value and twenty-five per cent of the district's potential value. 29935  
29936  
29937  
29938  
29939

(b) For each school district to which division (A)(2)(a) of this section applies, the department shall adjust the recognized valuation used in the calculation under division (A)(1) of this section by subtracting from it the amount calculated under division (A)(2)(a) of this section. 29940  
29941  
29942  
29943  
29944

(B) As used in this section: 29945

(1) The "total special education weight" for a district means the sum of the following amounts: 29946  
29947

(a) The district's category one special education ADM multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code; 29948  
29949  
29950

(b) The district's category two special education ADM multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code; 29951  
29952  
29953

(c) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code; 29954  
29955  
29956

(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code; 29957  
29958  
29959

(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code; 29960  
29961  
29962

(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 29963  
29964

3317.013 of the Revised Code.	29965
(2) "State share percentage" means the percentage calculated for a district as follows:	29966 29967
(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.	29968 29969 29970 29971 29972
(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:	29973 29974 29975
Cost-of-doing-business factor X	29976
the formula amount X <del>(the greater of formula</del>	29977
<del>ADM or three-year average formula ADM)</del>	29978
The resultant number is the district's state share percentage.	29979 29980
(3) "Related services" includes:	29981
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for handicapped children whose handicaps are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	29982 29983 29984 29985 29986 29987 29988 29989
(b) Speech and language services provided to any student with a handicap, including any student whose primary or only handicap is a speech and language handicap;	29990 29991 29992
(c) Any related service not specifically covered by other state funds but specified in federal law, including but not	29993 29994

limited to, audiology and school psychological services;	29995
(d) Any service included in units funded under former	29996
division (O)(1) of section 3317.023 of the Revised Code;	29997
(e) Any other related service needed by handicapped children	29998
in accordance with their individualized education plans.	29999
(4) The "total vocational education weight" for a district	30000
means the sum of the following amounts:	30001
(a) The district's category one vocational education ADM	30002
multiplied by the multiple specified in division (A) of section	30003
3317.014 of the Revised Code;	30004
(b) The district's category two vocational education ADM	30005
multiplied by the multiple specified in division (B) of section	30006
3317.014 of the Revised Code.	30007
(C)(1) The department shall compute and distribute state	30008
special education and related services additional weighted costs	30009
funds to each school district in accordance with the following	30010
formula:	30011
The district's state share percentage	30012
X the formula amount for the year	30013
for which the aid is calculated	30014
X the district's total special education weight	30015
(2) The attributed local share of special education and	30016
related services additional weighted costs equals:	30017
(1 - the district's state share percentage) X	30018
the district's total special education weight X	30019
the formula amount	30020
(3)(a) The department shall compute and pay in accordance	30021
with this division additional state aid to school districts for	30022
students in categories two through six special education ADM. If a	30023
district's costs for the fiscal year for a student in its	30024

categories two through six special education ADM exceed the 30025  
threshold catastrophic cost for serving the student, the district 30026  
may submit to the superintendent of public instruction 30027  
documentation, as prescribed by the superintendent, of all its 30028  
costs for that student. Upon submission of documentation for a 30029  
student of the type and in the manner prescribed, the department 30030  
shall pay to the district an amount equal to the sum of the 30031  
following: 30032

(i) One-half of the district's costs for the student in 30033  
excess of the threshold catastrophic cost; 30034

(ii) The product of one-half of the district's costs for the 30035  
student in excess of the threshold catastrophic cost multiplied by 30036  
the district's state share percentage. 30037

(b) For purposes of division (C)(3)(a) of this section, the 30038  
threshold catastrophic cost for serving a student equals: 30039

(i) For a student in the school district's category two, 30040  
three, four, or five special education ADM, twenty-five thousand 30041  
dollars in fiscal year 2002 and twenty-five thousand seven hundred 30042  
dollars in fiscal ~~year~~ years 2003, 2004, and 2005; 30043

(ii) For a student in the district's category six special 30044  
education ADM, thirty thousand dollars in fiscal year 2002 and 30045  
thirty thousand eight hundred forty dollars in fiscal ~~year~~ years 30046  
2003, 2004, and 2005. 30047

~~The threshold catastrophic costs for fiscal year 2003~~ 30048  
~~represent a two and eight tenths per cent inflationary increase~~ 30049  
~~over fiscal year 2002.~~ 30050

(c) The district shall only report under division (C)(3)(a) 30051  
of this section, and the department shall only pay for, the costs 30052  
of educational expenses and the related services provided to the 30053  
student in accordance with the student's individualized education 30054  
program. Any legal fees, court costs, or other costs associated 30055

with any cause of action relating to the student may not be 30056  
included in the amount. 30057

~~(5)~~(4)(a) As used in this division, the "personnel allowance" 30058  
means thirty thousand dollars in fiscal years 2002 ~~and~~, 2003, 30059  
2004, and 2005. 30060

(b) For the provision of speech language pathology services 30061  
to students, including students who do not have individualized 30062  
education programs prepared for them under Chapter 3323. of the 30063  
Revised Code, and for no other purpose, the department of 30064  
education shall pay each school district an amount calculated 30065  
under the following formula: 30066

(formula ADM divided by 2000) X 30067

the personnel allowance X the state share percentage 30068

(5) In any fiscal year, a school district shall spend for 30069  
purposes that the department designates as approved for special 30070  
education and related services expenses at least the amount 30071  
calculated as follows: 30072

(cost-of-doing-business factor X 30073

formula amount X the sum of categories 30074

one through six special education ADM) + 30075

(total special education weight X formula amount) 30076

The purposes approved by the department for special education 30077  
expenses shall include, but shall not be limited to, 30078  
identification of handicapped children, compliance with state 30079  
rules governing the education of handicapped children and 30080  
prescribing the continuum of program options for handicapped 30081  
children, provision of speech language pathology services, and the 30082  
portion of the school district's overall administrative and 30083  
overhead costs that are attributable to the district's special 30084  
education student population. 30085

The department shall require school districts to report data 30086

annually to allow for monitoring compliance with division (C)(5) 30087  
of this section. The department shall annually report to the 30088  
governor and the general assembly the amount of money spent by 30089  
each school district for special education and related services. 30090

(6) In any fiscal year, a school district shall spend for the 30091  
provision of speech language pathology services not less than the 30092  
sum of the amount calculated under division (C)(1) of this section 30093  
for the students in the district's category one special education 30094  
ADM and the amount calculated under division (C)(4) of this 30095  
section. 30096

(D)(1) As used in this division: 30097

(a) "Daily bus miles per student" equals the number of bus 30098  
miles traveled per day, divided by transportation base. 30099

(b) "Transportation base" equals total student count as 30100  
defined in section 3301.011 of the Revised Code, minus the number 30101  
of students enrolled in preschool handicapped units, plus the 30102  
number of nonpublic school students included in transportation 30103  
ADM. 30104

(c) "Transported student percentage" equals transportation 30105  
ADM divided by transportation base. 30106

(d) "Transportation cost per student" equals total operating 30107  
costs for board-owned or contractor-operated school buses divided 30108  
by transportation base. 30109

(2) Analysis of student transportation cost data has resulted 30110  
in a finding that an average efficient transportation use cost per 30111  
student can be calculated by means of a regression formula that 30112  
has as its two independent variables the number of daily bus miles 30113  
per student and the transported student percentage. For fiscal 30114  
year 1998 transportation cost data, the average efficient 30115  
transportation use cost per student is expressed as follows: 30116

51.79027 + (139.62626 X daily bus miles per student) + 30117  
(116.25573 X transported student percentage) 30118

The department of education shall annually determine the 30119  
average efficient transportation use cost per student in 30120  
accordance with the principles stated in division (D)(2) of this 30121  
section, updating the intercept and regression coefficients of the 30122  
regression formula modeled in this division, based on an annual 30123  
statewide analysis of each school district's daily bus miles per 30124  
student, transported student percentage, and transportation cost 30125  
per student data. The department shall conduct the annual update 30126  
using data, including daily bus miles per student, transported 30127  
student percentage, and transportation cost per student data, from 30128  
the prior fiscal year. The department shall notify the office of 30129  
budget and management of such update by the fifteenth day of 30130  
February of each year. 30131

(3) In addition to funds paid under divisions (A), (C), and 30132  
(E) of this section, each district with a transported student 30133  
percentage greater than zero shall receive a payment equal to a 30134  
percentage of the product of the district's transportation base 30135  
from the prior fiscal year times the annually updated average 30136  
efficient transportation use cost per student, times an inflation 30137  
factor of two and eight tenths per cent to account for the 30138  
one-year difference between the data used in updating the formula 30139  
and calculating the payment and the year in which the payment is 30140  
made. The percentage shall be the following percentage of that 30141  
product specified for the corresponding fiscal year: 30142

FISCAL YEAR	PERCENTAGE	
2000	52.5%	30144
2001	55%	30145
2002	57.5%	30146
2003 and thereafter	The greater of 60% or the district's state share	30147

percentage

The payments made under division (D)(3) of this section each 30148  
year shall be calculated based on all of the same prior year's 30149  
data used to update the formula. 30150

(4) In addition to funds paid under divisions (D)(2) and (3) 30151  
of this section, a school district shall receive a rough road 30152  
subsidy if both of the following apply: 30153

(a) Its county rough road percentage is higher than the 30154  
statewide rough road percentage, as those terms are defined in 30155  
division (D)(5) of this section; 30156

(b) Its district student density is lower than the statewide 30157  
student density, as those terms are defined in that division. 30158

(5) The rough road subsidy paid to each district meeting the 30159  
qualifications of division (D)(4) of this section shall be 30160  
calculated in accordance with the following formula: 30161

(per rough mile subsidy X total rough road miles) X 30162  
density multiplier 30163

where: 30164

(a) "Per rough mile subsidy" equals the amount calculated in 30165  
accordance with the following formula: 30166

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} -$$
 30167  
$$\text{county rough road percentage}) / (\text{maximum rough road percentage} -$$
 30168  
$$\text{statewide rough road percentage})]\}$$
 30169  
30170

(i) "Maximum rough road percentage" means the highest county 30171  
rough road percentage in the state. 30172

(ii) "County rough road percentage" equals the percentage of 30173  
the mileage of state, municipal, county, and township roads that 30174  
is rated by the department of transportation as type A, B, C, E2, 30175  
or F in the county in which the school district is located or, if 30176

the district is located in more than one county, the county to 30177  
which it is assigned for purposes of determining its 30178  
cost-of-doing-business factor. 30179

(iii) "Statewide rough road percentage" means the percentage 30180  
of the statewide total mileage of state, municipal, county, and 30181  
township roads that is rated as type A, B, C, E2, or F by the 30182  
department of transportation. 30183

(b) "Total rough road miles" means a school district's total 30184  
bus miles traveled in one year times its county rough road 30185  
percentage. 30186

(c) "Density multiplier" means a figure calculated in 30187  
accordance with the following formula: 30188

$$1 - \left[ \frac{\text{minimum student density} - \text{district student}}{\text{density} / (\text{minimum student density} - \text{statewide student density})} \right]$$

30189  
30190  
30191

(i) "Minimum student density" means the lowest district 30192  
student density in the state. 30193

(ii) "District student density" means a school district's 30194  
transportation base divided by the number of square miles in the 30195  
district. 30196

(iii) "Statewide student density" means the sum of the 30197  
transportation bases for all school districts divided by the sum 30198  
of the square miles in all school districts. 30199

(6) In addition to funds paid under divisions (D)(2) to (5) 30200  
of this section, each district shall receive in accordance with 30201  
rules adopted by the state board of education a payment for 30202  
students transported by means other than board-owned or 30203  
contractor-operated buses and whose transportation is not funded 30204  
under division (J) of section 3317.024 of the Revised Code. The 30205  
rules shall include provisions for school district reporting of 30206  
such students. 30207

(E)(1) The department shall compute and distribute state 30208  
vocational education additional weighted costs funds to each 30209  
school district in accordance with the following formula: 30210  
state share percentage X 30211  
the formula amount X 30212  
total vocational education weight 30213

In any fiscal year, a school district receiving funds under 30214  
division (E)(1) of this section shall spend those funds only for 30215  
the purposes that the department designates as approved for 30216  
vocational education expenses. Vocational educational expenses 30217  
approved by the department shall include only expenses connected 30218  
to the delivery of career-technical programming to 30219  
career-technical students. The department shall require the school 30220  
district to report data annually so that the department may 30221  
monitor the district's compliance with the requirements regarding 30222  
the manner in which funding received under division (E)(1) of this 30223  
section may be spent. 30224

(2) The department shall compute for each school district 30225  
state funds for vocational education associated services in 30226  
accordance with the following formula: 30227  
state share percentage X .05 X 30228  
the formula amount X the sum of categories one and two 30229  
vocational education ADM 30230

In any fiscal year, a school district receiving funds under 30231  
division (E)(2) of this section, or through a transfer of funds 30232  
pursuant to division (L) of section 3317.023 of the Revised Code, 30233  
shall spend those funds only for the purposes that the department 30234  
designates as approved for vocational education associated 30235  
services expenses, which may include such purposes as 30236  
apprenticeship coordinators, coordinators for other vocational 30237  
education services, vocational evaluation, and other purposes 30238  
designated by the department. The department may deny payment 30239

under division (E)(2) of this section to any district that the department determines is not operating those services or is using funds paid under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, for other purposes.

(F) ~~Beginning in fiscal year 2003, the~~ The actual local share in any fiscal year for the combination of special education and related services additional weighted costs funding calculated under division (C)(1) of this section, transportation funding calculated under divisions (D)(2) and (3) of this section, and vocational education and associated services additional weighted costs funding calculated under divisions (E)(1) and (2) of this section shall not exceed for any school district the product of three and three-tenths mills times the district's recognized valuation. ~~Beginning in fiscal year 2003, the~~ The department annually shall pay each school district as an excess cost supplement any amount by which the sum of the district's attributed local shares for that funding exceeds that product. For purposes of calculating the excess cost supplement:

(1) The attributed local share for special education and related services additional weighted costs funding is the amount specified in division (C)(2) of this section.

(2) The attributed local share of transportation funding equals the difference of the total amount calculated for the district using the formula developed under division (D)(2) of this section minus the actual amount paid to the district after applying the percentage specified in division (D)(3) of this section.

(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows:

(1 - state share percentage) X	30271
[(total vocational education weight X the formula amount) +	30272
the payment under division (E)(2) of this section]	30273
<b>Sec. 3317.023.</b> (A) Notwithstanding section 3317.022 of the	30274
Revised Code, the amounts required to be paid to a district under	30275
this chapter shall be adjusted by the amount of the computations	30276
made under divisions (B) to <del>(L)</del> (M) of this section.	30277
As used in this section:	30278
(1) "Classroom teacher" means a licensed employee who	30279
provides direct instruction to pupils, excluding teachers funded	30280
from money paid to the district from federal sources; educational	30281
service personnel; and vocational and special education teachers.	30282
(2) "Educational service personnel" shall not include such	30283
specialists funded from money paid to the district from federal	30284
sources or assigned full-time to vocational or special education	30285
students and classes and may only include those persons employed	30286
in the eight specialist areas in a pattern approved by the	30287
department of education under guidelines established by the state	30288
board of education.	30289
(3) "Annual salary" means the annual base salary stated in	30290
the state minimum salary schedule for the performance of the	30291
teacher's regular teaching duties that the teacher earns for	30292
services rendered for the first full week of October of the fiscal	30293
year for which the adjustment is made under division (C) of this	30294
section. It shall not include any salary payments for supplemental	30295
teachers contracts.	30296
(4) "Regular student population" means the formula ADM plus	30297
the number of students reported as enrolled in the district	30298
pursuant to division (A)(1) of section 3313.981 of the Revised	30299
Code; minus the number of students reported under division (A)(2)	30300
of section 3317.03 of the Revised Code; minus the FTE of students	30301

reported under division (B)~~(5)~~, (6), (7), (8), (9), (10), (11), or 30302  
(12) of that section who are enrolled in a vocational education 30303  
class or receiving special education; and minus ~~one-fourth~~ twenty 30304  
per cent of the students enrolled concurrently in a joint 30305  
vocational school district. 30306

(5) "State share percentage" has the same meaning as in 30307  
section 3317.022 of the Revised Code. 30308

(6) "VEPD" means a school district or group of school 30309  
districts designated by the department of education as being 30310  
responsible for the planning for and provision of vocational 30311  
education services to students within the district or group. 30312

(7) "Lead district" means a school district, including a 30313  
joint vocational school district, designated by the department as 30314  
a VEPD, or designated to provide primary vocational education 30315  
leadership within a VEPD composed of a group of districts. 30316

(B) If the district employs less than one full-time 30317  
equivalent classroom teacher for each twenty-five pupils in the 30318  
regular student population in any school district, deduct the sum 30319  
of the amounts obtained from the following computations: 30320

(1) Divide the number of the district's full-time equivalent 30321  
classroom teachers employed by one twenty-fifth; 30322

(2) Subtract the quotient in (1) from the district's regular 30323  
student population; 30324

(3) Multiply the difference in (2) by seven hundred fifty-two 30325  
dollars. 30326

(C) If a positive amount, add one-half of the amount obtained 30327  
by multiplying the number of full-time equivalent classroom 30328  
teachers by: 30329

(1) The mean annual salary of all full-time equivalent 30330  
classroom teachers employed by the district at their respective 30331

training and experience levels minus; 30332

(2) The mean annual salary of all such teachers at their 30333  
respective levels in all school districts receiving payments under 30334  
this section. 30335

The number of full-time equivalent classroom teachers used in 30336  
this computation shall not exceed one twenty-fifth of the 30337  
district's regular student population. In calculating the 30338  
district's mean salary under this division, those full-time 30339  
equivalent classroom teachers with the highest training level 30340  
shall be counted first, those with the next highest training level 30341  
second, and so on, in descending order. Within the respective 30342  
training levels, teachers with the highest years of service shall 30343  
be counted first, the next highest years of service second, and so 30344  
on, in descending order. 30345

(D) This division does not apply to a school district that 30346  
has entered into an agreement under division (A) of section 30347  
3313.42 of the Revised Code. Deduct the amount obtained from the 30348  
following computations if the district employs fewer than five 30349  
full-time equivalent educational service personnel, including 30350  
elementary school art, music, and physical education teachers, 30351  
counselors, librarians, visiting teachers, school social workers, 30352  
and school nurses for each one thousand pupils in the regular 30353  
student population: 30354

(1) Divide the number of full-time equivalent educational 30355  
service personnel employed by the district by five 30356  
one-thousandths; 30357

(2) Subtract the quotient in (1) from the district's regular 30358  
student population; 30359

(3) Multiply the difference in (2) by ninety-four dollars. 30360

(E) If a local school district, or a city or exempted village 30361  
school district to which a governing board of an educational 30362

service center provides services pursuant to section 3313.843 of 30363  
the Revised Code, deduct the amount of the payment required for 30364  
the reimbursement of the governing board under section 3317.11 of 30365  
the Revised Code. 30366

(F)(1) If the district is required to pay to or entitled to 30367  
receive tuition from another school district under division (C)(2) 30368  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 30369  
or if the superintendent of public instruction is required to 30370  
determine the correct amount of tuition and make a deduction or 30371  
credit under section 3317.08 of the Revised Code, deduct and 30372  
credit such amounts as provided in division (I) of section 3313.64 30373  
or section 3317.08 of the Revised Code. 30374

(2) For each child for whom the district is responsible for 30375  
tuition or payment under division (A)(1) of section 3317.082 or 30376  
section 3323.091 of the Revised Code, deduct the amount of tuition 30377  
or payment for which the district is responsible. 30378

(G) If the district has been certified by the superintendent 30379  
of public instruction under section 3313.90 of the Revised Code as 30380  
not in compliance with the requirements of that section, deduct an 30381  
amount equal to ten per cent of the amount computed for the 30382  
district under section 3317.022 of the Revised Code. 30383

(H) If the district has received a loan from a commercial 30384  
lending institution for which payments are made by the 30385  
superintendent of public instruction pursuant to division (E)(3) 30386  
of section 3313.483 of the Revised Code, deduct an amount equal to 30387  
such payments. 30388

(I)(1) If the district is a party to an agreement entered 30389  
into under division (D), (E), or (F) of section 3311.06 or 30390  
division (B) of section 3311.24 of the Revised Code and is 30391  
obligated to make payments to another district under such an 30392  
agreement, deduct an amount equal to such payments if the district 30393

school board notifies the department in writing that it wishes to 30394  
have such payments deducted. 30395

(2) If the district is entitled to receive payments from 30396  
another district that has notified the department to deduct such 30397  
payments under division (I)(1) of this section, add the amount of 30398  
such payments. 30399

(J) If the district is required to pay an amount of funds to 30400  
a cooperative education district pursuant to a provision described 30401  
by division (B)(4) of section 3311.52 or division (B)(8) of 30402  
section 3311.521 of the Revised Code, deduct such amounts as 30403  
provided under that provision and credit those amounts to the 30404  
cooperative education district for payment to the district under 30405  
division (B)(1) of section 3317.19 of the Revised Code. 30406

(K)(1) If a district is educating a student entitled to 30407  
attend school in another district pursuant to a shared education 30408  
contract, compact, or cooperative education agreement other than 30409  
an agreement entered into pursuant to section 3313.842 of the 30410  
Revised Code, credit to that educating district on an FTE basis 30411  
both of the following: 30412

(a) An amount equal to the formula amount times the cost of 30413  
doing business factor of the school district where the student is 30414  
entitled to attend school pursuant to section 3313.64 or 3313.65 30415  
of the Revised Code; 30416

(b) An amount equal to the formula amount times the state 30417  
share percentage times any multiple applicable to the student 30418  
pursuant to section 3317.013 or 3317.014 of the Revised Code. 30419

(2) Deduct any amount credited pursuant to division (K)(1) of 30420  
this section from amounts paid to the school district in which the 30421  
student is entitled to attend school pursuant to section 3313.64 30422  
or 3313.65 of the Revised Code. 30423

(3) If the district is required by a shared education 30424

contract, compact, or cooperative education agreement to make 30425  
payments to an educational service center, deduct the amounts from 30426  
payments to the district and add them to the amounts paid to the 30427  
service center pursuant to section 3317.11 of the Revised Code. 30428

(L)(1) If a district, including a joint vocational school 30429  
district, is a lead district of a VEPD, credit to that district 30430  
the amounts calculated for all the school districts within that 30431  
VEPD pursuant to division (E)(2) of section 3317.022 of the 30432  
Revised Code. 30433

(2) Deduct from each appropriate district that is not a lead 30434  
district, the amount attributable to that district that is 30435  
credited to a lead district under division (L)(1) of this section. 30436

(M) If the department pays a joint vocational school district 30437  
under division (G)(4) of section 3317.16 of the Revised Code for 30438  
excess costs of providing special education and related services 30439  
to a handicapped student, as calculated under division (G)(2) of 30440  
that section, the department shall deduct the amount of that 30441  
payment from the city, local, or exempted village school district 30442  
that is responsible as specified in that section for the excess 30443  
costs. 30444

**Sec. 3317.024.** In addition to the moneys paid to eligible 30445  
school districts pursuant to section 3317.022 of the Revised Code, 30446  
moneys appropriated for the education programs in divisions (A) to 30447  
(H), (J) to (L), (O), (P), and (R) of this section shall be 30448  
distributed to school districts meeting the requirements of 30449  
section 3317.01 of the Revised Code; in the case of divisions (J) 30450  
and (P) of this section, to educational service centers as 30451  
provided in section 3317.11 of the Revised Code; in the case of 30452  
divisions (E), (M), and (N) of this section, to county MR/DD 30453  
boards; in the case of division (R) of this section, to joint 30454  
vocational school districts; in the case of division (K) of this 30455

section, to cooperative education school districts; and in the 30456  
case of division (Q) of this section, to the institutions defined 30457  
under section 3317.082 of the Revised Code providing elementary or 30458  
secondary education programs to children other than children 30459  
receiving special education under section 3323.091 of the Revised 30460  
Code. The following shall be distributed monthly, quarterly, or 30461  
annually as may be determined by the state board of education: 30462

(A) A per pupil amount to each school district that 30463  
establishes a summer school remediation program that complies with 30464  
rules of the state board of education. 30465

(B) An amount for each island school district and each joint 30466  
state school district for the operation of each high school and 30467  
each elementary school maintained within such district and for 30468  
capital improvements for such schools. Such amounts shall be 30469  
determined on the basis of standards adopted by the state board of 30470  
education. 30471

(C) An amount for each school district operating classes for 30472  
children of migrant workers who are unable to be in attendance in 30473  
an Ohio school during the entire regular school year. The amounts 30474  
shall be determined on the basis of standards adopted by the state 30475  
board of education, except that payment shall be made only for 30476  
subjects regularly offered by the school district providing the 30477  
classes. 30478

(D) An amount for each school district with guidance, 30479  
testing, and counseling programs approved by the state board of 30480  
education. The amount shall be determined on the basis of 30481  
standards adopted by the state board of education. 30482

(E) An amount for the emergency purchase of school buses as 30483  
provided for in section 3317.07 of the Revised Code; 30484

(F) An amount for each school district required to pay 30485  
tuition for a child in an institution maintained by the department 30486

of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's average daily membership for the preceding school year. 30487  
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(G) In fiscal year 2000 only, an amount to each school district for supplemental salary allowances for each licensed employee except those licensees serving as superintendents, assistant superintendents, principals, or assistant principals, whose term of service in any year is extended beyond the term of service of regular classroom teachers, as described in section 3301.0725 of the Revised Code; 30491  
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(H) An amount for adult basic literacy education for each district participating in programs approved by the state board of education. The amount shall be determined on the basis of standards adopted by the state board of education. 30498  
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(I) Notwithstanding section 3317.01 of the Revised Code, but only until June 30, 1999, to each city, local, and exempted village school district, an amount for conducting driver education courses at high schools for which the state board of education prescribes minimum standards and to joint vocational and cooperative education school districts and educational service centers, an amount for conducting driver education courses to pupils enrolled in a high school for which the state board prescribes minimum standards. No payments shall be made under this division after June 30, 1999. 30502  
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(J) An amount for the approved cost of transporting developmentally handicapped pupils whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the district or service center. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in 30512  
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the district's transportation ADM. The state board of education 30519  
shall establish standards and guidelines for use by the department 30520  
of education in determining the approved cost of such 30521  
transportation for each district or service center. 30522

(K) An amount to each school district, including each 30523  
cooperative education school district, pursuant to section 3313.81 30524  
of the Revised Code to assist in providing free lunches to needy 30525  
children and an amount to assist needy school districts in 30526  
purchasing necessary equipment for food preparation. The amounts 30527  
shall be determined on the basis of rules adopted by the state 30528  
board of education. 30529

(L) An amount to each school district, for each pupil 30530  
attending a chartered nonpublic elementary or high school within 30531  
the district. The amount shall equal the amount appropriated for 30532  
the implementation of section 3317.06 of the Revised Code divided 30533  
by the average daily membership in grades kindergarten through 30534  
twelve in nonpublic elementary and high schools within the state 30535  
as determined during the first full week in October of each school 30536  
year. 30537

(M) An amount for each county MR/DD board, distributed on the 30538  
basis of standards adopted by the state board of education, for 30539  
the approved cost of transportation required for children 30540  
attending special education programs operated by the county MR/DD 30541  
board under section 3323.09 of the Revised Code; 30542

(N) An amount for each county MR/DD board, distributed on the 30543  
basis of standards adopted by the state board of education, for 30544  
supportive home services for preschool children; 30545

(O) An amount for each school district that establishes a 30546  
mentor teacher program that complies with rules of the state board 30547  
of education. No school district shall be required to establish or 30548  
maintain such a program in any year unless sufficient funds are 30549

appropriated to cover the district's total costs for the program. 30550

(P) An amount to each school district or educational service 30551  
center for the total number of gifted units approved pursuant to 30552  
section 3317.05 of the Revised Code. The amount for each such unit 30553  
shall be the sum of the minimum salary for the teacher of the 30554  
unit, calculated on the basis of the teacher's training level and 30555  
years of experience pursuant to the salary schedule prescribed in 30556  
the version of section 3317.13 of the Revised Code in effect prior 30557  
to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 30558  
per cent of that minimum salary amount, plus two thousand six 30559  
hundred seventy-eight dollars. 30560

(Q) An amount to each institution defined under section 30561  
3317.082 of the Revised Code providing elementary or secondary 30562  
education to children other than children receiving special 30563  
education under section 3323.091 of the Revised Code. This amount 30564  
for any institution in any fiscal year shall equal the total of 30565  
all tuition amounts required to be paid to the institution under 30566  
division (A)(1) of section 3317.082 of the Revised Code. 30567

(R) A grant to each school district and joint vocational 30568  
school district that operates a "graduation, reality, and 30569  
dual-role skills" (GRADS) program for pregnant and parenting 30570  
students that is approved by the department. The amount of the 30571  
payment shall be the district's state share percentage, as defined 30572  
in section 3317.022 or 3317.16 of the Revised Code, times the 30573  
GRADS personnel allowance times the full-time-equivalent number of 30574  
GRADS teachers approved by the department. The GRADS personnel 30575  
allowance is ~~\$46,260~~ \$47,555 in fiscal years ~~2002~~ 2004 and ~~2003~~ 30576  
2005. 30577

The state board of education or any other board of education 30578  
or governing board may provide for any resident of a district or 30579  
educational service center territory any educational service for 30580  
which funds are made available to the board by the United States 30581

under the authority of public law, whether such funds come 30582  
directly or indirectly from the United States or any agency or 30583  
department thereof or through the state or any agency, department, 30584  
or political subdivision thereof. 30585

**Sec. 3317.029.** (A) As used in this section: 30586

(1) "DPIA percentage" means: 30587

(a) In fiscal years prior to fiscal year 2004, the quotient 30588  
obtained by dividing the five-year average number of children ages 30589  
five to seventeen residing in the school district and living in a 30590  
family receiving assistance under the Ohio works first program or 30591  
an antecedent program known as TANF or ADC, as certified or 30592  
adjusted under section 3317.10 of the Revised Code, by the 30593  
district's three-year average formula ADM. 30594

(b) Beginning in fiscal year 2004, the unduplicated number of 30595  
children ages five to seventeen residing in the school district 30596  
and living in a family that has family income not exceeding the 30597  
federal poverty guidelines and that receives family assistance, as 30598  
certified or adjusted under section 3317.10 of the Revised Code, 30599  
divided by the district's three-year average formula ADM. 30600

(2) "Family assistance" means assistance received under one 30601  
of the following: 30602

(a) The Ohio works first program; 30603

(b) The food stamp program; 30604

(c) The medical assistance program, including the healthy 30605  
start program, established under Chapter 5111. of the Revised 30606  
Code; 30607

(d) The children's health insurance program part I 30608  
established under section 5101.50 of the Revised Code or, prior to 30609  
fiscal year 2000, an executive order issued under section 107.17 30610  
of the Revised Code; 30611

(e) The disability <u>financial</u> assistance program established	30612
under Chapter 5115. of the Revised Code;	30613
<u>(f) The disability medical assistance program established</u>	30614
<u>under Chapter 5115. of the Revised Code.</u>	30615
(3) "Statewide DPIA percentage" means:	30616
(a) In fiscal years prior to fiscal year 2004, the five-year	30617
average of the total number of children ages five to seventeen	30618
years residing in the state and receiving assistance under the	30619
Ohio works first program or an antecedent program known as TANF or	30620
ADC, divided by the sum of the three-year average formula ADMs for	30621
all school districts in the state.	30622
(b) Beginning in fiscal year 2004, the total unduplicated	30623
number of children ages five to seventeen residing in the state	30624
and living in a family that has family income not exceeding the	30625
federal poverty guidelines and that receives family assistance,	30626
divided by the sum of the three-year average formula ADMs for all	30627
school districts in the state.	30628
(4) "DPIA index" means the quotient obtained by dividing the	30629
school district's DPIA percentage by the statewide DPIA	30630
percentage.	30631
(5) "Federal poverty guidelines" has the same meaning as in	30632
section 5101.46 of the Revised Code.	30633
(6) "DPIA student count" means:	30634
(a) In fiscal years prior to fiscal year 2004, the five-year	30635
average number of children ages five to seventeen residing in the	30636
school district and living in a family receiving assistance under	30637
the Ohio works first program or an antecedent program known as	30638
TANF or ADC, as certified under section 3317.10 of the Revised	30639
Code;	30640
(b) Beginning in fiscal year 2004, the unduplicated number of	30641

children ages five to seventeen residing in the school district 30642  
and living in a family that has family income not exceeding the 30643  
federal poverty guidelines and that receives family assistance, as 30644  
certified or adjusted under section 3317.10 of the Revised Code. 30645

(7) "Kindergarten ADM" means the number of students reported 30646  
under section 3317.03 of the Revised Code as enrolled in 30647  
kindergarten. 30648

(8) "Kindergarten through third grade ADM" means the amount 30649  
calculated as follows: 30650

(a) Multiply the kindergarten ADM by the sum of one plus the 30651  
all-day kindergarten percentage; 30652

(b) Add the number of students in grades one through three; 30653

(c) Subtract from the sum calculated under division (A)(6)(b) 30654  
of this section the number of special education students in grades 30655  
kindergarten through three. 30656

(9) "Statewide average teacher salary" means forty-two 30657  
thousand four hundred sixty-nine dollars in fiscal year 2002, and 30658  
forty-three thousand six hundred fifty-eight dollars in fiscal 30659  
year 2003, which includes an amount for the value of fringe 30660  
benefits. 30661

(10) "All-day kindergarten" means a kindergarten class that 30662  
is in session five days per week for not less than the same number 30663  
of clock hours each day as for pupils in grades one through six. 30664

(11) "All-day kindergarten percentage" means the percentage 30665  
of a district's actual total number of students enrolled in 30666  
kindergarten who are enrolled in all-day kindergarten. 30667

(12) "Buildings with the highest concentration of need" 30668  
means: 30669

(a) In fiscal years prior to fiscal year 2004, the school 30670  
buildings in a district with percentages of students in grades 30671

kindergarten through three receiving assistance under Ohio works 30672  
first at least as high as the district-wide percentage of students 30673  
receiving such assistance. 30674

(b) Beginning in fiscal year 2004, the school buildings in a 30675  
district with percentages of students in grades kindergarten 30676  
through three receiving family assistance at least as high as the 30677  
district-wide percentage of students receiving family assistance. 30678

(c) If, in any fiscal year, the information provided by the 30679  
department of job and family services under section 3317.10 of the 30680  
Revised Code is insufficient to determine the Ohio works first or 30681  
family assistance percentage in each building, "buildings with the 30682  
highest concentration of need" has the meaning given in rules that 30683  
the department of education shall adopt. The rules shall base the 30684  
definition of "buildings with the highest concentration of need" 30685  
on family income of students in grades kindergarten through three 30686  
in a manner that, to the extent possible with available data, 30687  
approximates the intent of this division and division (G) of this 30688  
section to designate buildings where the Ohio works first or 30689  
family assistance percentage in those grades equals or exceeds the 30690  
district-wide Ohio works first or family assistance percentage. 30691

(B) In addition to the amounts required to be paid to a 30692  
school district under section 3317.022 of the Revised Code, a 30693  
school district shall receive the greater of the amount the 30694  
district received in fiscal year 1998 pursuant to division (B) of 30695  
section 3317.023 of the Revised Code as it existed at that time or 30696  
the sum of the computations made under divisions (C) to (E) of 30697  
this section. 30698

(C) A supplemental payment that may be utilized for measures 30699  
related to safety and security and for remediation or similar 30700  
programs, calculated as follows: 30701

(1) If the DPIA index of the school district is greater than 30702

or equal to thirty-five-hundredths, but less than one, an amount 30703  
obtained by multiplying the district's DPIA student count by two 30704  
hundred thirty dollars; 30705

(2) If the DPIA index of the school district is greater than 30706  
or equal to one, an amount obtained by multiplying the DPIA index 30707  
by two hundred thirty dollars and multiplying that product by the 30708  
district's DPIA student count. 30709

Except as otherwise provided in division (F) of this section, 30710  
beginning with the school year that starts July 1, 2002, each 30711  
school district annually shall use at least twenty per cent of the 30712  
funds calculated for the district under this division for 30713  
intervention services required by section 3313.608 of the Revised 30714  
Code. 30715

(D) A payment for all-day kindergarten if the DPIA index of 30716  
the school district is greater than or equal to one or if the 30717  
district's three-year average formula ADM exceeded seventeen 30718  
thousand five hundred, calculated by multiplying the all-day 30719  
kindergarten percentage by the kindergarten ADM and multiplying 30720  
that product by the formula amount. 30721

(E) A class-size reduction payment based on calculating the 30722  
number of new teachers necessary to achieve a lower 30723  
student-teacher ratio, as follows: 30724

(1) Determine or calculate a formula number of teachers per 30725  
one thousand students based on the DPIA index of the school 30726  
district as follows: 30727

(a) If the DPIA index of the school district is less than 30728  
six-tenths, the formula number of teachers is 43.478, which is the 30729  
number of teachers per one thousand students at a student-teacher 30730  
ratio of twenty-three to one; 30731

(b) If the DPIA index of the school district is greater than 30732  
or equal to six-tenths, but less than two and one-half, the 30733

formula number of teachers is calculated as follows: 30734

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 30735$$

Where 43.478 is the number of teachers per one thousand 30736  
students at a student-teacher ratio of twenty-three to one; 1.9 is 30737  
the interval from a DPIA index of six-tenths to a DPIA index of 30738  
two and one-half; and 23.188 is the difference in the number of 30739  
teachers per one thousand students at a student-teacher ratio of 30740  
fifteen to one and the number of teachers per one thousand 30741  
students at a student-teacher ratio of twenty-three to one. 30742

(c) If the DPIA index of the school district is greater than 30743  
or equal to two and one-half, the formula number of teachers is 30744  
66.667, which is the number of teachers per one thousand students 30745  
at a student-teacher ratio of fifteen to one. 30746

(2) Multiply the formula number of teachers determined or 30747  
calculated in division (E)(1) of this section by the kindergarten 30748  
through third grade ADM for the district and divide that product 30749  
by one thousand; 30750

(3) Calculate the number of new teachers as follows: 30751

(a) Multiply the kindergarten through third grade ADM by 30752  
43.478, which is the number of teachers per one thousand students 30753  
at a student-teacher ratio of twenty-three to one, and divide that 30754  
product by one thousand; 30755

(b) Subtract the quotient obtained in division (E)(3)(a) of 30756  
this section from the product in division (E)(2) of this section. 30757

(4) Multiply the greater of the difference obtained under 30758  
division (E)(3) of this section or zero by the statewide average 30759  
teachers salary. 30760

(F) This division applies only to school districts whose DPIA 30761  
index is one or greater. 30762

(1) Each school district subject to this division shall first 30763

utilize funds received under this section so that, when combined 30764  
with other funds of the district, sufficient funds exist to 30765  
provide all-day kindergarten to at least the number of children in 30766  
the district's all-day kindergarten percentage. 30767

(2) Up to an amount equal to the district's DPIA index 30768  
multiplied by its DPIA student count multiplied by two hundred 30769  
thirty dollars of the money distributed under this section may be 30770  
utilized for one or both of the following: 30771

(a) Programs designed to ensure that schools are free of 30772  
drugs and violence and have a disciplined environment conducive to 30773  
learning; 30774

(b) Remediation for students who have failed or are in danger 30775  
of failing any of the tests administered pursuant to section 30776  
3301.0710 of the Revised Code. 30777

Beginning with the school year that starts on July 1, 2002, 30778  
each school district shall use at least twenty per cent of the 30779  
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 30780  
this section to provide intervention services required by section 30781  
3313.608 of the Revised Code. 30782

(3) Except as otherwise required by division (G) or permitted 30783  
under division (K) of this section, all other funds distributed 30784  
under this section to districts subject to this division shall be 30785  
utilized for the purpose of the third grade guarantee. The third 30786  
grade guarantee consists of increasing the amount of instructional 30787  
attention received per pupil in kindergarten through third grade, 30788  
either by reducing the ratio of students to instructional 30789  
personnel or by increasing the amount of instruction and 30790  
curriculum-related activities by extending the length of the 30791  
school day or the school year. 30792

School districts may implement a reduction of the ratio of 30793  
students to instructional personnel through any or all of the 30794

following methods:	30795
(a) Reducing the number of students in a classroom taught by a single teacher;	30796 30797
(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code;	30798 30799 30800
(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.	30801 30802
Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.	30803 30804 30805 30806 30807 30808 30809 30810 30811 30812 30813 30814 30815 30816 30817
Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.	30818 30819 30820
(G) Each district subject to division (F) of this section shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one	30821 30822 30823 30824 30825

in each kindergarten and first grade class in all buildings with 30826  
the highest concentration of need. This division does not require 30827  
that the funds used in buildings with the highest concentration of 30828  
need be spent solely to reduce the ratio of instructional 30829  
personnel to students in kindergarten and first grade. A school 30830  
district may spend the funds in those buildings in any manner 30831  
permitted by division (F)(3) of this section, but may not spend 30832  
the money in other buildings unless the fifteen-to-one ratio 30833  
required by this division is attained. 30834

(H)(1) By the first day of August of each fiscal year, each 30835  
school district wishing to receive any funds under division (D) of 30836  
this section shall submit to the department of education an 30837  
estimate of its all-day kindergarten percentage. Each district 30838  
shall update its estimate throughout the fiscal year in the form 30839  
and manner required by the department, and the department shall 30840  
adjust payments under this section to reflect the updates. 30841

(2) Annually by the end of December, the department of 30842  
education, utilizing data from the information system established 30843  
under section 3301.0714 of the Revised Code and after consultation 30844  
with the legislative office of education oversight, shall 30845  
determine for each school district subject to division (F) of this 30846  
section whether in the preceding fiscal year the district's ratio 30847  
of instructional personnel to students and its number of 30848  
kindergarten students receiving all-day kindergarten appear 30849  
reasonable, given the amounts of money the district received for 30850  
that fiscal year pursuant to divisions (D) and (E) of this 30851  
section. If the department is unable to verify from the data 30852  
available that students are receiving reasonable amounts of 30853  
instructional attention and all-day kindergarten, given the funds 30854  
the district has received under this section and that class-size 30855  
reduction funds are being used in school buildings with the 30856  
highest concentration of need as required by division (G) of this 30857

section, the department shall conduct a more intensive 30858  
investigation to ensure that funds have been expended as required 30859  
by this section. The department shall file an annual report of its 30860  
findings under this division with the chairpersons of the 30861  
committees in each house of the general assembly dealing with 30862  
finance and education. 30863

(I) Any school district with a DPIA index less than one and a 30864  
three-year average formula ADM exceeding seventeen thousand five 30865  
hundred shall first utilize funds received under this section so 30866  
that, when combined with other funds of the district, sufficient 30867  
funds exist to provide all-day kindergarten to at least the number 30868  
of children in the district's all-day kindergarten percentage. 30869  
Such a district shall expend at least seventy per cent of the 30870  
remaining funds received under this section, and any other 30871  
district with a DPIA index less than one shall expend at least 30872  
seventy per cent of all funds received under this section, for any 30873  
of the following purposes: 30874

(1) The purchase of technology for instructional purposes; 30875

(2) All-day kindergarten; 30876

(3) Reduction of class sizes; 30877

(4) Summer school remediation; 30878

(5) Dropout prevention programs; 30879

(6) Guaranteeing that all third graders are ready to progress 30880  
to more advanced work; 30881

(7) Summer education and work programs; 30882

(8) Adolescent pregnancy programs; 30883

(9) Head start or preschool programs; 30884

(10) Reading improvement programs described by the department 30885  
of education; 30886

(11) Programs designed to ensure that schools are free of 30887  
drugs and violence and have a disciplined environment conducive to 30888  
learning; 30889

(12) Furnishing, free of charge, materials used in courses of 30890  
instruction, except for the necessary textbooks or electronic 30891  
textbooks required to be furnished without charge pursuant to 30892  
section 3329.06 of the Revised Code, to pupils living in families 30893  
participating in Ohio works first in accordance with section 30894  
3313.642 of the Revised Code; 30895

(13) School breakfasts provided pursuant to section 3313.813 30896  
of the Revised Code. 30897

Each district shall submit to the department, in such format 30898  
and at such time as the department shall specify, a report on the 30899  
programs for which it expended funds under this division. 30900

(J) If at any time the superintendent of public instruction 30901  
determines that a school district receiving funds under division 30902  
(D) of this section has enrolled less than the all-day 30903  
kindergarten percentage reported for that fiscal year, the 30904  
superintendent shall withhold from the funds otherwise due the 30905  
district under this section a proportional amount as determined by 30906  
the difference in the certified all-day kindergarten percentage 30907  
and the percentage actually enrolled in all-day kindergarten. 30908

The superintendent shall also withhold an appropriate amount 30909  
of funds otherwise due a district for any other misuse of funds 30910  
not in accordance with this section. 30911

(K)(1) A district may use a portion of the funds calculated 30912  
for it under division (D) of this section to modify or purchase 30913  
classroom space to provide all-day kindergarten, if both of the 30914  
following conditions are met: 30915

(a) The district certifies to the department, in a manner 30916  
acceptable to the department, that it has a shortage of space for 30917

providing all-day kindergarten. 30918

(b) The district provides all-day kindergarten to the number 30919  
of children in the all-day kindergarten percentage it certified 30920  
under this section. 30921

(2) A district may use a portion of the funds described in 30922  
division (F)(3) of this section to modify or purchase classroom 30923  
space to enable it to further reduce class size in grades 30924  
kindergarten through two with a goal of attaining class sizes of 30925  
fifteen students per licensed teacher. To do so, the district must 30926  
certify its need for additional space to the department, in a 30927  
manner satisfactory to the department. 30928

**Sec. 3317.0217.** The department of education shall annually 30929  
compute and pay state parity aid to school districts, as follows: 30930

(A) Calculate the local wealth per pupil of each school 30931  
district, which equals the following sum: 30932

(1) Two-thirds times the quotient of (a) the district's 30933  
recognized valuation divided by (b) its formula ADM; plus 30934

(2) One-third times the quotient of (a) the average of the 30935  
total federal adjusted gross income of the school district's 30936  
residents for the three years most recently reported under section 30937  
3317.021 of the Revised Code divided by (b) its formula ADM. 30938

(B) Rank all school districts in order of local wealth per 30939  
pupil, from the district with the lowest local wealth per pupil to 30940  
the district with the highest local wealth per pupil. 30941

(C) Compute the per pupil state parity aid funding for each 30942  
school district in accordance with the following formula: 30943

Payment percentage X (threshold local wealth 30944

per pupil - the district's local 30945

wealth per pupil) X 0.0095 30946

Where: 30947

(1) "Payment percentage," for purposes of division (C) of 30948  
this section, equals 20% in fiscal year 2002, 40% in fiscal year 30949  
2003, ~~60%~~ 58% in fiscal year 2004, ~~80%~~ 76% in fiscal year 2005, 30950  
and 100% after fiscal year 2005. 30951

(2) Nine and one-half mills (0.0095) is the general 30952  
assembly's determination of the average number of effective 30953  
operating mills that districts in the seventieth to ninetieth 30954  
percentiles of valuations per pupil collected in fiscal year 2001 30955  
above the revenues required to finance their attributed local 30956  
shares of the calculated cost of an adequate education. This was 30957  
determined by (a) adding the district revenues from operating 30958  
property tax levies and income tax levies, (b) subtracting from 30959  
that total the sum of (i) twenty-three mills times adjusted 30960  
recognized valuation plus (ii) the attributed local shares of 30961  
special education, transportation, and vocational education 30962  
funding as described in divisions (F)(1) to (3) of section 30963  
3317.022 of the Revised Code, and (c) converting the result to an 30964  
effective operating property tax rate. 30965

(3) The "threshold local wealth per pupil" is the local 30966  
wealth per pupil of the school district with the 30967  
four-hundred-ninetieth lowest local wealth per pupil. 30968

If the result of the calculation for a school district under 30969  
division (C) of this section is less than zero, the district's per 30970  
pupil parity aid shall be zero. 30971

(D) Compute the per pupil alternative parity aid for each 30972  
school district that has a combination of an income factor of 1.0 30973  
or less, a DPIA index of 1.0 or greater, and a 30974  
cost-of-doing-business factor of 1.0375 or greater, in accordance 30975  
with the following formula: 30976

Payment percentage X \$60,000 X 30977  
(1 - income factor) X 4/15 X 0.023 30978

Where:	30979
(1) "DPIA index" has the same meaning as in section 3317.029 of the Revised Code.	30980 30981
(2) "Payment percentage," for purposes of division (D) of this section, equals 50% in fiscal year 2002 and 100% after fiscal year 2002.	30982 30983 30984
(E) Pay each district that has a combination of an income factor 1.0 or less, a DPIA index of 1.0 or greater, and a cost-of-doing-business factor of 1.0375 or greater, the greater of the following:	30985 30986 30987 30988
(1) The product of the district's per pupil parity aid calculated under division (C) of this section times its formula ADM;	30989 30990 30991
(2) The product of its per pupil alternative parity aid calculated under division (D) of this section times its formula ADM.	30992 30993 30994
(F) Pay every other district the product of its per pupil parity aid calculated under division (C) of this section times its formula ADM.	30995 30996 30997
<del>Every six years, the general assembly shall redetermine, after considering the report of the committee appointed under section 3317.012 of the Revised Code, the average number of effective operating mills that districts in the seventieth to ninetieth percentiles of valuations per pupil collect above the revenues required to finance their attributed local shares of the cost of an adequate education.</del>	30998 30999 31000 31001 31002 31003 31004
<b>Sec. 3317.03.</b> Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section.	31005 31006 31007 31008

(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which shall consist of the average daily membership during such week of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	31039 31040 31041
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	31042 31043 31044 31045
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	31046 31047 31048
(e) An educational service center or cooperative education district;	31049 31050
(f) Another school district under a cooperative education agreement, compact, or contract.	31051 31052
(3) <del>One-fourth</del> <u>Twenty per cent</u> of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	31053 31054 31055 31056 31057 31058 31059 31060
(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.	31061 31062 31063 31064 31065 31066 31067
(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this	31068 31069

chapter, in addition to the formula ADM, each superintendent shall 31070  
report separately the following student counts: 31071

(1) The total average daily membership in regular day classes 31072  
included in the report under division (A)(1) or (2) of this 31073  
section for kindergarten, and each of grades one through twelve in 31074  
schools under the superintendent's supervision; 31075

(2) The number of all handicapped preschool children enrolled 31076  
as of the first day of December in classes in the district that 31077  
are eligible for approval ~~by the state board of education~~ under 31078  
division (B) of section 3317.05 of the Revised Code and the number 31079  
of those classes, which shall be reported not later than the 31080  
fifteenth day of December, in accordance with rules adopted under 31081  
that section; 31082

(3) The number of children entitled to attend school in the 31083  
district pursuant to section 3313.64 or 3313.65 of the Revised 31084  
Code who are participating in a pilot project scholarship program 31085  
established under sections 3313.974 to 3313.979 of the Revised 31086  
Code as described in division (I)(2)(a) or (b) of this section, 31087  
are enrolled in a college under Chapter 3365. of the Revised Code, 31088  
except when the student is enrolled in the college while also 31089  
enrolled in a community school pursuant to Chapter 3314. of the 31090  
Revised Code, are enrolled in an adjacent or other school district 31091  
under section 3313.98 of the Revised Code, are enrolled in a 31092  
community school established under Chapter 3314. of the Revised 31093  
Code, including any participation in a college pursuant to Chapter 31094  
3365. of the Revised Code while enrolled in such community school, 31095  
or are participating in a program operated by a county MR/DD board 31096  
or a state institution; 31097

(4) The number of pupils enrolled in joint vocational 31098  
schools; 31099

(5) The average daily membership of handicapped children 31100

reported under division (A)(1) or (2) of this section receiving	31101
special education services for the category one handicap described	31102
in division (A) of section 3317.013 of the Revised Code;	31103
(6) The average daily membership of handicapped children	31104
reported under division (A)(1) or (2) of this section receiving	31105
special education services for category two handicaps described in	31106
division (B) of section 3317.013 of the Revised Code;	31107
(7) The average daily membership of handicapped children	31108
reported under division (A)(1) or (2) of this section receiving	31109
special education services for category three handicaps described	31110
in division (C) of section 3317.013 of the Revised Code;	31111
(8) The average daily membership of handicapped children	31112
reported under division (A)(1) or (2) of this section receiving	31113
special education services for category four handicaps described	31114
in division (D) of section 3317.013 of the Revised Code;	31115
(9) The average daily membership of handicapped children	31116
reported under division (A)(1) or (2) of this section receiving	31117
special education services for the category five handicap	31118
described in division (E) of section 3317.013 of the Revised Code;	31119
(10) The average daily membership of handicapped children	31120
reported under division (A)(1) or (2) of this section receiving	31121
special education services for category six handicaps described in	31122
division (F) of section 3317.013 of the Revised Code;	31123
(11) The average daily membership of pupils reported under	31124
division (A)(1) or (2) of this section enrolled in category one	31125
vocational education programs or classes, described in division	31126
(A) of section 3317.014 of the Revised Code, operated by the	31127
school district or by another district, other than a joint	31128
vocational school district, or by an educational service center;	31129
(12) The average daily membership of pupils reported under	31130
division (A)(1) or (2) of this section enrolled in category two	31131

vocational education programs or services, described in division	31132
(B) of section 3317.014 of the Revised Code, operated by the	31133
school district or another school district, other than a joint	31134
vocational school district, or by an educational service center;	31135
(13) The average number of children transported by the school	31136
district on board-owned or contractor-owned and -operated buses,	31137
reported in accordance with rules adopted by the department of	31138
education;	31139
(14)(a) The number of children, other than handicapped	31140
preschool children, the district placed with a county MR/DD board	31141
in fiscal year 1998;	31142
(b) The number of handicapped children, other than	31143
handicapped preschool children, placed with a county MR/DD board	31144
in the current fiscal year to receive special education services	31145
for the category one handicap described in division (A) of section	31146
3317.013 of the Revised Code;	31147
(c) The number of handicapped children, other than	31148
handicapped preschool children, placed with a county MR/DD board	31149
in the current fiscal year to receive special education services	31150
for category two handicaps described in division (B) of section	31151
3317.013 of the Revised Code;	31152
(d) The number of handicapped children, other than	31153
handicapped preschool children, placed with a county MR/DD board	31154
in the current fiscal year to receive special education services	31155
for category three handicaps described in division (C) of section	31156
3317.013 of the Revised Code;	31157
(e) The number of handicapped children, other than	31158
handicapped preschool children, placed with a county MR/DD board	31159
in the current fiscal year to receive special education services	31160
for category four handicaps described in division (D) of section	31161
3317.013 of the Revised Code;	31162

(f) The number of handicapped children, other than 31163  
handicapped preschool children, placed with a county MR/DD board 31164  
in the current fiscal year to receive special education services 31165  
for the category five handicap described in division (E) of 31166  
section 3317.013 of the Revised Code; 31167

(g) The number of handicapped children, other than 31168  
handicapped preschool children, placed with a county MR/DD board 31169  
in the current fiscal year to receive special education services 31170  
for category six handicaps described in division (F) of section 31171  
3317.013 of the Revised Code. 31172

(C)(1) Except as otherwise provided in this section for 31173  
kindergarten students, the average daily membership in divisions 31174  
(B)(1) to (12) of this section shall be based upon the number of 31175  
full-time equivalent students. The state board of education shall 31176  
adopt rules defining full-time equivalent students and for 31177  
determining the average daily membership therefrom for the 31178  
purposes of divisions (A), (B), and (D) of this section. 31179

(2) A student enrolled in a community school established 31180  
under Chapter 3314. of the Revised Code shall be counted in the 31181  
formula ADM and, if applicable, the category one, two, three, 31182  
four, five, or six special education ADM of the school district in 31183  
which the student is entitled to attend school under section 31184  
3313.64 or 3313.65 of the Revised Code for the same proportion of 31185  
the school year that the student is counted in the enrollment of 31186  
the community school for purposes of section 3314.08 of the 31187  
Revised Code. 31188

(3) No child shall be counted as more than a total of one 31189  
child in the sum of the average daily memberships of a school 31190  
district under division (A), divisions (B)(1) to (12), or division 31191  
(D) of this section, except as follows: 31192

(a) A child with a handicap described in section 3317.013 of 31193

the Revised Code may be counted both in formula ADM and in 31194  
category one, two, three, four, five, or six special education ADM 31195  
and, if applicable, in category one or two vocational education 31196  
ADM. As provided in division (C) of section 3317.02 of the Revised 31197  
Code, such a child shall be counted in category one, two, three, 31198  
four, five, or six special education ADM in the same proportion 31199  
that the child is counted in formula ADM. 31200

(b) A child enrolled in vocational education programs or 31201  
classes described in section 3317.014 of the Revised Code may be 31202  
counted both in formula ADM and category one or two vocational 31203  
education ADM and, if applicable, in category one, two, three, 31204  
four, five, or six special education ADM. Such a child shall be 31205  
counted in category one or two vocational education ADM in the 31206  
same proportion as the percentage of time that the child spends in 31207  
the vocational education programs or classes. 31208

(4) Based on the information reported under this section, the 31209  
department of education shall determine the total student count, 31210  
as defined in section 3301.011 of the Revised Code, for each 31211  
school district. 31212

(D)(1) The superintendent of each joint vocational school 31213  
district shall certify to the superintendent of public instruction 31214  
on or before the fifteenth day of October in each year for the 31215  
first full school week in October the formula ADM, which, except 31216  
as otherwise provided in this division, shall consist of the 31217  
average daily membership during such week, on an FTE basis, of the 31218  
number of students receiving any educational services from the 31219  
district, including students enrolled in a community school 31220  
established under Chapter 3314. of the Revised Code who are 31221  
attending the joint vocational district under an agreement between 31222  
the district board of education and the governing authority of the 31223  
community school and are entitled to attend school in a city, 31224  
local, or exempted village school district whose territory is part 31225

of the territory of the joint vocational district.	31226
The following categories of students shall not be included in the determination made under division (D)(1) of this section:	31227
(a) Students enrolled in adult education classes;	31228
(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	31229
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;	31230
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	31231
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students:	31232
(a) Students enrolled in each grade included in the joint vocational district schools;	31233
(b) Handicapped children receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	31234
(c) Handicapped children receiving special education services for the category two handicaps described in division (B) of section 3317.013 of the Revised Code;	31235
(d) Handicapped children receiving special education services for category three handicaps described in division (C) of section	31236
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3317.013 of the Revised Code;	31256
(e) Handicapped children receiving special education services	31257
for category four handicaps described in division (D) of section	31258
3317.013 of the Revised Code;	31259
(f) Handicapped children receiving special education services	31260
for the category five handicap described in division (E) of	31261
section 3317.013 of the Revised Code;	31262
(g) Handicapped children receiving special education services	31263
for category six handicaps described in division (F) of section	31264
3317.013 of the Revised Code;	31265
(h) Students receiving category one vocational education	31266
services, described in division (A) of section 3317.014 of the	31267
Revised Code;	31268
(i) Students receiving category two vocational education	31269
services, described in division (B) of section 3317.014 of the	31270
Revised Code.	31271
The superintendent of each joint vocational school district	31272
shall also indicate the city, local, or exempted village school	31273
district in which each joint vocational district pupil is entitled	31274
to attend school pursuant to section 3313.64 or 3313.65 of the	31275
Revised Code.	31276
(E) In each school of each city, local, exempted village,	31277
joint vocational, and cooperative education school district there	31278
shall be maintained a record of school membership, which record	31279
shall accurately show, for each day the school is in session, the	31280
actual membership enrolled in regular day classes. For the purpose	31281
of determining average daily membership, the membership figure of	31282
any school shall not include any pupils except those pupils	31283
described by division (A) of this section. The record of	31284
membership for each school shall be maintained in such manner that	31285
no pupil shall be counted as in membership prior to the actual	31286

date of entry in the school and also in such manner that where for 31287  
any cause a pupil permanently withdraws from the school that pupil 31288  
shall not be counted as in membership from and after the date of 31289  
such withdrawal. There shall not be included in the membership of 31290  
any school any of the following: 31291

(1) Any pupil who has graduated from the twelfth grade of a 31292  
public high school; 31293

(2) Any pupil who is not a resident of the state; 31294

(3) Any pupil who was enrolled in the schools of the district 31295  
during the previous school year when tests were administered under 31296  
section 3301.0711 of the Revised Code but did not take one or more 31297  
of the tests required by that section and was not excused pursuant 31298  
to division (C)(1) of that section; 31299

(4) Any pupil who has attained the age of twenty-two years, 31300  
except for veterans of the armed services whose attendance was 31301  
interrupted before completing the recognized twelve-year course of 31302  
the public schools by reason of induction or enlistment in the 31303  
armed forces and who apply for reenrollment in the public school 31304  
system of their residence not later than four years after 31305  
termination of war or their honorable discharge. 31306

If, however, any veteran described by division (E)(4) of this 31307  
section elects to enroll in special courses organized for veterans 31308  
for whom tuition is paid under the provisions of federal laws, or 31309  
otherwise, that veteran shall not be included in average daily 31310  
membership. 31311

Notwithstanding division (E)(3) of this section, the 31312  
membership of any school may include a pupil who did not take a 31313  
test required by section 3301.0711 of the Revised Code if the 31314  
superintendent of public instruction grants a waiver from the 31315  
requirement to take the test to the specific pupil. The 31316  
superintendent may grant such a waiver only for good cause in 31317

accordance with rules adopted by the state board of education. 31318

Except as provided in divisions (B)(2) and (F) of this 31319  
section, the average daily membership figure of any local, city, 31320  
exempted village, or joint vocational school district shall be 31321  
determined by dividing the figure representing the sum of the 31322  
number of pupils enrolled during each day the school of attendance 31323  
is actually open for instruction during the first full school week 31324  
in October by the total number of days the school was actually 31325  
open for instruction during that week. For purposes of state 31326  
funding, "enrolled" persons are only those pupils who are 31327  
attending school, those who have attended school during the 31328  
current school year and are absent for authorized reasons, and 31329  
those handicapped children currently receiving home instruction. 31330

The average daily membership figure of any cooperative 31331  
education school district shall be determined in accordance with 31332  
rules adopted by the state board of education. 31333

(F)(1) If the formula ADM for the first full school week in 31334  
February is at least three per cent greater than that certified 31335  
for the first full school week in the preceding October, the 31336  
superintendent of schools of any city, exempted village, or joint 31337  
vocational school district or educational service center shall 31338  
certify such increase to the superintendent of public instruction. 31339  
Such certification shall be submitted no later than the fifteenth 31340  
day of February. For the balance of the fiscal year, beginning 31341  
with the February payments, the superintendent of public 31342  
instruction shall use the increased formula ADM in calculating or 31343  
recalculating the amounts to be allocated in accordance with 31344  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 31345  
the superintendent use an increased membership certified to the 31346  
superintendent after the fifteenth day of February. 31347

(2) If on the first school day of April the total number of 31348  
classes or units for handicapped preschool children that are 31349

eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the ~~state board of education~~ department determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the ~~board~~ department shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department ~~of education~~ shall pay an amount computed in the manner prescribed in section 3317.052 or 3317.19 and section 3317.053 of the Revised Code.

(3) If a student attending a community school under Chapter 3314. of the Revised Code is not included in the formula ADM certified for the first full school week of October for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the community school student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the community school during the first full school week in October.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education the average daily membership of all handicapped children in classes or

programs approved annually by the ~~state board~~ department of 31382  
education, in the manner prescribed by the superintendent of 31383  
public instruction. 31384

(b) The superintendent of an institution with vocational 31385  
education units approved under division (A) of section 3317.05 of 31386  
the Revised Code shall, for the units under the superintendent's 31387  
supervision, certify to the state board of education the average 31388  
daily membership in those units, in the manner prescribed by the 31389  
superintendent of public instruction. 31390

(2) The superintendent of each county MR/DD board that 31391  
maintains special education classes under section 3317.20 of the 31392  
Revised Code or units approved ~~by the state board of education~~ 31393  
pursuant to section 3317.05 of the Revised Code shall do both of 31394  
the following: 31395

(a) Certify to the state board, in the manner prescribed by 31396  
the board, the average daily membership in classes under section 31397  
3317.20 of the Revised Code for each school district that has 31398  
placed children in the classes; 31399

(b) Certify to the state board, in the manner prescribed by 31400  
the board, the number of all handicapped preschool children 31401  
enrolled as of the first day of December in classes eligible for 31402  
approval under division (B) of section 3317.05 of the Revised 31403  
Code, and the number of those classes. 31404

(3)(a) If on the first school day of April the number of 31405  
classes or units maintained for handicapped preschool children by 31406  
the county MR/DD board that are eligible for approval under 31407  
division (B) of section 3317.05 of the Revised Code is greater 31408  
than the number of units approved for the year under that 31409  
division, the superintendent shall make the certification required 31410  
by this section for that day. 31411

(b) If the ~~state board~~ department determines that additional 31412

classes or units can be approved for the fiscal year within any 31413  
limitations set forth in the acts appropriating moneys for the 31414  
funding of the classes and units described in division (G)(3)(a) 31415  
of this section, the ~~board~~ department shall approve and fund 31416  
additional units for the fiscal year on the basis of such average 31417  
daily membership. For each unit so approved, the department ~~of~~ 31418  
~~education~~ shall pay an amount computed in the manner prescribed in 31419  
sections 3317.052 and 3317.053 of the Revised Code. 31420

(H) Except as provided in division (I) of this section, when 31421  
any city, local, or exempted village school district provides 31422  
instruction for a nonresident pupil whose attendance is 31423  
unauthorized attendance as defined in section 3327.06 of the 31424  
Revised Code, that pupil's membership shall not be included in 31425  
that district's membership figure used in the calculation of that 31426  
district's formula ADM or included in the determination of any 31427  
unit approved for the district under section 3317.05 of the 31428  
Revised Code. The reporting official shall report separately the 31429  
average daily membership of all pupils whose attendance in the 31430  
district is unauthorized attendance, and the membership of each 31431  
such pupil shall be credited to the school district in which the 31432  
pupil is entitled to attend school under division (B) of section 31433  
3313.64 or section 3313.65 of the Revised Code as determined by 31434  
the department of education. 31435

(I)(1) A city, local, exempted village, or joint vocational 31436  
school district admitting a scholarship student of a pilot project 31437  
district pursuant to division (C) of section 3313.976 of the 31438  
Revised Code may count such student in its average daily 31439  
membership. 31440

(2) In any year for which funds are appropriated for pilot 31441  
project scholarship programs, a school district implementing a 31442  
state-sponsored pilot project scholarship program that year 31443  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 31444

count in average daily membership: 31445

(a) All children residing in the district and utilizing a 31446  
scholarship to attend kindergarten in any alternative school, as 31447  
defined in section 3313.974 of the Revised Code; 31448

(b) All children who were enrolled in the district in the 31449  
preceding year who are utilizing a scholarship to attend any such 31450  
alternative school. 31451

(J) The superintendent of each cooperative education school 31452  
district shall certify to the superintendent of public 31453  
instruction, in a manner prescribed by the state board of 31454  
education, the applicable average daily memberships for all 31455  
students in the cooperative education district, also indicating 31456  
the city, local, or exempted village district where each pupil is 31457  
entitled to attend school under section 3313.64 or 3313.65 of the 31458  
Revised Code. 31459

**Sec. 3317.032.** (A) Each city, local, exempted village, and 31460  
cooperative education school district, each educational service 31461  
center, each county MR/DD board, and each institution operating a 31462  
special education program pursuant to section 3323.091 of the 31463  
Revised Code shall, in accordance with procedures adopted by the 31464  
state board of education, maintain a record of district membership 31465  
of both of the following: 31466

(1) All handicapped preschool children in units approved 31467  
under division (B) of section 3317.05 of the Revised Code; 31468

(2) All handicapped preschool children who are not in units 31469  
approved ~~by the state board~~ under division (B) of section 3317.05 31470  
of the Revised Code but who are otherwise served by a special 31471  
education program. 31472

(B) The superintendent of each district, board, or 31473  
institution subject to division (A) of this section shall certify 31474

to the state board of education, in accordance with procedures 31475  
adopted by that board, membership figures of all handicapped 31476  
preschool children whose membership is maintained under division 31477  
(A)(2) of this section. The figures certified under this division 31478  
shall be used in the determination of the ADM used to compute 31479  
funds for educational service center governing boards under 31480  
~~division (B) of~~ section 3317.11 of the Revised Code. 31481

**Sec. 3317.05.** (A) For the purpose of calculating payments 31482  
under sections 3317.052 and 3317.053 of the Revised Code, the 31483  
~~state board~~ department of education shall determine for each 31484  
institution, by the last day of January of each year and based on 31485  
information certified under section 3317.03 of the Revised Code, 31486  
the number of vocational education units or fractions of units 31487  
approved by the ~~state board~~ department on the basis of standards 31488  
and rules adopted by the state board of education. As used in this 31489  
division, "institution" means an institution operated by a 31490  
department specified in section 3323.091 of the Revised Code and 31491  
that provides vocational education programs under the supervision 31492  
of the division of vocational education of the department ~~of~~ 31493  
~~education~~ that meet the standards and rules for these programs, 31494  
including licensure of professional staff involved in the 31495  
programs, as established by the state board ~~of education~~. 31496

(B) For the purpose of calculating payments under sections 31497  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 31498  
~~state board~~ department shall determine, based on information 31499  
certified under section 3317.03 of the Revised Code, the following 31500  
by the last day of January of each year for each educational 31501  
service center, for each school district, including each 31502  
cooperative education school district, for each institution 31503  
eligible for payment under section 3323.091 of the Revised Code, 31504  
and for each county MR/DD board: the number of classes operated by 31505  
the school district, service center, institution, or county MR/DD 31506

board for handicapped preschool children, or fraction thereof, 31507  
including in the case of a district or service center that is a 31508  
funding agent, classes taught by a licensed teacher employed by 31509  
that district or service center under section 3313.841 of the 31510  
Revised Code, approved annually by the ~~state board~~ department on 31511  
the basis of standards and rules adopted by the state board. 31512

(C) For the purpose of calculating payments under sections 31513  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 31514  
~~state board~~ department shall determine, based on information 31515  
certified under section 3317.03 of the Revised Code, the following 31516  
by the last day of January of each year for each school district, 31517  
including each cooperative education school district, for each 31518  
institution eligible for payment under section 3323.091 of the 31519  
Revised Code, and for each county MR/DD board: the number of 31520  
preschool handicapped related services units for child study, 31521  
occupational, physical, or speech and hearing therapy, special 31522  
education supervisors, and special education coordinators approved 31523  
annually by the ~~state board~~ department on the basis of standards 31524  
and rules adopted by the state board. 31525

(D) For the purpose of calculating payments under sections 31526  
3317.052 and 3317.053 of the Revised Code, the ~~state board~~ 31527  
department shall determine, based on information certified under 31528  
section 3317.03 of the Revised Code, the following by the last day 31529  
of January of each year for each institution eligible for payment 31530  
under section 3323.091 of the Revised Code: 31531

(1) The number of classes operated by an institution for 31532  
handicapped children other than handicapped preschool children, or 31533  
fraction thereof, approved annually by the ~~state board~~ department 31534  
on the basis of standards and rules adopted by the state board; 31535

(2) The number of related services units for children other 31536  
than handicapped preschool children for child study, occupational, 31537  
physical, or speech and hearing therapy, special education 31538

supervisors, and special education coordinators approved annually 31539  
by the ~~state board~~ department on the basis of standards and rules 31540  
adopted by the state board. 31541

(E) All of the arithmetical calculations made under this 31542  
section shall be carried to the second decimal place. The total 31543  
number of units for school districts, service centers, and 31544  
institutions approved annually ~~by the state board~~ under this 31545  
section shall not exceed the number of units included in the ~~state~~ 31546  
~~board's~~ estimate of cost for these units and appropriations made 31547  
for them by the general assembly. 31548

In the case of units described in division (D)(1) of this 31549  
section operated by institutions eligible for payment under 31550  
section 3323.091 of the Revised Code, the ~~state board~~ department 31551  
shall approve only units for persons who are under age twenty-two 31552  
on the first day of the academic year, but not less than six years 31553  
of age on the thirtieth day of September of that year, except that 31554  
such a unit may include one or more children who are under six 31555  
years of age on the thirtieth day of September if such children 31556  
have been admitted to the unit pursuant to rules of the state 31557  
board. In the case of handicapped preschool units described in 31558  
division (B) of this section ~~operated by county MR/DD boards and~~ 31559  
~~institutions eligible for payment under section 3323.091 of the~~ 31560  
~~Revised Code, the state board~~ department shall approve only 31561  
preschool units for children who are under age six but not less 31562  
than age three on the ~~thirtieth~~ first day of ~~September~~ December of 31563  
the academic year, except that such a unit may include one or more 31564  
children who are under age three or are age six or over on the 31565  
~~thirtieth~~ first day of ~~September~~ December, as reported under 31566  
division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised 31567  
Code, if such children have been admitted to the unit pursuant to 31568  
rules of the state board ~~of education~~. The number of units for 31569  
county MR/DD boards and institutions eligible for payment under 31570

section 3323.091 of the Revised Code approved ~~by the state board~~ 31571  
under this section shall not exceed the number that can be funded 31572  
with appropriations made for such purposes by the general 31573  
assembly. 31574

No unit shall be approved under divisions (B) to (D) of this 31575  
section unless a plan has been submitted and approved under 31576  
Chapter 3323. of the Revised Code. 31577

(F) The department shall approve units or fractions thereof 31578  
for gifted children on the basis of standards and rules adopted by 31579  
the state board. 31580

**Sec. 3317.064.** (A) There is hereby established in the state 31581  
treasury the auxiliary services ~~mobile unit replacement and repair~~ 31582  
reimbursement fund. By the thirtieth day of January of each 31583  
odd-numbered year, the director of job and family services and the 31584  
superintendent of public instruction shall determine the amount of 31585  
any excess moneys in the auxiliary services personnel unemployment 31586  
compensation fund not reasonably necessary for the purposes of 31587  
section 4141.47 of the Revised Code, and shall certify such amount 31588  
to the director of budget and management for transfer to the 31589  
auxiliary services ~~mobile unit replacement and repair~~ 31590  
reimbursement fund. If the director of job and family services and 31591  
the superintendent disagree on such amount, the director of budget 31592  
and management shall determine the amount to be transferred. 31593

(B) Moneys in the auxiliary services ~~mobile unit replacement~~ 31594  
~~and repair~~ reimbursement fund shall be used for the relocation or 31595  
for the replacement and repair of mobile units used to provide the 31596  
services specified in division (E), (F), (G), or (I) of section 31597  
3317.06 of the Revised Code. The state board of education shall 31598  
adopt guidelines and procedures for replacement, repair, and 31599  
relocation of mobile units and the procedures under which a school 31600  
district may apply to receive moneys with which to repair or 31601

replace or relocate such units. 31602

(C) School districts may apply to the department for moneys 31603  
from the auxiliary services ~~mobile unit replacement and repair~~ 31604  
reimbursement fund for payment of incentives for early retirement 31605  
and severance for school district personnel assigned to provide 31606  
services authorized by section 3317.06 of the Revised Code at 31607  
chartered nonpublic schools. The portion of the cost of any early 31608  
retirement or severance incentive for any employee that is paid 31609  
using money from the auxiliary services ~~mobile unit replacement~~ 31610  
~~and repair~~ reimbursement fund shall not exceed the percentage of 31611  
such employee's total service credit that the employee spent 31612  
providing services to chartered nonpublic school students under 31613  
section 3317.06 of the Revised Code. 31614

**Sec. 3317.07.** The state board of education shall establish 31615  
rules for the purpose of distributing subsidies for the purchase 31616  
of school buses under division (E) of section 3317.024 of the 31617  
Revised Code. 31618

No school bus subsidy payments shall be paid to any district 31619  
unless such district can demonstrate that pupils residing more 31620  
than one mile from the school could not be transported without 31621  
such additional aid. 31622

The amount paid to a county MR/DD board for buses purchased 31623  
for transportation of children in special education programs 31624  
operated by the board shall be one hundred per cent of the board's 31625  
net cost. 31626

The amount paid to a school district for buses purchased for 31627  
transportation of handicapped and nonpublic school pupils shall be 31628  
one hundred per cent of the school district's net cost. 31629

The state board of education shall adopt a formula to 31630  
determine the amount of payments that shall be distributed to 31631

school districts to purchase school buses for pupils other than 31632  
handicapped or nonpublic school pupils. 31633

If any district or MR/DD board obtains bus services for pupil 31634  
transportation pursuant to a contract, such district or board may 31635  
use payments received under this section to defray the costs of 31636  
contracting for bus services in lieu of for purchasing buses. 31637

If the department of education determines that a county MR/DD 31638  
board no longer needs a school bus because the board no longer 31639  
transports children to a special education program operated by the 31640  
board, or if the department determines that a school district no 31641  
longer needs a school bus to transport pupils to a nonpublic 31642  
school or special education program, the department may reassign a 31643  
bus that was funded with payments provided pursuant to this 31644  
section for the purpose of transporting such pupils. The 31645  
department may reassign a bus to a county MR/DD board or school 31646  
district that transports children to a special education program 31647  
designated in the children's individualized education plans, or to 31648  
a school district that transports pupils to a nonpublic school, 31649  
and needs an additional school bus. 31650

**Sec. 3317.09.** All moneys distributed to a school district, 31651  
including any cooperative education or joint vocational school 31652  
district and all moneys distributed to any educational service 31653  
center, by the state whether from a state or federal source, shall 31654  
be accounted for by the division of school finance of the 31655  
department of education. All moneys distributed shall be coded as 31656  
to county, school district or educational service center, source, 31657  
and other pertinent information, and at the end of each month, a 31658  
report of such distribution shall be made by such division of 31659  
school finance to the clerk of the senate and the chief 31660  
administrative officer of the house of representatives, to the 31661  
Ohio legislative service commission to be available for 31662

examination by any member of either house, to each school district 31663  
and educational service center, and to the governor. 31664

On or before the first day of September in each year, a copy 31665  
of the annual statistical report required in ~~sections~~ section 31666  
3319.33 ~~and 3319.34~~ of the Revised Code shall be filed by the 31667  
state board of education with the clerk of the senate and the 31668  
chief administrative officer of the house of representatives, the 31669  
Ohio legislative service commission, the governor, and the auditor 31670  
of state. The report shall contain an analysis for the prior 31671  
fiscal year on an accrual basis of revenue receipts from all 31672  
sources and expenditures for all purposes for each school district 31673  
~~and each educational service center~~, including each joint 31674  
vocational and cooperative education school district, in the 31675  
state. If any board of education ~~or any educational service center~~ 31676  
~~governing board~~ fails to make the report required in ~~sections~~ 31677  
section 3319.33 ~~and 3319.34~~ of the Revised Code, the 31678  
superintendent of public instruction shall be without authority to 31679  
distribute funds to that school district or educational service 31680  
center pursuant to sections 3317.022 to 3317.0212, 3317.11, 31681  
3317.16, 3317.17, or 3317.19 of the Revised Code until such time 31682  
as the required reports are filed with all specified officers, 31683  
boards, or agencies. 31684

**Sec. 3317.10.** (A) On or before the first day of March of each 31685  
year, the department of job and family services shall certify to 31686  
the state board of education the unduplicated number of children 31687  
ages five through seventeen residing in each school district and 31688  
living in a family that, during the preceding October, had family 31689  
income not exceeding the federal poverty guidelines as defined in 31690  
section 5101.46 of the Revised Code and participated in one of the 31691  
following: 31692

(1) Ohio works first; 31693

(2) The food stamp program;	31694
(3) The medical assistance program, including the healthy start program, established under Chapter 5111. of the Revised Code;	31695 31696 31697
(4) The children's health insurance program part I established under section 5101.50 of the Revised Code;	31698 31699
(5) The disability <u>financial</u> assistance program established under Chapter 5115. of the Revised Code;	31700 31701
<u>(6) The disability medical assistance program established under Chapter 5115. of the Revised Code.</u>	31702 31703
The department of job and family services shall certify this information according to the school district of residence for each child. Except as provided under division (B) of this section, the number of children so certified in any year shall be used by the department of education in calculating the distribution of moneys for the ensuing fiscal year as provided in section 3317.029 of the Revised Code.	31704 31705 31706 31707 31708 31709 31710
(B) Upon the transfer of part of the territory of one school district to the territory of one or more other school districts, the department of education may adjust the number of children certified under division (A) of this section for any district gaining or losing territory in such a transfer in order to take into account the effect of the transfer on the number of such children who reside in the district. Within sixty days of receipt of a request for information from the department of education, the department of job and family services shall provide any information the department of education determines is necessary to make such adjustments. The department of education may use the adjusted number for any district for the applicable fiscal year, in lieu of the number certified for the district for that fiscal year under division (A) of this section, in the calculation of the	31711 31712 31713 31714 31715 31716 31717 31718 31719 31720 31721 31722 31723 31724

distribution of moneys provided in section 3317.029 of the Revised Code. 31725  
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Sec. 3317.11. (A) As used in this section: 31727

(1) "Client school district" means a city or exempted village school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from an educational service center. 31728  
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(2) "Service center ADM" means the sum of the total student counts of all local school districts within an educational service center's territory and all of the service center's client school districts. 31732  
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(3) "Total student count" has the same meaning as in section 3301.011 of the Revised Code. 31736  
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(B)(1) The governing board of each educational service center shall provide supervisory services to each local school district within the service center's territory. Each city or exempted village school district that enters into an agreement under section 3313.843 of the Revised Code for a governing board to provide any services also is considered to be provided supervisory services by the governing board. Except as provided in division (B)(2) of this section, the supervisory services shall not exceed one supervisory teacher for the first fifty classroom teachers required to be employed in the districts, as calculated under section 3317.023 of the Revised Code, and one for each additional one hundred required classroom teachers, as so calculated. 31738  
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The supervisory services shall be financed annually through supervisory units. Except as provided in division (B)(2) of this section, the number of supervisory units assigned to each district shall not exceed one unit for the first fifty classroom teachers required to be employed in the district, as calculated under 31750  
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section 3317.023 of the Revised Code, and one for each additional 31755  
one hundred required classroom teachers, as so calculated. The 31756  
cost of each supervisory unit shall be the sum of: 31757

(a) The minimum salary prescribed by section 3317.13 of the 31758  
Revised Code for the licensed supervisory employee of the 31759  
governing board; 31760

(b) An amount equal to fifteen per cent of the salary 31761  
prescribed by section 3317.13 of the Revised Code; 31762

(c) An allowance for necessary travel expenses, limited to 31763  
the lesser of two hundred twenty-three dollars and sixteen cents 31764  
per month or two thousand six hundred seventy-eight dollars per 31765  
year. 31766

(2) If a majority of the boards of education, or 31767  
superintendents acting on behalf of the boards, of the local and 31768  
client school districts receiving services from the educational 31769  
service center agree to receive additional supervisory services 31770  
and to pay the cost of a corresponding number of supervisory units 31771  
in excess of the services and units specified in division (B)(1) 31772  
of this section, the service center shall provide the additional 31773  
services as agreed to by the majority of districts to, and the 31774  
department of education shall apportion the cost of the 31775  
corresponding number of additional supervisory units pursuant to 31776  
division (B)(3) of this section among, all of the service center's 31777  
local and client school districts. 31778

(3) The department shall apportion the total cost for all 31779  
supervisory units among the service center's local and client 31780  
school districts based on each district's total student count. The 31781  
department shall deduct each district's apportioned share pursuant 31782  
to division (E) of section 3317.023 of the Revised Code and pay 31783  
the apportioned share to the service center. 31784

(C) The department annually shall deduct from each local and 31785

client school district of each educational service center, 31786  
pursuant to division (E) of section 3317.023 of the Revised Code, 31787  
and pay to the service center an amount equal to six dollars and 31788  
fifty cents times the school district's total student count. The 31789  
board of education, or the superintendent acting on behalf of the 31790  
board, of any local or client school district may agree to pay an 31791  
amount in excess of six dollars and fifty cents per student in 31792  
total student count. If a majority of the boards of education, or 31793  
superintendents acting on behalf of the boards, of the local 31794  
school districts within a service center's territory approve an 31795  
amount in excess of six dollars and fifty cents per student in 31796  
total student count, the department shall deduct the approved 31797  
excess per student amount from all of the local school districts 31798  
within the service center's territory and pay the excess amount to 31799  
the service center. 31800

(D) The department shall pay each educational service center 31801  
the amounts due to it from school districts pursuant to contracts, 31802  
compacts, or agreements under which the service center furnishes 31803  
services to the districts or their students. In order to receive 31804  
payment under this division, an educational service center shall 31805  
furnish either a copy of the contract, compact, or agreement 31806  
clearly indicating the amounts of the payments, or a written 31807  
statement that clearly indicates the payments owed and is signed 31808  
by the superintendent or treasurer of the responsible school 31809  
district. The amounts paid to service centers under this division 31810  
shall be deducted from payments to school districts pursuant to 31811  
division (K)(3) of section 3317.023 of the Revised Code. 31812

(E) Each school district's deduction under this section and 31813  
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 31814  
shall be made from the total payment computed for the district 31815  
under this chapter, after making any other adjustments in that 31816  
payment required by law. 31817

(F)(1) Except as provided in division (F)(2) of this section, 31818  
the department annually shall pay the governing board of each 31819  
educational service center state funds equal to thirty-seven 31820  
dollars times its service center ADM. 31821

(2) The department annually shall pay state funds equal to 31822  
forty dollars and fifty-two cents times the service center ADM to 31823  
each educational service center comprising territory that was 31824  
included in the territory of at least three former service centers 31825  
or county school districts, which former centers or districts 31826  
engaged in one or more mergers under section 3311.053 of the 31827  
Revised Code to form the present center. 31828

(G) Each city, exempted village, local, joint vocational, or 31829  
cooperative education school district shall pay to the governing 31830  
board of an educational service center any amounts agreed to for 31831  
each child enrolled in the district who receives special education 31832  
and related services or career-technical education from the 31833  
educational service center, unless these educational services are 31834  
provided pursuant to a contract, compact, or agreement for which 31835  
the department deducts and transfers payments under division (D) 31836  
of this section and division (K)(3) of section 3317.023 of the 31837  
Revised Code. 31838

(H) An educational service center: 31839

(1) May provide special education and career-technical 31840  
education to students in its local or client school districts; 31841

(2) Is eligible for transportation funding under division (J) 31842  
of section 3317.024 of the Revised Code and for state subsidies 31843  
for the purchase of school buses under section 3317.07 of the 31844  
Revised Code; 31845

(3) May apply for and receive gifted education units and 31846  
provide gifted education services to students in its local or 31847  
client school districts; 31848

(4) May conduct driver education for high school students in 31849  
accordance with Chapter 4508. of the Revised Code. 31850

**Sec. 3317.16.** (A) As used in this section: 31851

(1) "State share percentage" means the percentage calculated 31852  
for a joint vocational school district as follows: 31853

(a) Calculate the state base cost funding amount for the 31854  
district under division (B) of this section. If the district would 31855  
not receive any base cost funding for that year under that 31856  
division, the district's state share percentage is zero. 31857

(b) If the district would receive base cost funding under 31858  
that division, divide that base cost amount by an amount equal to 31859  
the following: 31860

cost-of-doing-business factor X 31861

the formula amount X 31862

~~the greater of formula ADM or~~ 31863

~~three-year average formula ADM~~ 31864

The resultant number is the district's state share 31865  
percentage. 31866

(2) The "total special education weight" for a joint 31867  
vocational school district shall be calculated in the same manner 31868  
as prescribed in division (B)(1) of section 3317.022 of the 31869  
Revised Code. 31870

(3) The "total vocational education weight" for a joint 31871  
vocational school district shall be calculated in the same manner 31872  
as prescribed in division (B)(4) of section 3317.022 of the 31873  
Revised Code. 31874

(4) The "total recognized valuation" of a joint vocational 31875  
school district shall be determined by adding the recognized 31876  
valuations of all its constituent school districts for the 31877  
applicable fiscal year. 31878

(5) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 31879  
31880  
31881

(6) "Community school" means a community school established under Chapter 3314. of the Revised Code. 31882  
31883

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with the following formula: 31884  
31885  
31886

(cost-of-doing-business factor X 31887  
formula amount X ~~the greater of formula~~ 31888  
~~ADM or three year average~~ formula ADM) - 31889  
(.0005 X total recognized valuation) 31890

If the difference obtained under this division is a negative number, the district's computation shall be zero. 31891  
31892

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula: 31893  
31894  
31895  
31896

state share percentage X formula amount X 31897  
total vocational education weight 31898

In each fiscal year, a joint vocational school district receiving funds under division (C)(1) of this section shall spend those funds only for the purposes the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the joint vocational school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (C)(1) of this section may be spent. 31899  
31900  
31901  
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31907  
31908  
31909

(2) The department shall compute for each joint vocational school district state funds for vocational education associated services costs in accordance with the following formula:

state share percentage X .05 X  
the formula amount X the sum of  
categories one and two vocational  
education ADM

In any fiscal year, a joint vocational school district receiving funds under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other purposes designated by the department. The department may deny payment under division (C)(2) of this section to any district that the department determines is not operating those services or is using funds paid under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, for other purposes.

(D)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each joint vocational school district in accordance with the following formula:

state share percentage X formula amount X  
total special education weight

(2)(a) As used in this division, the "personnel allowance" means thirty thousand dollars in fiscal years 2002 ~~and~~ 2003, 2004, and 2005.

(b) For the provision of speech language pathology services to students, including students who do not have individualized

education programs prepared for them under Chapter 3323. of the 31942  
Revised Code, and for no other purpose, the department shall pay 31943  
each joint vocational school district an amount calculated under 31944  
the following formula: 31945

(formula ADM divided by 2000) X the personnel 31946  
allowance X state share percentage 31947

(3) In any fiscal year, a joint vocational school district 31948  
shall spend for purposes that the department designates as 31949  
approved for special education and related services expenses at 31950  
least the amount calculated as follows: 31951

(cost-of-doing-business factor X formula amount 31952  
X the sum of categories one through 31953  
six special education ADM) + 31954  
(total special education weight X 31955  
formula amount) 31956

The purposes approved by the department for special education 31957  
expenses shall include, but shall not be limited to, compliance 31958  
with state rules governing the education of handicapped children, 31959  
providing services identified in a student's individualized 31960  
education program as defined in section 3323.01 of the Revised 31961  
Code, provision of speech language pathology services, and the 31962  
portion of the district's overall administrative and overhead 31963  
costs that are attributable to the district's special education 31964  
student population. 31965

The department shall require joint vocational school 31966  
districts to report data annually to allow for monitoring 31967  
compliance with division (D)(3) of this section. The department 31968  
shall annually report to the governor and the general assembly the 31969  
amount of money spent by each joint vocational school district for 31970  
special education and related services. 31971

(4) In any fiscal year, a joint vocational school district 31972  
shall spend for the provision of speech language pathology 31973

services not less than the sum of the amount calculated under 31974  
division (D)(1) of this section for the students in the district's 31975  
category one special education ADM and the amount calculated under 31976  
division (D)(2) of this section. 31977

(E)~~(2)~~(1) If a joint vocational school district's costs for a 31978  
fiscal year for a student in its categories ~~one~~ two through six 31979  
special education ADM exceed the threshold catastrophic cost for 31980  
serving the student, as specified in division (C)(3)(b) of section 31981  
3317.022 of the Revised Code, the district may submit to the 31982  
superintendent of public instruction documentation, as prescribed 31983  
by the superintendent, of all of its costs for that student. Upon 31984  
submission of documentation for a student of the type and in the 31985  
manner prescribed, the department shall pay to the district an 31986  
amount equal to the sum of the following: 31987

(a) One-half of the district's costs for the student in 31988  
excess of the threshold catastrophic cost; 31989

(b) The product of one-half of the district's costs for the 31990  
student in excess of the threshold catastrophic cost multiplied by 31991  
the district's state share percentage. 31992

(2) The district shall only report under division (E)(1) of 31993  
this section, and the department shall only pay for, the costs of 31994  
educational expenses and the related services provided to the 31995  
student in accordance with the student's individualized education 31996  
program. Any legal fees, court costs, or other costs associated 31997  
with any cause of action relating to the student may not be 31998  
included in the amount. 31999

(F) Each fiscal year, the department shall pay each joint 32000  
vocational school district an amount for adult technical and 32001  
vocational education and specialized consultants. 32002

(G)(1) A joint vocational school district's local share of 32003  
special education and related services additional weighted costs 32004

equals:	32005
(1 - state share percentage) X	32006
Total special education weight X	32007
the formula amount	32008
<u>(2) For each handicapped student receiving special education</u>	32009
<u>and related services under an individualized education program, as</u>	32010
<u>defined in section 3323.01 of the Revised Code, at a joint</u>	32011
<u>vocational district, the resident district or, if the student is</u>	32012
<u>enrolled in a community school, the community school shall be</u>	32013
<u>responsible for the amount of any costs of providing those special</u>	32014
<u>education and related services to that student that exceed the sum</u>	32015
<u>of the amount calculated for those services attributable to that</u>	32016
<u>student under divisions (B), (D), (E), and (G)(1) of this section.</u>	32017
<u>Those excess costs shall be calculated by subtracting the sum</u>	32018
<u>of the following from the actual cost to provide special education</u>	32019
<u>and related services to the student:</u>	32020
<u>(a) The product of the formula amount times the</u>	32021
<u>cost-of-doing-business factor;</u>	32022
<u>(b) The product of the formula amount times the applicable</u>	32023
<u>multiple specified in section 3317.013 of the Revised Code;</u>	32024
<u>(c) Any funds paid under division (E) of this section for the</u>	32025
<u>student;</u>	32026
<u>(d) Any other funds received by the joint vocational school</u>	32027
<u>district under this chapter to provide special education and</u>	32028
<u>related services to the student, not including the amount</u>	32029
<u>calculated under division (G)(2) of this section.</u>	32030
<u>(3) The board of education of the joint vocational school</u>	32031
<u>district shall report the excess costs calculated under division</u>	32032
<u>(G)(2) of this section to the department of education.</u>	32033
<u>(4) The department shall pay the amount of excess cost</u>	32034

calculated under division (G)(2) of this section to the joint 32035  
vocational school district and shall deduct that amount as 32036  
provided in division (G)(4)(a) or (b) of this section, as 32037  
applicable: 32038

(a) If the student is not enrolled in a community school, the 32039  
department shall deduct the amount from the account of the 32040  
student's resident district pursuant to division (M) of section 32041  
3317.023 of the Revised Code. 32042

(b) If the student is enrolled in a community school, the 32043  
department shall deduct the amount from the account of the 32044  
community school pursuant to section 3314.083 of the Revised Code. 32045

(H) In any fiscal year, if the total of all payments made to 32046  
a joint vocational school district under divisions (B) to (D) of 32047  
this section and division (R) of section 3317.024 of the Revised 32048  
Code is less than the amount that district received in fiscal year 32049  
1999 under the version of this section in effect that year, plus 32050  
the amount that district received under the version of section 32051  
3317.162 of the Revised Code in effect that year and minus the 32052  
amounts received that year for driver education and adult 32053  
education, the department shall pay the district an additional 32054  
amount equal to the difference between those two amounts. 32055

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 32056  
Revised Code: 32057

(A) "Ohio school facilities commission" means the commission 32058  
created pursuant to section 3318.30 of the Revised Code. 32059

(B) "Classroom facilities" means rooms in which pupils 32060  
regularly assemble in public school buildings to receive 32061  
instruction and education and such facilities and building 32062  
improvements for the operation and use of such rooms as may be 32063  
needed in order to provide a complete educational program, and may 32064

include space within which a child day-care facility or a 32065  
community resource center is housed. "Classroom facilities" 32066  
includes any space necessary for the operation of a vocational 32067  
education program for secondary students in any school district 32068  
that operates such a program. 32069

(C) "Project" means a project to construct or acquire 32070  
classroom facilities, or to reconstruct or make additions to 32071  
existing classroom facilities, to be used for housing the 32072  
applicable school district and its functions. 32073

(D) "School district" means a local, exempted village, or 32074  
city school district as such districts are defined in Chapter 32075  
3311. of the Revised Code, acting as an agency of state 32076  
government, performing essential governmental functions of state 32077  
government pursuant to sections 3318.01 and 3318.20 of the Revised 32078  
Code. 32079

For purposes of assistance provided under sections 3318.40 to 32080  
3318.45 of the Revised Code, the term "school district" as used in 32081  
this section and in divisions (A), (C), and (D) of section 3318.03 32082  
and in sections 3318.031, ~~3318.033~~, 3318.042, 3318.07, 3318.08, 32083  
3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 32084  
3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the 32085  
Revised Code means a joint vocational school district established 32086  
pursuant to section 3311.18 of the Revised Code. 32087

(E) "School district board" means the board of education of a 32088  
school district. 32089

(F) "Net bonded indebtedness" means the difference between 32090  
the sum of the par value of all outstanding and unpaid bonds and 32091  
notes which a school district board is obligated to pay, any 32092  
amounts the school district is obligated to pay under 32093  
lease-purchase agreements entered into under section 3313.375 of 32094  
the Revised Code, and the par value of bonds authorized by the 32095

electors but not yet issued, the proceeds of which can lawfully be 32096  
used for the project, and the amount held in the sinking fund and 32097  
other indebtedness retirement funds for their redemption. Notes 32098  
issued for school buses in accordance with section 3327.08 of the 32099  
Revised Code, notes issued in anticipation of the collection of 32100  
current revenues, and bonds issued to pay final judgments shall 32101  
not be considered in calculating the net bonded indebtedness. 32102

"Net bonded indebtedness" does not include indebtedness 32103  
arising from the acquisition of land to provide a site for 32104  
classroom facilities constructed, acquired, or added to pursuant 32105  
to sections 3318.01 to 3318.20 of the Revised Code. 32106

(G) "Board of elections" means the board of elections of the 32107  
county containing the most populous portion of the school 32108  
district. 32109

(H) "County auditor" means the auditor of the county in which 32110  
the greatest value of taxable property of such school district is 32111  
located. 32112

(I) "Tax duplicates" means the general tax lists and 32113  
duplicates prescribed by sections 319.28 and 319.29 of the Revised 32114  
Code. 32115

(J) "Required level of indebtedness" means: 32116

(1) In the case of districts in the first percentile, five 32117  
per cent of the district's valuation for the year preceding the 32118  
year in which the controlling board approved the project under 32119  
section 3318.04 of the Revised Code. 32120

(2) In the case of districts ranked in a subsequent 32121  
percentile, five per cent of the district's valuation for the year 32122  
preceding the year in which the controlling board approved the 32123  
project under section 3318.04 of the Revised Code, plus [two 32124  
one-hundredths of one per cent multiplied by (the percentile in 32125  
which the district ranks for the fiscal year preceding the fiscal 32126

year in which the controlling board approved the district's 32127  
project minus one)]. 32128

(K) "Required percentage of the basic project costs" means 32129  
one per cent of the basic project costs times the percentile in 32130  
which the district ranks for the fiscal year preceding the fiscal 32131  
year in which the controlling board approved the district's 32132  
project. 32133

(L) "Basic project cost" means a cost amount determined in 32134  
accordance with rules adopted under section 111.15 of the Revised 32135  
Code by the Ohio school facilities commission. The basic project 32136  
cost calculation shall take into consideration the square footage 32137  
and cost per square foot necessary for the grade levels to be 32138  
housed in the classroom facilities, the variation across the state 32139  
in construction and related costs, the cost of the installation of 32140  
site utilities and site preparation, the cost of demolition of all 32141  
or part of any existing classroom facilities that are abandoned 32142  
under the project, the cost of insuring the project until it is 32143  
completed, any contingency reserve amount prescribed by the 32144  
commission under section 3318.086 of the Revised Code, and the 32145  
professional planning, administration, and design fees that a 32146  
district may have to pay to undertake a classroom facilities 32147  
project. 32148

For a joint vocational school district that receives 32149  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 32150  
the basic project cost calculation for a project under those 32151  
sections shall also take into account the types of laboratory 32152  
spaces and program square footages needed for the vocational 32153  
education programs for high school students offered by the school 32154  
district. 32155

~~"Basic project cost" also includes the value of classroom 32156  
facilities authorized in a pre-existing bond issue as described in 32157  
section 3318.033 of the Revised Code. 32158~~

(M)(1) Except for a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under section 3318.032 of the Revised Code.

(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code.

(N) "Child day-care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the district is ranked pursuant to division (D) of section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for

preparation of the building foundation system, the paved 32190  
pedestrian and vehicular circulation system, playgrounds on the 32191  
project site, and lawn and planting on the project site. 32192

Sec. 3318.024. In the first year of a capital biennium, any 32193  
funds appropriated to the Ohio school facilities commission for 32194  
classroom facilities projects under this chapter in the previous 32195  
capital biennium that were not spent or encumbered, or for which 32196  
an encumbrance has been canceled under section 3318.05 of the 32197  
Revised Code, shall be used by the commission only for projects 32198  
under sections 3318.01 to 3318.20 of the Revised Code, subject to 32199  
appropriation by the general assembly. 32200

In the second year of a capital biennium, any funds 32201  
appropriated to the Ohio school facilities commission for 32202  
classroom facilities projects under this chapter that were not 32203  
spent or encumbered in the first year of the biennium and which 32204  
are in excess of an amount equal to half of the appropriations for 32205  
the capital biennium, or for which an encumbrance has been 32206  
canceled under section 3318.05 of the Revised Code, shall be used 32207  
by the commission only for projects under sections 3318.01 to 32208  
3318.20 of the Revised Code, subject to appropriation by the 32209  
general assembly. 32210

**Sec. 3318.03.** (A) Before conducting an on-site evaluation of 32211  
a school district under section 3318.02 of the Revised Code, at 32212  
the request of the district board of education, the Ohio school 32213  
facilities commission shall examine any classroom facilities needs 32214  
assessment that has been conducted by the district and any master 32215  
plan developed for meeting the facility needs of the district. 32216

(B) Upon conducting the on-site evaluation under section 32217  
3318.02 of the Revised Code, the Ohio school facilities commission 32218  
shall make a determination of all of the following: 32219

(1) The needs of the school district for additional classroom facilities;	32220 32221
(2) The number of classroom facilities to be included in a project, <del>including classroom facilities authorized by a bond issue described in section 3318.033 of the Revised Code,</del> and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility;	32222 32223 32224 32225 32226
(3) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project, <del>including bonds authorized by the district's electors as described in section 3318.033 of the Revised Code,</del> and by the issuance of bonds under section 3318.05 of the Revised Code;	32227 32228 32229 32230 32231 32232 32233
(4) The remaining amount of such cost that shall be supplied by the state;	32234 32235
(5) The amount of the state's portion to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal bienniums from funds appropriated for purposes of sections 3318.01 to 3318.20 of the Revised Code.	32236 32237 32238 32239
(C) The commission shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound educational practice, that it is in keeping with the orderly process of school district reorganization and consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least three hundred fifty pupils. Exceptions shall be authorized only in those districts where topography, sparsity of population, and other factors make larger schools impracticable.	32240 32241 32242 32243 32244 32245 32246 32247 32248 32249
<u>If the school district board determines that an existing</u>	32250

facility has historical value or for other good cause determines 32251  
that an existing facility should be renovated in lieu of acquiring 32252  
a comparable facility by new construction, the commission may 32253  
approve the expenditure of project funds for the renovation of 32254  
that facility up to but not exceeding one hundred per cent of the 32255  
estimated cost of acquiring a comparable facility by new 32256  
construction, as long as the commission determines that the 32257  
facility when renovated can be operationally efficient, will be 32258  
adequate for the future needs of the district, and will comply 32259  
with the other provisions of this division. 32260

(D) Sections 125.81 and 153.04 of the Revised Code shall not 32261  
apply to classroom facilities constructed under either sections 32262  
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 32263  
Code. 32264

**Sec. 3318.042.** (A) The board of education of any school 32265  
district that is receiving assistance under sections 3318.01 to 32266  
3318.20 of the Revised Code after May 20, 1997, or under sections 32267  
3318.40 to 3318.45 of the Revised Code, and whose project is still 32268  
under construction, may request that the Ohio school facilities 32269  
commission examine whether the circumstances prescribed in either 32270  
division (B)(1) or (2) of this section exist in the school 32271  
district. If the commission so finds, the commission shall review 32272  
the school district's original assessment and approved project and 32273  
consider providing additional assistance to the school district to 32274  
correct the prescribed conditions found to exist in the district. 32275  
Additional assistance under this section shall be limited to 32276  
additions to one or more buildings, remodeling of one or more 32277  
buildings, or changes to the infrastructure of one or more 32278  
buildings. 32279

(B) Consideration of additional assistance to a school 32280  
district under this section is warranted in either of the 32281

following circumstances: 32282

(1) Additional work is needed to correct an oversight or 32283  
deficiency not identified or included in the district's initial 32284  
assessment. 32285

(2) Other conditions exist that, in the opinion of the 32286  
commission, warrant additions or remodeling of the project 32287  
facilities or changes to infrastructure associated with the 32288  
district's project that were not identified in the initial 32289  
assessment and plan. 32290

(C) If the commission decides in favor of providing 32291  
additional assistance to any school district under this section, 32292  
the school district shall be responsible for paying for its 32293  
portion of the cost of the additions, remodeling, or 32294  
infrastructure changes pursuant to section 3318.083 of the Revised 32295  
Code. If, after making a financial evaluation of the school 32296  
district, the commission determines that the school district is 32297  
unable without undue hardship, according to the guidelines adopted 32298  
by the commission, to fund the school district portion of the 32299  
increase, then the state and the school district shall enter into 32300  
an agreement whereby the state shall pay the portion of the cost 32301  
increase attributable to the school district which is determined 32302  
to be in excess of any local resources available to the district 32303  
and the district shall thereafter reimburse the state. The 32304  
commission shall establish the district's schedule for reimbursing 32305  
the state, which shall not extend beyond five ten years. The 32306  
commission may lengthen the reimbursement schedule of a school 32307  
district that has entered into an agreement under this section 32308  
prior to the effective date of this amendment as long as the total 32309  
term of that schedule does not extend beyond ten years. Debt 32310  
incurred under this section shall not be included in the 32311  
calculation of the net indebtedness of the school district under 32312  
section 133.06 of the Revised Code. 32313

**Sec. 3318.05.** The conditional approval of the Ohio school facilities commission for a project shall lapse and the amount reserved and encumbered for such project shall be released unless the school district board accepts such conditional approval within one hundred twenty days following the date of certification of the conditional approval to the school district board and the electors of the school district vote favorably on both of the propositions described in divisions (A) and (B) of this section within one year of the date of such certification, except that a school district described in division (C) of this section does not need to submit the proposition described in division (B) of this section. The propositions described in divisions (A) and (B) of this section shall be combined in a single proposal. If the district board or the district's electors fail to meet such requirements and the amount reserved and encumbered for the district's project is released, the district shall be given first priority for project funding as such funds become available.

(A) On the question of issuing bonds of the school district board, for the school district's portion of the basic project cost, in an amount equal to the school district's portion of the basic project cost ~~less any deduction made under section 3318.033 of the Revised Code and~~ less the amount of the proceeds of any securities authorized or to be authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost; and

(B) On the question of levying a tax the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project. Such tax shall be at the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years, subject to any extension approved under section 3318.061 of the Revised Code.

(C) If a school district has in place a tax levied under 32346  
section 5705.21 of the Revised Code for general ongoing permanent 32347  
improvements ~~of at least two mills for each dollar of valuation~~ 32348  
and the proceeds of such tax can be used for maintenance, the 32349  
school district need not levy the additional tax required under 32350  
division (B) of this section, provided the school district board 32351  
includes in the agreement entered into under section 3318.08 of 32352  
the Revised Code provisions earmarking an amount from the proceeds 32353  
of that permanent improvement tax for maintenance of classroom 32354  
facilities equivalent to the amount of the additional tax and for 32355  
the equivalent number of years otherwise required under this 32356  
section. 32357

(D) Proceeds of the tax to be used for maintenance of the 32358  
classroom facilities under either division (B) or (C) of this 32359  
section shall be deposited into a separate fund established by the 32360  
school district for such purpose. 32361

Sec. 3318.052. At any time after the electors of a school 32362  
district have approved either or both a property tax levied under 32363  
section 5705.21 or 5705.218 of the Revised Code for the purpose of 32364  
general ongoing permanent improvements or a school district income 32365  
tax levied under Chapter 5748. of the Revised Code, the proceeds 32366  
of which, pursuant to the ballot measures approved by the 32367  
electors, are not so restricted that they cannot be used to pay 32368  
the costs of a project or maintaining classroom facilities, the 32369  
school district board may: 32370

(A) Within one year following the date of the certification 32371  
of the conditional approval of the school district's classroom 32372  
facilities project by the Ohio school facilities commission, enter 32373  
into a written agreement with the commission, which may be part of 32374  
an agreement entered into under section 3318.08 of the Revised 32375  
Code, and in which the school district board covenants and agrees 32376

to do one or both of the following: 32377

(1) Apply a specified amount of available proceeds of that 32378  
property tax levy, of that school district income tax, or of 32379  
securities issued under this section, or of proceeds from any two 32380  
or more of those sources, to pay all or part of the district's 32381  
portion of the basic project cost of its classroom facilities 32382  
project; 32383

(2) Apply available proceeds of either or both a property tax 32384  
levied under section 5705.21 or 5705.218 of the Revised Code in 32385  
effect for a continuing period of time, or of a school district 32386  
income tax levied under Chapter 5748. of the Revised Code in 32387  
effect for a continuing period of time to the payment of costs of 32388  
maintaining the classroom facilities. 32389

(B) Receive, as a credit against the amount of bonds required 32390  
under sections 3318.05 and 3318.06 of the Revised Code, to be 32391  
approved by the electors of the district and issued by the 32392  
district board for the district's portion of the basic project 32393  
cost of its classroom facilities project in order for the district 32394  
to receive state assistance for the project, an amount equal to 32395  
the specified amount that the district board covenants and agrees 32396  
with the commission to apply as set forth in division (A)(1) of 32397  
this section; 32398

(C) Receive, as a credit against the amount of the tax levy 32399  
required under sections 3318.05 and 3318.06 of the Revised Code, 32400  
to be approved by the electors of the district to pay the costs of 32401  
maintaining the classroom facilities in order to receive state 32402  
assistance for the classroom facilities project, an amount 32403  
equivalent to the specified amount of proceeds the school district 32404  
board covenants and agrees with the commission to apply as 32405  
referred to in division (A)(2) of this section; 32406

(D) Apply proceeds of either or both a school district income 32407

tax levied under Chapter 5748. of the Revised Code that may 32408  
lawfully be used to pay the costs of a classroom facilities 32409  
project or of a tax levied under section 5705.21 or 5705.218 of 32410  
the Revised Code to the payment of debt charges on and financing 32411  
costs related to securities issued under this section; 32412

(E) Issue securities to provide moneys to pay all or part of 32413  
the district's portion of the basic project cost of its classroom 32414  
facilities project in accordance with an agreement entered into 32415  
under division (A) of this section. Securities issued under this 32416  
section shall be Chapter 133. securities and may be issued as 32417  
general obligation securities or issued in anticipation of a 32418  
school district income tax or as property tax anticipation notes 32419  
under section 133.24 of the Revised Code. The district board's 32420  
resolution authorizing the issuance and sale of general obligation 32421  
securities under this section shall conform to the applicable 32422  
requirements of section 133.22 or 133.23 of the Revised Code. 32423  
Securities issued under this section shall have principal payments 32424  
during each year after the year of issuance over a period of not 32425  
more than twenty-three years and, if so determined by the district 32426  
board, during the year of issuance. Securities issued under this 32427  
section shall not be included in the calculation of net 32428  
indebtedness of the district under section 133.06 of the Revised 32429  
Code, if the resolution of the district board authorizing their 32430  
issuance and sale includes covenants to appropriate annually from 32431  
lawfully available proceeds of a property tax levied under section 32432  
5705.21 or 5705.218 of the Revised Code or of a school district 32433  
income tax levied under Chapter 5748. of the Revised Code and to 32434  
continue to levy and collect the tax in amounts necessary to pay 32435  
the debt charges on and financing costs related to the securities 32436  
as they become due. No property tax levied under section 5705.21 32437  
or 5705.218 of the Revised Code and no school district income tax 32438  
levied under Chapter 5748. of the Revised Code that is pledged, or 32439  
that the school district board has covenanted to levy, collect, 32440

and appropriate annually, to pay the debt charges on and financing 32441  
costs related to securities issued under this section shall be 32442  
repealed while those securities are outstanding. If such a tax is 32443  
reduced by the electors of the district or by the district board 32444  
while those securities are outstanding, the school district board 32445  
shall continue to levy and collect the tax under the authority of 32446  
the original election authorizing the tax at a rate in each year 32447  
that the board reasonably estimates will produce an amount in that 32448  
year equal to the debt charges on the securities in that year, 32449  
except that in the case of a school district income tax that 32450  
amount shall be rounded up to the nearest one-fourth of one per 32451  
cent. 32452

No state moneys shall be released for a project to which this 32453  
section applies until the proceeds of the tax securities issued 32454  
under this section that are dedicated for the payment of the 32455  
district portion of the basic project cost of its classroom 32456  
facilities project are first deposited into the district's project 32457  
construction fund. 32458

**Sec. 3318.06.** (A) After receipt of the conditional approval 32459  
of the Ohio school facilities commission, the school district 32460  
board by a majority of all of its members shall, if it desires to 32461  
proceed with the project, declare all of the following by 32462  
resolution: 32463

(1) That by issuing bonds in an amount equal to the school 32464  
district's portion of the basic project cost, ~~including bonds~~ 32465  
~~previously authorized by the district's electors as described in~~ 32466  
~~section 3318.033 of the Revised Code,~~ the district is unable to 32467  
provide adequate classroom facilities without assistance from the 32468  
state; 32469

(2) Unless the school district board has resolved to apply 32470  
the proceeds of a property tax or the proceeds of an income tax, 32471

or a combination of proceeds from such taxes, as authorized under 32472  
section 3318.052 of the Revised Code, that to qualify for such 32473  
state assistance it is necessary to do either of the following: 32474

(a) Levy a tax outside the ten-mill limitation the proceeds 32475  
of which shall be used to pay the cost of maintaining the 32476  
classroom facilities included in the project; 32477

(b) Earmark for maintenance of classroom facilities from the 32478  
proceeds of an existing permanent improvement tax levied under 32479  
section 5705.21 of the Revised Code, if such tax ~~is of at least~~ 32480  
~~two mills for each dollar of valuation and~~ can be used for 32481  
maintenance, an amount equivalent to the amount of the additional 32482  
tax otherwise required under this section and sections 3318.05 and 32483  
3318.08 of the Revised Code. 32484

(3) That the question of any tax levy specified in a 32485  
resolution described in division (A)(2)(a) of this section, if 32486  
required, shall be submitted to the electors of the school 32487  
district at the next general or primary election, if there be a 32488  
general or primary election not less than seventy-five and not 32489  
more than ninety-five days after the day of the adoption of such 32490  
resolution or, if not, at a special election to be held at a time 32491  
specified in the resolution which shall be not less than 32492  
seventy-five days after the day of the adoption of the resolution 32493  
and which shall be in accordance with the requirements of section 32494  
3501.01 of the Revised Code. 32495

Such resolution shall also state that the question of issuing 32496  
bonds of the board shall be combined in a single proposal with the 32497  
question of such tax levy. More than one election under this 32498  
section may be held in any one calendar year. Such resolution 32499  
shall specify both of the following: 32500

(a) That the rate which it is necessary to levy shall be at 32501  
the rate of not less than one-half mill for each one dollar of 32502

valuation, and that such tax shall be levied for a period of 32503  
twenty-three years; 32504

(b) That the proceeds of the tax shall be used to pay the 32505  
cost of maintaining the classroom facilities included in the 32506  
project. 32507

(B) A copy of a resolution adopted under division (A) of this 32508  
section shall after its passage and not less than seventy-five 32509  
days prior to the date set therein for the election be certified 32510  
to the county board of elections. 32511

The resolution of the school district board, in addition to 32512  
meeting other applicable requirements of section 133.18 of the 32513  
Revised Code, shall state that the amount of bonds to be issued 32514  
will be an amount equal to the school district's portion of the 32515  
basic project cost, and state the maximum maturity of the bonds 32516  
which may be any number of years not exceeding the term calculated 32517  
under section 133.20 of the Revised Code as determined by the 32518  
board. In estimating the amount of bonds to be issued, the board 32519  
shall take into consideration the amount of moneys then in the 32520  
bond retirement fund and the amount of moneys to be collected for 32521  
and disbursed from the bond retirement fund during the remainder 32522  
of the year in which the resolution of necessity is adopted. 32523

If the bonds are to be issued in more than one series, the 32524  
resolution may state, in addition to the information required to 32525  
be stated under division (B)(3) of section 133.18 of the Revised 32526  
Code, the number of series, which shall not exceed five, the 32527  
principal amount of each series, and the approximate date each 32528  
series will be issued, and may provide that no series, or any 32529  
portion thereof, may be issued before such date. Upon such a 32530  
resolution being certified to the county auditor as required by 32531  
division (C) of section 133.18 of the Revised Code, the county 32532  
auditor, in calculating, advising, and confirming the estimated 32533  
average annual property tax levy under that division, shall also 32534

calculate, advise, and confirm by certification the estimated 32535  
average property tax levy for each series of bonds to be issued. 32536

Notice of the election shall include the fact that the tax 32537  
levy shall be at the rate of not less than one-half mill for each 32538  
one dollar of valuation for a period of twenty-three years, and 32539  
that the proceeds of the tax shall be used to pay the cost of 32540  
maintaining the classroom facilities included in the project. 32541

If the bonds are to be issued in more than one series, the 32542  
board of education, when filing copies of the resolution with the 32543  
board of elections as required by division (D) of section 133.18 32544  
of the Revised Code, may direct the board of elections to include 32545  
in the notice of election the principal amount and approximate 32546  
date of each series, the maximum number of years over which the 32547  
principal of each series may be paid, the estimated additional 32548  
average property tax levy for each series, and the first calendar 32549  
year in which the tax is expected to be due for each series, in 32550  
addition to the information required to be stated in the notice 32551  
under division (E)(3)(a) to (e) of section 133.18 of the Revised 32552  
Code. 32553

(C)(1) Except as otherwise provided in division (C)(2) of 32554  
this section, the form of the ballot to be used at such election 32555  
shall be: 32556

"A majority affirmative vote is necessary for passage. 32557

Shall bonds be issued by the ..... (here insert name 32558  
of school district) school district to pay the local share of 32559  
school construction under the State of Ohio Classroom Facilities 32560  
Assistance Program in the principal amount of ..... (here 32561  
insert principal amount of the bond issue), to be repaid annually 32562  
over a maximum period of ..... (here insert the maximum 32563  
number of years over which the principal of the bonds may be paid) 32564  
years, and an annual levy of property taxes be made outside the 32565

ten-mill limitation, estimated by the county auditor to average 32566  
over the repayment period of the bond issue ..... (here 32567  
insert the number of mills estimated) mills for each one dollar of 32568  
tax valuation, which amounts to ..... (rate expressed in 32569  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 32570  
for each one hundred dollars of tax valuation to pay the annual 32571  
debt charges on the bonds and to pay debt charges on any notes 32572  
issued in anticipation of the bonds?" 32573

and, unless the additional levy 32574  
of taxes is not required pursuant 32575  
to division (C) of section 32576  
3318.05 of the Revised Code, 32577

"Shall an additional levy of taxes be made for a period of 32578  
twenty-three years to benefit the ..... (here insert name 32579  
of school district) school district, the proceeds of which shall 32580  
be used to pay the cost of maintaining the classroom facilities 32581  
included in the project at the rate of ..... (here insert the 32582  
number of mills, which shall not be less than one-half mill) mills 32583  
for each one dollar of valuation? 32584

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

32585  
32586  
32587  
32588  
(2) If authority is sought to issue bonds in more than one 32589  
series and the board of education so elects, the form of the 32590  
ballot shall be as prescribed in section 3318.062 of the Revised 32591  
Code. If the board of education elects the form of the ballot 32592  
prescribed in that section, it shall so state in the resolution 32593  
adopted under this section. 32594

(D) If it is necessary for the school district to acquire a 32595  
site for the classroom facilities to be acquired pursuant to 32596

sections 3318.01 to 3318.20 of the Revised Code, the district 32597  
board may propose either to issue bonds of the board or to levy a 32598  
tax to pay for the acquisition of such site, and may combine the 32599  
question of doing so with the questions specified in division (B) 32600  
of this section. Bonds issued under this division for the purpose 32601  
of acquiring a site are a general obligation of the school 32602  
district and are Chapter 133. securities. 32603

The form of that portion of the ballot to include the 32604  
question of either issuing bonds or levying a tax for site 32605  
acquisition purposes shall be one of the following: 32606

(1) "Shall bonds be issued by the ..... (here insert 32607  
name of the school district) school district to pay costs of 32608  
acquiring a site for classroom facilities under the State of Ohio 32609  
Classroom Facilities Assistance Program in the principal amount of 32610  
..... (here insert principal amount of the bond issue), to be 32611  
repaid annually over a maximum period of ..... (here insert 32612  
maximum number of years over which the principal of the bonds may 32613  
be paid) years, and an annual levy of property taxes be made 32614  
outside the ten-mill limitation, estimated by the county auditor 32615  
to average over the repayment period of the bond issue ..... 32616  
(here insert number of mills) mills for each one dollar of tax 32617  
valuation, which amount to ..... (here insert rate expressed 32618  
in cents or dollars and cents, such as "thirty-six cents" or 32619  
"\$0.36") for each one hundred dollars of valuation to pay the 32620  
annual debt charges on the bonds and to pay debt charges on any 32621  
notes issued in anticipation of the bonds?" 32622

(2) "Shall an additional levy of taxes outside the ten-mill 32623  
limitation be made for the benefit of the ..... (here insert 32624  
name of the school district) ..... school district for the 32625  
purpose of acquiring a site for classroom facilities in the sum of 32626  
..... (here insert annual amount the levy is to produce) 32627  
estimated by the county auditor to average ..... (here insert 32628

number of mills) mills for each one hundred dollars of valuation, 32629  
for a period of ..... (here insert number of years the millage 32630  
is to be imposed) years?" 32631

Where it is necessary to combine the question of issuing 32632  
bonds of the school district and levying a tax as described in 32633  
division (B) of this section with the question of issuing bonds of 32634  
the school district for acquisition of a site, the question 32635  
specified in that division to be voted on shall be "For the Bond 32636  
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 32637  
Levy." 32638

Where it is necessary to combine the question of issuing 32639  
bonds of the school district and levying a tax as described in 32640  
division (B) of this section with the question of levying a tax 32641  
for the acquisition of a site, the question specified in that 32642  
division to be voted on shall be "For the Bond Issue and the Tax 32643  
Levies" and "Against the Bond Issue and the Tax Levies." 32644

Where the school district board chooses to combine the 32645  
question in division (B) of this section with any of the 32646  
additional questions described in divisions (A) to (D) of section 32647  
3318.056 of the Revised Code, the question specified in division 32648  
(B) of this section to be voted on shall be "For the Bond Issues 32649  
and the Tax Levies" and "Against the Bond Issues and the Tax 32650  
Levies." 32651

If a majority of those voting upon a proposition hereunder 32652  
which includes the question of issuing bonds vote in favor 32653  
thereof, and if the agreement provided for by section 3318.08 of 32654  
the Revised Code has been entered into, the school district board 32655  
may proceed under Chapter 133. of the Revised Code, with the 32656  
issuance of bonds or bond anticipation notes in accordance with 32657  
the terms of the agreement. 32658

**Sec. 3318.08.** Except in the case of a joint vocational school 32659

district that receives assistance under sections 3318.40 to 32660  
3318.45 of the Revised Code, if the requisite favorable vote on 32661  
the election is obtained, or if the school district board has 32662  
resolved to apply the proceeds of a property tax levy or the 32663  
proceeds of an income tax, or a combination of proceeds from such 32664  
taxes, as authorized in section 3318.052 of the Revised Code, the 32665  
Ohio school facilities commission, upon certification to it of 32666  
either the results of the election or the resolution under section 32667  
3318.052 of the Revised Code, shall enter into a written agreement 32668  
with the school district board for the construction and sale of 32669  
the project. In the case of a joint vocational school district 32670  
that receives assistance under sections 3318.40 to 3318.45 of the 32671  
Revised Code, if the school district board of education and the 32672  
school district electors have satisfied the conditions prescribed 32673  
in division (D)(1) of section 3318.41 of the Revised Code, the 32674  
commission shall enter into an agreement with the school district 32675  
board for the construction and sale of the project. In either 32676  
case, the agreement shall include, but need not be limited to, the 32677  
following provisions: 32678

(A) The sale and issuance of bonds or notes in anticipation 32679  
thereof, as soon as practicable after the execution of the 32680  
agreement, in an amount equal to the school district's portion of 32681  
the basic project cost, including ~~any bonds previously authorized~~ 32682  
~~by the district's electors as described in section 3318.033 of the~~ 32683  
~~Revised Code and~~ any securities authorized under division (J) of 32684  
section 133.06 of the Revised Code and dedicated by the school 32685  
district board to payment of the district's portion of the basic 32686  
project cost of the project; provided, that if at that time the 32687  
county treasurer of each county in which the school district is 32688  
located has not commenced the collection of taxes on the general 32689  
duplicate of real and public utility property for the year in 32690  
which the controlling board approved the project, the school 32691  
district board shall authorize the issuance of a first installment 32692

of bond anticipation notes in an amount specified by the 32693  
agreement, which amount shall not exceed an amount necessary to 32694  
raise the net bonded indebtedness of the school district as of the 32695  
date of the controlling board's approval to within five thousand 32696  
dollars of the required level of indebtedness for the preceding 32697  
year. In the event that a first installment of bond anticipation 32698  
notes is issued, the school district board shall, as soon as 32699  
practicable after the county treasurer of each county in which the 32700  
school district is located has commenced the collection of taxes 32701  
on the general duplicate of real and public utility property for 32702  
the year in which the controlling board approved the project, 32703  
authorize the issuance of a second and final installment of bond 32704  
anticipation notes or a first and final issue of bonds. 32705

The combined value of the first and second installment of 32706  
bond anticipation notes or the value of the first and final issue 32707  
of bonds shall be equal to the school district's portion of the 32708  
basic project cost. The proceeds of any such bonds shall be used 32709  
first to retire any bond anticipation notes. Otherwise, the 32710  
proceeds of such bonds and of any bond anticipation notes, except 32711  
the premium and accrued interest thereon, shall be deposited in 32712  
the school district's project construction fund. In determining 32713  
the amount of net bonded indebtedness for the purpose of fixing 32714  
the amount of an issue of either bonds or bond anticipation notes, 32715  
gross indebtedness shall be reduced by moneys in the bond 32716  
retirement fund only to the extent of the moneys therein on the 32717  
first day of the year preceding the year in which the controlling 32718  
board approved the project. Should there be a decrease in the tax 32719  
valuation of the school district so that the amount of 32720  
indebtedness that can be incurred on the tax duplicates for the 32721  
year in which the controlling board approved the project is less 32722  
than the amount of the first installment of bond anticipation 32723  
notes, there shall be paid from the school district's project 32724  
construction fund to the school district's bond retirement fund to 32725

be applied against such notes an amount sufficient to cause the 32726  
net bonded indebtedness of the school district, as of the first 32727  
day of the year following the year in which the controlling board 32728  
approved the project, to be within five thousand dollars of the 32729  
required level of indebtedness for the year in which the 32730  
controlling board approved the project. The maximum amount of 32731  
indebtedness to be incurred by any school district board as its 32732  
share of the cost of the project is either an amount that will 32733  
cause its net bonded indebtedness, as of the first day of the year 32734  
following the year in which the controlling board approved the 32735  
project, to be within five thousand dollars of the required level 32736  
of indebtedness, or an amount equal to the required percentage of 32737  
the basic project costs, whichever is greater. All bonds and bond 32738  
anticipation notes shall be issued in accordance with Chapter 133. 32739  
of the Revised Code, and notes may be renewed as provided in 32740  
section 133.22 of the Revised Code. 32741

(B) The transfer of such funds of the school district board 32742  
available for the project, together with the proceeds of the sale 32743  
of the bonds or notes, except premium, accrued interest, and 32744  
interest included in the amount of the issue, to the school 32745  
district's project construction fund; 32746

(C) For all school districts except joint vocational school 32747  
districts that receive assistance under sections 3318.40 to 32748  
3318.45 of the Revised Code, the following provisions as 32749  
applicable: 32750

(1) If section 3318.052 of the Revised Code applies, the 32751  
earmarking of the proceeds of a tax levied under section 5705.21 32752  
of the Revised Code for general ongoing permanent or under section 32753  
5705.218 of the Revised Code for the purpose of permanent 32754  
improvements, or the proceeds of a school district income tax 32755  
levied under Chapter 5748. of the Revised Code, or the proceeds 32756  
from a combination of those two taxes, in an amount to pay all or 32757

part of the service charges on bonds issued to pay the school 32758  
district portion of the project and an amount equivalent to all or 32759  
part of the tax required under division (B) of section 3318.05 of 32760  
the Revised Code; 32761

(2) If section 3318.052 of the Revised Code does not apply, 32762  
either of the following: 32763

(a) The levy of the tax authorized at the election for the 32764  
payment of maintenance costs, as specified in division (B) of 32765  
section 3318.05 of the Revised Code; 32766

(b) If the school district electors have approved a 32767  
~~continuing tax of at least two mills for each dollar of valuation~~ 32768  
for general ongoing permanent improvements under section 5705.21 32769  
of the Revised Code and that tax can be used for maintenance, the 32770  
earmarking of an amount of the proceeds from such tax for 32771  
maintenance of classroom facilities as specified in division (B) 32772  
of section 3318.05 of the Revised Code. 32773

(D) For joint vocational school districts that receive 32774  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 32775  
provision for deposit of school district moneys dedicated to 32776  
maintenance of the classroom facilities acquired under those 32777  
sections as prescribed in section 3318.43 of the Revised Code; 32778

(E) Dedication of any local donated contribution as provided 32779  
for under section 3318.084 of the Revised Code, including a 32780  
schedule for depositing such moneys applied as an offset of the 32781  
district's obligation to levy the tax described in division (B) of 32782  
section 3318.05 of the Revised Code as required under division 32783  
(D)(2) of section 3318.084 of the Revised Code; 32784

(F) Ownership of or interest in the project during the period 32785  
of construction, which shall be divided between the commission and 32786  
the school district board in proportion to their respective 32787  
contributions to the school district's project construction fund; 32788

(G) Maintenance of the state's interest in the project until 32789  
any obligations issued for the project under section 3318.26 of 32790  
the Revised Code are no longer outstanding; 32791

(H) The insurance of the project by the school district from 32792  
the time there is an insurable interest therein and so long as the 32793  
state retains any ownership or interest in the project pursuant to 32794  
division (F) of this section, in such amounts and against such 32795  
risks as the commission shall require; provided, that the cost of 32796  
any required insurance until the project is completed shall be a 32797  
part of the basic project cost; 32798

(I) The certification by the director of budget and 32799  
management that funds are available and have been set aside to 32800  
meet the state's share of the basic project cost as approved by 32801  
the controlling board pursuant to either section 3318.04 or 32802  
division (B)(1) of section 3318.41 of the Revised Code; 32803

(J) Authorization of the school district board to advertise 32804  
for and receive construction bids for the project, for and on 32805  
behalf of the commission, and to award contracts in the name of 32806  
the state subject to approval by the commission; 32807

(K) Provisions for the disbursement of moneys from the school 32808  
district's project account upon issuance by the commission or the 32809  
commission's designated representative of vouchers for work done 32810  
to be certified to the commission by the treasurer of the school 32811  
district board; 32812

(L) Disposal of any balance left in the school district's 32813  
project construction fund upon completion of the project; 32814

(M) Limitations upon use of the project or any part of it so 32815  
long as any obligations issued to finance the project under 32816  
section 3318.26 of the Revised Code are outstanding; 32817

(N) Provision for vesting the state's interest in the project 32818  
to the school district board when the obligations issued to 32819

finance the project under section 3318.26 of the Revised Code are 32820  
outstanding; 32821

(O) Provision for deposit of an executed copy of the 32822  
agreement in the office of the commission; 32823

(P) Provision for termination of the contract and release of 32824  
the funds encumbered at the time of the conditional approval, if 32825  
the proceeds of the sale of the bonds of the school district board 32826  
are not paid into the school district's project construction fund 32827  
and if bids for the construction of the project have not been 32828  
taken within such period after the execution of the agreement as 32829  
may be fixed by the commission; 32830

(Q) Provision for the school district to maintain the project 32831  
in accordance with a plan approved by the commission; 32832

(R)(1) For all school districts except a district undertaking 32833  
a project under section 3318.38 of the Revised Code or a joint 32834  
vocational school district undertaking a project under sections 32835  
3318.40 to 3318.45 of the Revised Code, provision that all state 32836  
funds reserved and encumbered to pay the state share of the cost 32837  
of the project pursuant to section 3318.03 of the Revised Code be 32838  
spent on the construction or acquisition of the project prior to 32839  
the expenditure of any funds provided by the school district to 32840  
pay for its share of the project cost, unless the school district 32841  
certifies to the commission that expenditure by the school 32842  
district is necessary to maintain the tax-exempt status of notes 32843  
or bonds issued by the school district to pay for its share of the 32844  
project cost or to comply with applicable temporary investment 32845  
periods or spending exceptions to rebate as provided for under 32846  
federal law in regard to those notes or bonds, in which cases, the 32847  
school district may commit to spend, or spend, a portion of the 32848  
funds it provides; 32849

(2) For a school district undertaking a project under section 32850

3318.38 of the Revised Code or a joint vocational school district 32851  
undertaking a project under sections 3318.40 to 3318.45 of the 32852  
Revised Code, provision that the state funds reserved and 32853  
encumbered and the funds provided by the school district to pay 32854  
the basic project cost of any segment of the project, or of the 32855  
entire project if it is not divided into segments, be spent on the 32856  
construction and acquisition of the project simultaneously in 32857  
proportion to the state's and the school district's respective 32858  
shares of that basic project cost as determined under section 32859  
3318.032 of the Revised Code or, if the district is a joint 32860  
vocational school district, under section 3318.42 of the Revised 32861  
Code. 32862

(S) A provision stipulating that the commission may prohibit 32863  
the district from proceeding with any project if the commission 32864  
determines that the site is not suitable for construction 32865  
purposes. The commission may perform soil tests in its 32866  
determination of whether a site is appropriate for construction 32867  
purposes. 32868

(T) A provision stipulating that, unless otherwise authorized 32869  
by the commission, any contingency reserve portion of the 32870  
construction budget prescribed by the commission shall be used 32871  
only to pay costs resulting from unforeseen job conditions, to 32872  
comply with rulings regarding building and other codes, to pay 32873  
costs related to design clarifications or corrections to contract 32874  
documents, and to pay the costs of settlements or judgments 32875  
related to the project as provided under section 3318.086 of the 32876  
Revised Code; 32877

(U) Provision stipulating that for continued release of 32878  
project funds the school district board shall comply with section 32879  
3313.41 of the Revised Code throughout the project and shall 32880  
notify the department of education and the Ohio community school 32881  
association when the board plans to dispose of facilities by sale 32882

under that section; 32883

(V) Provision that the commission shall not approve a 32884  
contract for demolition of a facility until the school district 32885  
board has complied with section 3313.41 of the Revised Code 32886  
relative to that facility, unless demolition of that facility is 32887  
to clear a site for construction of a replacement facility 32888  
included in the district's project. 32889

**Sec. 3318.30.** (A) There is hereby created the Ohio school 32890  
facilities commission. The commission shall administer the 32891  
provision of financial assistance to school districts for the 32892  
acquisition or construction of classroom facilities in accordance 32893  
with sections 3318.01 to 3318.33 of the Revised Code. 32894

The commission is a body corporate and politic, an agency of 32895  
state government and an instrumentality of the state, performing 32896  
essential governmental functions of this state. The carrying out 32897  
of the purposes and the exercise by the commission of its powers 32898  
conferred by sections 3318.01 to 3318.33 of the Revised Code are 32899  
essential public functions and public purposes of the state. The 32900  
commission may, in its own name, sue and be sued, enter into 32901  
contracts, and perform all the powers and duties given to it by 32902  
sections 3318.01 to 3318.33 of the Revised Code, but it does not 32903  
have and shall not exercise the power of eminent domain. In its 32904  
discretion and as it determines appropriate, the commission may 32905  
delegate to any of its members, executive director, or other 32906  
employees any of the commission's powers and duties to carry out 32907  
its functions. 32908

(B) The commission shall consist of seven members, three of 32909  
whom are voting members. The voting members of the commission 32910  
shall be the director of the office of budget and management, the 32911  
director of administrative services, and the superintendent of 32912  
public instruction, or their designees. Of the nonvoting members, 32913

two shall be members of the senate appointed by the president of 32914  
the senate, and two shall be members of the house of 32915  
representatives appointed by the speaker of the house. Each of the 32916  
appointees of the president, and each of the appointees of the 32917  
speaker, shall be members of different political parties. 32918

Nonvoting members shall serve as members of the commission 32919  
during the legislative biennium for which they are appointed, 32920  
except that any such member who ceases to be a member of the 32921  
legislative house from which the member was appointed shall cease 32922  
to be a member of the commission. Each nonvoting member shall be 32923  
appointed within thirty-one days of the end of the term of that 32924  
member's predecessor. Such members may be reappointed. Vacancies 32925  
of nonvoting members shall be filled in the manner provided for 32926  
original appointments. 32927

Members of the commission shall serve without compensation. 32928

After the initial nonvoting members of the commission have 32929  
been appointed, the commission shall meet and organize by electing 32930  
voting members as the chairperson and vice-chairperson of the 32931  
commission, who shall hold their offices until the next 32932  
organizational meeting of the commission. Organizational meetings 32933  
of the commission shall be held at the first meeting of each 32934  
calendar year. At each organizational meeting, the commission 32935  
shall elect from among its voting members a chairperson and 32936  
vice-chairperson, who shall serve until the next annual 32937  
organizational meeting. The commission shall adopt rules pursuant 32938  
to section 111.15 of the Revised Code for the conduct of its 32939  
internal business and shall keep a journal of its proceedings. 32940  
Including the organizational meeting, the commission shall meet at 32941  
least once each calendar quarter. 32942

Two voting members of the commission constitute a quorum, and 32943  
the affirmative vote of two members is necessary for approval of 32944  
any action taken by the commission. A vacancy in the membership of 32945

the commission does not impair a quorum from exercising all the 32946  
rights and performing all the duties of the commission. Meetings 32947  
of the commission may be held anywhere in the state and shall be 32948  
held in compliance with section 121.22 of the Revised Code. 32949

(C) The commission shall file an annual report of its 32950  
activities and finances with the governor, speaker of the house of 32951  
representatives, president of the senate, and chairpersons of the 32952  
house and senate finance committees. 32953

(D) The commission shall be exempt from the requirements of 32954  
sections 101.82 to 101.87 of the Revised Code. 32955

**Sec. 3318.31.** (A) The Ohio school facilities commission may 32956  
perform any act and ensure the performance of any function 32957  
necessary or appropriate to carry out the purposes of, and 32958  
exercise the powers granted under, Chapter 3318. of the Revised 32959  
Code, including any of the following: 32960

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 32961  
the Revised Code, rules for the administration of programs 32962  
authorized under Chapter 3318. of the Revised Code. 32963

(2) Contract with, retain the services of, or designate, and 32964  
fix the compensation of, such agents, accountants, consultants, 32965  
advisers, and other independent contractors as may be necessary or 32966  
desirable to carry out the programs authorized under Chapter 3318. 32967  
of the Revised Code, or authorize the executive director to 32968  
perform such powers and duties. 32969

(3) Receive and accept any gifts, grants, donations, and 32970  
pledges, and receipts therefrom, to be used for the programs 32971  
authorized under Chapter 3318. of the Revised Code. 32972

(4) Make and enter into all contracts, commitments, and 32973  
agreements, and execute all instruments, necessary or incidental 32974  
to the performance of its duties and the execution of its rights 32975

and powers under Chapter 3318. of the Revised Code, or authorize 32976  
the executive director to perform such powers and duties. 32977

(B) The commission shall appoint and fix the compensation of 32978  
an executive director who shall serve at the pleasure of the 32979  
commission. The executive director shall supervise the operations 32980  
of the commission and perform such other duties as delegated by 32981  
the commission. The executive director also shall employ and fix 32982  
the compensation of such employees as will facilitate the 32983  
activities and purposes of the commission, who shall serve at the 32984  
pleasure of the executive director. The employees of the 32985  
commission shall be exempt from Chapter 4117. of the Revised Code 32986  
and shall not be public employees as defined in section 4117.01 of 32987  
the Revised Code. 32988

(C) The attorney general shall serve as the legal 32989  
representative for the commission and may appoint other counsel as 32990  
necessary for that purpose in accordance with section 109.07 of 32991  
the Revised Code. 32992

**Sec. 3318.37.** (A) (1) As used in this section: 32993

~~(1)~~(a) "Large land area school district" means a school 32994  
district with a territory of greater than three hundred square 32995  
miles in any percentile as determined under section 3318.011 of 32996  
the Revised Code. 32997

(b) "Low wealth school district" means a school district in 32998  
the first through fiftieth percentiles as determined under section 32999  
3318.011 of the Revised Code. 33000

~~(2)~~(c) A "school district with an exceptional need for 33001  
immediate classroom facilities assistance" means a low wealth or 33002  
large land area school district with an exceptional need for new 33003  
facilities in order to protect the health and safety of all or a 33004  
portion of its students. ~~School~~ 33005

(2) School districts reasonably expected to be eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code within three fiscal years after the year of the application for assistance under this section is being considered by the Ohio school facilities commission, and school districts that participate in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code, except for such districts described in division (A)(3) of this section, shall not be eligible for assistance under this section.

(3) School districts that participate in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code may receive assistance under the program established under this section only if the following conditions are satisfied:

(a) The district board adopted a resolution certifying its intent to participate in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code prior to September 14, 2000.

(b) The district was selected by the Ohio school facilities commission for participation in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code in the manner prescribed by the commission under that section as it existed prior to September 14, 2000.

(B)(1) There is hereby established the exceptional needs school facilities assistance program. Under the program, the Ohio school facilities commission may set aside from the moneys annually appropriated to it for classroom facilities assistance projects up to twenty-five per cent for assistance to school districts with exceptional needs for immediate classroom facilities assistance.

(2)(a) After consulting with education and construction

experts, the commission shall adopt guidelines for identifying 33037  
school districts with an exceptional need for immediate classroom 33038  
facilities assistance. 33039

(b) The guidelines shall include application forms and 33040  
instructions for school districts ~~that believe they have an~~ 33041  
~~exceptional need for immediate classroom facilities to use in~~ 33042  
applying for assistance under this section. 33043

(3) The commission shall evaluate the classroom facilities, 33044  
and the need for replacement classroom facilities from the 33045  
applications received under this section. The commission, 33046  
utilizing the guidelines adopted under division (B)(2)(a) of this 33047  
section, shall prioritize the school districts to be assessed. 33048

Notwithstanding section 3318.02 of the Revised Code, the 33049  
commission may conduct on-site evaluation of the school districts 33050  
prioritized under this section and approve and award funds until 33051  
such time as all funds set aside under division (B)(1) of this 33052  
section have been encumbered ~~under section 3318.04 of the Revised~~ 33053  
~~Code. However, the commission need not conduct the evaluation of~~ 33054  
facilities if the commission determines that a district's 33055  
assessment conducted under section 3318.36 of the Revised Code is 33056  
sufficient for purposes of this section. 33057

(4) Notwithstanding division (A) of section 3318.05 of the 33058  
Revised Code, the school district's portion of the basic project 33059  
cost under this section shall be the "required percentage of the 33060  
basic project costs," as defined in division (K) of section 33061  
3318.01 of the Revised Code. 33062

(5) Except as otherwise specified in this section, any 33063  
project undertaken with assistance under this section shall comply 33064  
with all provisions of sections 3318.01 to 3318.20 of the Revised 33065  
Code. A school district may receive assistance under sections 33066  
3318.01 to 3318.20 of the Revised Code for the remainder of the 33067

district's classroom facilities needs as assessed under this 33068  
section when the district is eligible for such assistance pursuant 33069  
to section 3318.02 of the Revised Code, but any classroom facility 33070  
constructed with assistance under this section shall not be 33071  
included in a district's project at that time unless the 33072  
commission determines the district has experienced the increased 33073  
enrollment specified in division (B)(1) of section 3318.04 of the 33074  
Revised Code. 33075

(C) No school district shall receive assistance under this 33076  
section for a classroom facility that has been included in the 33077  
discrete part of the district's classroom facilities needs 33078  
identified and addressed in the district's project pursuant to an 33079  
agreement entered into under section 3318.36 of the Revised Code. 33080

**Sec. 3318.41.** (A)(1) The Ohio school facilities commission 33081  
annually shall assess the classroom facilities needs of the number 33082  
of joint vocational school districts that the commission 33083  
reasonably expects to be able to provide assistance to in a fiscal 33084  
year, based on the amount set aside for that fiscal year under 33085  
division (B) of section 3318.40 of the Revised Code and the order 33086  
of priority prescribed in division (B) of section 3318.42 of the 33087  
Revised Code, except that in fiscal year 2004 the commission shall 33088  
conduct at least the five assessments prescribed in division (E) 33089  
of section 3318.40 of the Revised Code. 33090

Upon conducting an assessment of the classroom facilities 33091  
needs of a school district, the commission shall make a 33092  
determination of all of the following: 33093

(a) The number of classroom facilities to be included in a 33094  
project, ~~including classroom facilities authorized by a bond 33095~~  
~~issued described in section 3318.033 of the Revised Code, and the 33096~~  
basic project cost of acquiring the classroom facilities included 33097  
in the project. The number of facilities and basic project cost 33098

shall be determined in accordance with the specifications adopted 33099  
under section 3318.311 of the Revised Code except to the extent 33100  
that compliance with such specifications is waived by the 33101  
commission pursuant to the rule of the commission adopted under 33102  
division (F) of section 3318.40 of the Revised Code. 33103

(b) The school district's portion of the basic project cost 33104  
as determined under division (C) of section 3318.42 of the Revised 33105  
Code; 33106

(c) The remaining portion of the basic project cost that 33107  
shall be supplied by the state; 33108

(d) The amount of the state's portion of the basic project 33109  
cost to be encumbered in accordance with section 3318.11 of the 33110  
Revised Code in the current and subsequent fiscal bienniums from 33111  
funds set aside under division (B) of section 3318.40 of the 33112  
Revised Code. 33113

(2) Divisions (A), (C), and (D) of section 3318.03 of the 33114  
Revised Code apply to any project under sections 3318.40 to 33115  
3318.45 of the Revised Code. 33116

(B)(1) If the commission makes a determination under division 33117  
(A) of this section in favor of the acquisition of classroom 33118  
facilities for a project under sections 3318.40 to 3318.45 of the 33119  
Revised Code, such project shall be conditionally approved. Such 33120  
conditional approval shall be submitted to the controlling board 33121  
for approval. The controlling board shall immediately approve or 33122  
reject the commission's determination, conditional approval, the 33123  
amount of the state's portion of the basic project cost, and the 33124  
amount of the state's portion of the basic project cost to be 33125  
encumbered in the current fiscal biennium. In the event of 33126  
approval by the controlling board, the commission shall certify 33127  
the conditional approval to the joint vocational school district 33128  
board of education and shall encumber the approved funds for the 33129

current fiscal year. 33130

(2) No school district that receives assistance under 33131  
sections 3318.40 to 3318.45 of the Revised Code shall have another 33132  
such project conditionally approved until the expiration of twenty 33133  
years after the school district's prior project was conditionally 33134  
approved, unless the school district board demonstrates to the 33135  
satisfaction of the commission that the school district has 33136  
experienced since conditional approval of its prior project an 33137  
exceptional increase in enrollment or program requirements 33138  
significantly above the school district's design capacity under 33139  
that prior project as determined by rule of the commission. Any 33140  
rule adopted by the commission to implement this division shall be 33141  
tailored to address the classroom facilities needs of joint 33142  
vocational school districts. 33143

(C) In addition to generating the amount of the school 33144  
district's portion of the basic project cost as determined under 33145  
division (C) of section 3318.42 of the Revised Code, in order for 33146  
a school district to receive assistance under sections 3318.40 to 33147  
3318.45 of the Revised Code, the school district board shall set 33148  
aside school district moneys for the maintenance of the classroom 33149  
facilities included in the school district's project in the amount 33150  
and manner prescribed in section 3318.43 of the Revised Code. 33151

(D)(1) The conditional approval for a project certified under 33152  
division (B)(1) of this section shall lapse and the amount 33153  
reserved and encumbered for such project shall be released unless 33154  
both of the following conditions are satisfied: 33155

(a) Within one hundred twenty days following the date of 33156  
certification of the conditional approval to the joint vocational 33157  
school district board, the school district board accepts the 33158  
conditional approval and certifies to the commission the school 33159  
district board's plan to generate the school district's portion of 33160  
the basic project cost, as determined under division (C) of 33161

section 3318.42 of the Revised Code, and to set aside moneys for 33162  
maintenance of the classroom facilities acquired under the 33163  
project, as prescribed in section 3318.43 of the Revised Code. 33164

(b) Within one year following the date of certification of 33165  
the conditional approval to the school district board, the 33166  
electors of the school district vote favorably on any ballot 33167  
measures proposed by the school district board to generate the 33168  
school district's portion of the basic project cost. 33169

(2) If the school district board or electors fail to satisfy 33170  
the conditions prescribed in division (D)(1) of this section and 33171  
the amount reserved and encumbered for the school district's 33172  
project is released, the school district shall be given first 33173  
priority over other joint vocational school districts for project 33174  
funding under sections 3318.40 to 3318.45 of the Revised Code as 33175  
such funds become available. 33176

(E) If the conditions prescribed in division (D)(1) of this 33177  
section are satisfied, the commission and the school district 33178  
board shall enter into an agreement as prescribed in section 33179  
3318.08 of the Revised Code and shall proceed with the development 33180  
of plans, cost estimates, designs, drawings, and specifications as 33181  
prescribed in section 3318.091 of the Revised Code. 33182

(F) Costs in excess of those approved by the commission under 33183  
section 3318.091 of the Revised Code shall be payable only as 33184  
provided in sections 3318.042 and 3318.083 of the Revised Code. 33185

(G) Advertisement for bids and the award of contracts for 33186  
construction of any project under sections 3318.40 to 3318.45 of 33187  
the Revised Code shall be conducted in accordance with section 33188  
3318.10 of the Revised Code. 33189

(H) The state funds reserved and encumbered and the funds 33190  
provided by the school district to pay the basic project cost of a 33191  
project under sections 3318.40 to 3318.45 of the Revised Code 33192

shall be spent simultaneously in proportion to the state's and the 33193  
school district's respective portions of that basic project cost. 33194

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 33195  
Code apply to projects under sections 3318.40 to 3318.45 of the 33196  
Revised Code. 33197

**Sec. 3319.01.** Except in an island school district, where the 33198  
superintendent of an educational service center otherwise may 33199  
serve as superintendent of the district and except as otherwise 33200  
provided for any cooperative education school district pursuant to 33201  
division (B)(2) of section 3311.52 or division (B)(3) of section 33202  
3311.521 of the Revised Code, the board of education in each 33203  
school district and the governing board of each service center 33204  
shall, at a regular or special meeting held not later than the 33205  
first day of May of the calendar year in which the term of the 33206  
superintendent expires, appoint a person possessed of the 33207  
qualifications provided in this section to act as superintendent, 33208  
for a term not longer than five years beginning the first day of 33209  
August and ending on the thirty-first day of July. Such 33210  
superintendent is, at the expiration of a current term of 33211  
employment, deemed reemployed for a term of one year at the same 33212  
salary plus any increments that may be authorized by the board, 33213  
unless such board, on or before the first day of March of the year 33214  
in which the contract of employment expires, either reemploys the 33215  
superintendent for a succeeding term as provided in this section 33216  
or gives to the superintendent written notice of its intention not 33217  
to reemploy the superintendent. A superintendent may not be 33218  
transferred to any other position during the term of the 33219  
superintendent's employment or reemployment except by mutual 33220  
agreement by the superintendent and the board. If a vacancy occurs 33221  
in the office of superintendent, the board shall appoint a 33222  
superintendent for a term not to exceed five years from the next 33223  
preceding first day of August. 33224

~~Except as otherwise provided in this section, the employment 33225  
or reemployment of a superintendent of a local school district 33226  
shall be only upon the recommendation of the service center 33227  
superintendent, except that a local board of education, by a 33228  
three fourths vote of its full membership, may, after considering 33229  
two nominations for the position of local superintendent made by 33230  
the service center superintendent, employ or reemploy a person not 33231  
so nominated for such position. 33232~~

A board may at any regular or special meeting held during the 33233  
period beginning on the first day of January of the calendar year 33234  
immediately preceding the year the contract of employment of a 33235  
superintendent expires and ending on the first day of March of the 33236  
year it expires, reemploy such superintendent for a succeeding 33237  
term for not longer than five years, beginning on the first day of 33238  
August immediately following the expiration of the 33239  
superintendent's current term of employment and ending on the 33240  
thirty-first day of July of the year in which such succeeding term 33241  
expires. No person shall be appointed to the office of 33242  
superintendent of a city, or exempted village school district or a 33243  
service center who does not hold a license designated for being a 33244  
superintendent issued under section 3319.22 of the Revised Code, 33245  
unless such person had been employed as a county, city, or 33246  
exempted village superintendent prior to August 1, 1939. No person 33247  
shall be appointed to the office of local superintendent who does 33248  
not hold a license designated for being a superintendent issued 33249  
under section 3319.22 of the Revised Code, unless such person held 33250  
or was qualified to hold the position of executive head of a local 33251  
school district on September 16, 1957. At the time of making such 33252  
appointment or designation of term, such board shall fix the 33253  
compensation of the superintendent, which may be increased or 33254  
decreased during such term, provided such decrease is a part of a 33255  
uniform plan affecting salaries of all employees of the district, 33256  
and shall execute a written contract of employment with such 33257

superintendent. 33258

Each board shall adopt procedures for the evaluation of its 33259  
superintendent and shall evaluate its superintendent in accordance 33260  
with those procedures. An evaluation based upon such procedures 33261  
shall be considered by the board in deciding whether to renew the 33262  
superintendent's contract. The establishment of an evaluation 33263  
procedure shall not create an expectancy of continued employment. 33264  
Nothing in this section shall prevent a board from making the 33265  
final determination regarding the renewal or failure to renew of a 33266  
superintendent's contract. 33267

Termination of a superintendent's contract shall be pursuant 33268  
to section 3319.16 of the Revised Code. 33269

A board may establish vacation leave for its superintendent. 33270  
Upon the superintendent's separation from employment a board that 33271  
has such leave may provide compensation at the superintendent's 33272  
current rate of pay for all lawfully accrued and unused vacation 33273  
leave to the superintendent's credit at the time of separation, 33274  
not to exceed the amount accrued within three years before the 33275  
date of separation. In case of the death of a superintendent, such 33276  
unused vacation leave as the board would have paid to this 33277  
superintendent upon separation shall be paid in accordance with 33278  
section 2113.04 of the Revised Code, or to the superintendent's 33279  
estate. 33280

The superintendent shall be the executive officer for the 33281  
board. ~~Except as otherwise provided in this section for local~~ 33282  
~~school districts, the~~ The superintendent shall direct and assign 33283  
teachers and other employees of the district or service center, 33284  
except as provided in section 3319.04 of the Revised Code; assign 33285  
the pupils to the proper schools and grades, provided that the 33286  
assignment of a pupil to a school outside of the pupil's district 33287  
of residence is approved by the board of the district of residence 33288  
of such pupil; and perform such other duties as the board 33289

determines. ~~The service center superintendent shall exercise the~~ 33290  
~~responsibilities of this section with regard to the assignment of~~ 33291  
~~pupils and teachers for local school districts under the~~ 33292  
~~supervision of the service center, except that the board of~~ 33293  
~~education of a local school district and the governing board of~~ 33294  
~~the educational service center of which the local district is a~~ 33295  
~~part may enter into an agreement requiring the local~~ 33296  
~~superintendent, instead of the superintendent of the educational~~ 33297  
~~service center, to exercise the responsibilities of this section~~ 33298  
~~with regard to the assignment of pupils and teachers for the local~~ 33299  
~~school district.~~ 33300

The board of education of any school district may contract 33301  
with the governing board of the educational service center from 33302  
which it otherwise receives services to conduct searches and 33303  
recruitment of candidates for the superintendent position 33304  
authorized under this section. 33305

**Sec. 3319.02.** (A)(1) As used in this section, "other 33306  
administrator" means ~~either~~ any of the following: 33307

(a) Except as provided in division (A)(2) of this section, 33308  
any employee in a position for which a board of education requires 33309  
a license designated by rule of the department of education for 33310  
being an administrator issued under section 3319.22 of the Revised 33311  
Code, including a professional pupil services employee or 33312  
administrative specialist or an equivalent of either one who is 33313  
not employed as a school counselor and spends less than fifty per 33314  
cent of the time employed teaching or working with students; 33315

(b) Any nonlicensed employee whose job duties enable such 33316  
employee to be considered as either a "supervisor" or a 33317  
"management level employee," as defined in section 4117.01 of the 33318  
Revised Code; 33319

(c) A business manager appointed under section 3319.03 of the 33320

Revised Code. 33321

(2) As used in this section, "other administrator" does not 33322  
include a superintendent, assistant superintendent, principal, or 33323  
assistant principal. 33324

(B) The board of education of each school district and the 33325  
governing board of an educational service center may appoint one 33326  
or more assistant superintendents and such other administrators as 33327  
are necessary. An assistant educational service center 33328  
superintendent or service center supervisor employed on a 33329  
part-time basis may also be employed by a local board as a 33330  
teacher. The board of each city, exempted village, and local 33331  
school district shall employ principals for all high schools and 33332  
for such other schools as the board designates, and those boards 33333  
may appoint assistant principals for any school that they 33334  
designate. 33335

(C) In educational service centers and in city ~~and~~, exempted 33336  
village, and local school districts, assistant superintendents, 33337  
principals, assistant principals, and other administrators shall 33338  
only be employed or reemployed in accordance with nominations of 33339  
the superintendent, except that a ~~city or exempted village~~ board 33340  
of education of a school district or the governing board of a 33341  
service center, by a three-fourths vote of its full membership, 33342  
may reemploy any assistant superintendent, principal, assistant 33343  
principal, or other administrator whom the superintendent refuses 33344  
to nominate. ~~In local school districts, assistant superintendents,~~ 33345  
~~principals, assistant principals, and other administrators shall~~ 33346  
~~only be employed or reemployed in accordance with nominations of~~ 33347  
~~the superintendent of the service center of which the local~~ 33348  
~~district is a part, except that a local board of education, by a~~ 33349  
~~three-fourths vote of its full membership, may reemploy any~~ 33350  
~~assistant superintendent, principal, assistant principal, or other~~ 33351  
~~administrator whom such superintendent refuses to nominate.~~ 33352

The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or other administrator in the district or center for three years or more, the term of the contract shall be for not more than five years and, unless the superintendent of the district recommends otherwise, not less than two years. If the superintendent so recommends, the term of the contract of a person who has been employed by the district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more may be one year, but all subsequent contracts granted such person shall be for a term of not less than two years and not more than five years. When a teacher with continuing service status becomes an assistant superintendent, principal, assistant principal, or other administrator with the district or service center with which the teacher holds continuing service status, the teacher retains such status in the teacher's nonadministrative position as provided in sections 3319.08 and 3319.09 of the Revised Code.

A board of education or governing board may reemploy an assistant superintendent, principal, assistant principal, or other administrator at any regular or special meeting held during the period beginning on the first day of January of the calendar year immediately preceding the year of expiration of the employment contract and ending on the last day of March of the year the employment contract expires.

Except by mutual agreement of the parties thereto, no assistant superintendent, principal, assistant principal, or other administrator shall be transferred during the life of a contract

to a position of lesser responsibility. No contract may be 33385  
terminated by a board except pursuant to section 3319.16 of the 33386  
Revised Code. No contract may be suspended except pursuant to 33387  
section 3319.17 or 3319.171 of the Revised Code. The salaries and 33388  
compensation prescribed by such contracts shall not be reduced by 33389  
a board unless such reduction is a part of a uniform plan 33390  
affecting the entire district or center. The contract shall 33391  
specify the employee's administrative position and duties as 33392  
included in the job description adopted under division (D) of this 33393  
section, the salary and other compensation to be paid for 33394  
performance of duties, the number of days to be worked, the number 33395  
of days of vacation leave, if any, and any paid holidays in the 33396  
contractual year. 33397

An assistant superintendent, principal, assistant principal, 33398  
or other administrator is, at the expiration of the current term 33399  
of employment, deemed reemployed at the same salary plus any 33400  
increments that may be authorized by the board, unless such 33401  
employee notifies the board in writing to the contrary on or 33402  
before the first day of June, or unless such board, on or before 33403  
the last day of March of the year in which the contract of 33404  
employment expires, either reemploys such employee for a 33405  
succeeding term or gives written notice of its intention not to 33406  
reemploy the employee. The term of reemployment of a person 33407  
reemployed under this paragraph shall be one year, except that if 33408  
such person has been employed by the school district or service 33409  
center as an assistant superintendent, principal, assistant 33410  
principal, or other administrator for three years or more, the 33411  
term of reemployment shall be two years. 33412

(D)(1) Each board shall adopt procedures for the evaluation 33413  
of all assistant superintendents, principals, assistant 33414  
principals, and other administrators and shall evaluate such 33415  
employees in accordance with those procedures. The evaluation 33416

based upon such procedures shall be considered by the board in 33417  
deciding whether to renew the contract of employment of an 33418  
assistant superintendent, principal, assistant principal, or other 33419  
administrator. 33420

(2) The evaluation shall measure each assistant 33421  
superintendent's, principal's, assistant principal's, and other 33422  
administrator's effectiveness in performing the duties included in 33423  
the job description and the evaluation procedures shall provide 33424  
for, but not be limited to, the following: 33425

(a) Each assistant superintendent, principal, assistant 33426  
principal, and other administrator shall be evaluated annually 33427  
through a written evaluation process. 33428

(b) The evaluation shall be conducted by the superintendent 33429  
or designee. 33430

(c) In order to provide time to show progress in correcting 33431  
the deficiencies identified in the evaluation process, the 33432  
evaluation process shall be completed as follows: 33433

(i) In any school year that the employee's contract of 33434  
employment is not due to expire, at least one evaluation shall be 33435  
completed in that year. A written copy of the evaluation shall be 33436  
provided to the employee no later than the end of the employee's 33437  
contract year as defined by the employee's annual salary notice. 33438

(ii) In any school year that the employee's contract of 33439  
employment is due to expire, at least a preliminary evaluation and 33440  
at least a final evaluation shall be completed in that year. A 33441  
written copy of the preliminary evaluation shall be provided to 33442  
the employee at least sixty days prior to any action by the board 33443  
on the employee's contract of employment. The final evaluation 33444  
shall indicate the superintendent's intended recommendation to the 33445  
board regarding a contract of employment for the employee. A 33446  
written copy of the evaluation shall be provided to the employee 33447

at least five days prior to the board's acting to renew or not 33448  
renew the contract. 33449

(3) Termination of an assistant superintendent, principal, 33450  
assistant principal, or other administrator's contract shall be 33451  
pursuant to section 3319.16 of the Revised Code. Suspension of any 33452  
such employee shall be pursuant to section 3319.17 or 3319.171 of 33453  
the Revised Code. 33454

(4) Before taking action to renew or nonrenew the contract of 33455  
an assistant superintendent, principal, assistant principal, or 33456  
other administrator under this section and prior to the last day 33457  
of March of the year in which such employee's contract expires, 33458  
the board shall notify each such employee of the date that the 33459  
contract expires and that the employee may request a meeting with 33460  
the board. Upon request by such an employee, the board shall grant 33461  
the employee a meeting in executive session. In that meeting, the 33462  
board shall discuss its reasons for considering renewal or 33463  
nonrenewal of the contract. The employee shall be permitted to 33464  
have a representative, chosen by the employee, present at the 33465  
meeting. 33466

(5) The establishment of an evaluation procedure shall not 33467  
create an expectancy of continued employment. Nothing in division 33468  
(D) of this section shall prevent a board from making the final 33469  
determination regarding the renewal or nonrenewal of the contract 33470  
of any assistant superintendent, principal, assistant principal, 33471  
or other administrator. However, if a board fails to provide 33472  
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 33473  
section, or if the board fails to provide at the request of the 33474  
employee a meeting as prescribed in division (D)(4) of this 33475  
section, the employee automatically shall be reemployed at the 33476  
same salary plus any increments that may be authorized by the 33477  
board for a period of one year, except that if the employee has 33478  
been employed by the district or service center as an assistant 33479

superintendent, principal, assistant principal, or other 33480  
administrator for three years or more, the period of reemployment 33481  
shall be for two years. 33482

(E) On nomination of the superintendent of a service center a 33483  
governing board may employ supervisors who shall be employed under 33484  
written contracts of employment for terms not to exceed five years 33485  
each. Such contracts may be terminated by a governing board 33486  
pursuant to section 3319.16 of the Revised Code. Any supervisor 33487  
employed pursuant to this division may terminate the contract of 33488  
employment at the end of any school year after giving the board at 33489  
least thirty days' written notice prior to such termination. On 33490  
the recommendation of the superintendent the contract or contracts 33491  
of any supervisor employed pursuant to this division may be 33492  
suspended for the remainder of the term of any such contract 33493  
pursuant to section 3319.17 or 3319.171 of the Revised Code. 33494

(F) A board may establish vacation leave for any individuals 33495  
employed under this section. Upon such an individual's separation 33496  
from employment, a board that has such leave may compensate such 33497  
an individual at the individual's current rate of pay for all 33498  
lawfully accrued and unused vacation leave credited at the time of 33499  
separation, not to exceed the amount accrued within three years 33500  
before the date of separation. In case of the death of an 33501  
individual employed under this section, such unused vacation leave 33502  
as the board would have paid to the individual upon separation 33503  
under this section shall be paid in accordance with section 33504  
2113.04 of the Revised Code, or to the estate. 33505

(G) The board of education of any school district may 33506  
contract with the governing board of the educational service 33507  
center from which it otherwise receives services to conduct 33508  
searches and recruitment of candidates for assistant 33509  
superintendent, principal, assistant principal, and other 33510  
administrator positions authorized under this section. 33511

**Sec. 3319.03.** The board of education of each city, exempted 33512  
village, and local school district may create the position of 33513  
business manager. The board shall ~~elect~~ appoint such business 33514  
manager who shall serve ~~for a term not to exceed four years unless~~ 33515  
~~earlier removed for cause pursuant to a contract in accordance~~ 33516  
~~with section 3319.02 of the Revised Code. A vacancy in this office~~ 33517  
~~shall be filled only for the unexpired term thereof.~~ In the 33518  
discharge of all ~~his~~ official duties, the business manager may be 33519  
directly responsible to the board, or to the superintendent of 33520  
schools, as the board directs at the time of ~~election~~ appointment 33521  
to the position. Where such business manager is responsible to the 33522  
superintendent ~~he~~ the business manager shall be appointed by the 33523  
superintendent and confirmed by the board. 33524

No board of education shall ~~elect~~ appoint or confirm as 33525  
business manager any person who does not hold a valid business 33526  
manager's license issued under section 3301.074 of the Revised 33527  
Code. If the business manager fails to maintain a valid license, 33528  
~~he~~ the business manager shall be removed by the board. 33529

**Sec. 3319.07.** (A) The board of education of each city, 33530  
exempted village, ~~and~~ local, and joint vocational school district 33531  
shall employ the teachers of the public schools of their 33532  
respective districts. 33533

The governing board of each educational service center may 33534  
employ special instruction teachers, special education teachers, 33535  
and teachers of academic courses in which there are too few 33536  
students in each of the constituent local school districts or in 33537  
city or exempted village school districts entering into agreements 33538  
pursuant to section 3313.843 of the Revised Code to warrant each 33539  
district's employing teachers for those courses. 33540

When any board makes appointments of teachers, the teachers 33541

in the employ of the board shall be considered before new teachers 33542  
are chosen in their stead. In ~~city, exempted village, and joint~~ 33543  
~~vocational~~ all school districts and in service centers no teacher 33544  
shall be employed unless such person is nominated by the 33545  
superintendent of such district or center. Such board, by a 33546  
three-fourths vote of its full membership, may re-employ any 33547  
teacher whom the superintendent refuses to appoint. ~~In local~~ 33548  
~~school districts, no teacher shall be employed, except as provided~~ 33549  
~~in division (B) of this section, unless nominated by the~~ 33550  
~~superintendent of the service center of which such local school~~ 33551  
~~district is a part; by a majority vote of the full membership of~~ 33552  
~~such board, the board of education of any local school district~~ 33553  
~~may, after considering two nominations for any position made by~~ 33554  
~~the service center superintendent, reemploy a person not so~~ 33555  
~~nominated for such position.~~ 33556

(B) The board of education of a ~~local~~ any school district ~~and~~ 33557  
~~the board of education of the county school district of which the~~ 33558  
~~local district is a part may enter into an agreement authorizing~~ 33559  
~~the superintendent of the local district, in lieu of the~~ 33560  
~~superintendent of the county district, to make nominations under~~ 33561  
~~this section for the employment of teachers in the local district.~~ 33562  
~~While such an agreement is in effect the board of education of the~~ 33563  
~~local district shall not employ any teacher unless the person is~~ 33564  
~~nominated by the superintendent of the district except that, by a~~ 33565  
~~three-fourths vote of its full membership, it may re-employ any~~ 33566  
~~teacher whom the superintendent refuses to nominate may contract~~ 33567  
~~with the governing board of the educational service center from~~ 33568  
~~which it otherwise receives services to conduct searches and~~ 33569  
~~recruitment of candidates for teacher positions.~~ 33570

**Sec. 3319.19.** (A) Except as provided in division (D) of this 33571  
section or division (A)(2) of section 3313.37 of the Revised Code, 33572  
upon request, the board of county commissioners shall provide and 33573

equip offices in the county for the use of the superintendent of 33574  
an educational service center, and shall provide heat, light, 33575  
water, and janitorial services for such offices. Such offices 33576  
shall be the permanent headquarters of the superintendent and 33577  
shall be used by the governing board of the service center when it 33578  
is in session. Except as provided in division (B) of this section, 33579  
such offices shall be located in the county seat or, upon the 33580  
approval of the governing board, may be located outside of the 33581  
county seat. 33582

(B) In the case of a service center formed under section 33583  
3311.053 or 3311.059 of the Revised Code, the governing board 33584  
shall designate the site of its offices. Except as provided in 33585  
division (D) of this section or division (A)(2) of section 3313.37 33586  
of the Revised Code, the board of county commissioners of the 33587  
county in which the designated site is located shall provide and 33588  
equip the offices as under division (A) of this section, but the 33589  
costs of such offices and equipment shall be apportioned among the 33590  
boards of county commissioners of all counties having any 33591  
territory in the area under the control of the governing board, 33592  
according to the proportion of local school district pupils under 33593  
the supervision of such board residing in the respective counties. 33594  
Where there is a dispute as to the amount any board of county 33595  
commissioners is required to pay, the probate judge of the county 33596  
in which the greatest number of pupils under the supervision of 33597  
the governing board reside shall apportion such costs among the 33598  
boards of county commissioners and notify each such board of its 33599  
share of the costs. 33600

(C) ~~Not~~ As used in division (C) of this section, in the case 33601  
of a building, facility, or office space that a board of county 33602  
commissioners leases or rents, "actual cost per square foot" means 33603  
all cost on a per square foot basis incurred by the board under 33604  
the lease or rental agreement. In the case of a building, 33605

facility, or office space that the board owns in fee simple, 33606  
"actual cost per square foot" means the fair rental value on a per 33607  
square foot basis of the building, facility, or office space 33608  
either as compared to a similarly situated building, facility, or 33609  
office space in the general vicinity or as calculated under a 33610  
formula that accounts for depreciation, amortization of 33611  
improvements, and other reasonable factors, including, but not 33612  
limited to, parking space and other amenities. 33613

Not later than the thirty-first day of March of 2002, 2003, 33614  
2004, and 2005 a board of county commissioners required to provide 33615  
or equip offices pursuant to division (A) or (B) of this section 33616  
shall make a written estimate of the total cost it will incur for 33617  
the ensuing fiscal year to provide and equip the offices and to 33618  
provide heat, light, water, and janitorial services for such 33619  
offices. The total estimate of cost shall include: 33620

(1) The total square feet of space to be utilized by the 33621  
educational service center; 33622

(2) The total square feet of any common areas that should be 33623  
reasonably allocated to the center and the methodology for making 33624  
this allocation; 33625

(3) The actual cost per square foot for both the space 33626  
utilized by and the common area allocated to the center; 33627

(4) An explanation of the methodology used to determine the 33628  
actual cost per square foot ~~cost~~; 33629

(5) The estimated cost of providing heat, light, and water, 33630  
including an explanation of how these costs were determined; 33631

(6) The estimated cost of providing janitorial services 33632  
including an explanation of the methodology used to determine this 33633  
cost; 33634

(7) Any other estimated costs that the board anticipates it 33635

will occur and a detailed explanation of the costs and the 33636  
rationale used to determine such costs. 33637

A copy of the total estimate of costs under this division 33638  
shall be sent to the superintendent of the educational service 33639  
center not later than the fifth day of April. The superintendent 33640  
shall review the total estimate and shall notify the board of 33641  
county commissioners not later than twenty days after receipt of 33642  
the estimate of either agreement with the estimate or any specific 33643  
objections to the estimates and the reasons for the objections. If 33644  
the superintendent agrees with the estimate, it shall become the 33645  
final total estimate of cost. Failure of the superintendent to 33646  
make objections to the estimate by the twentieth day after receipt 33647  
of it shall be deemed to mean that the superintendent is in 33648  
agreement with the estimate. 33649

If the superintendent provides specific objections to the 33650  
board of county commissioners, the board shall review the 33651  
objections and may modify the original estimate and shall send a 33652  
revised total estimate to the superintendent within ten days after 33653  
the receipt of the superintendent's objections. The superintendent 33654  
shall respond to the revised estimate within ten days after its 33655  
receipt. If the superintendent agrees with it, it shall become the 33656  
final total estimated cost. If the superintendent fails to respond 33657  
within the required time, the superintendent shall be deemed to 33658  
have agreed with the revised estimate. If the superintendent 33659  
disagrees with the revised estimate, the superintendent shall send 33660  
specific objections to the county commissioners. 33661

If a superintendent has sent specific objections to the 33662  
revised estimate within the required time, the probate judge of 33663  
the county which has the greatest number of resident local school 33664  
district pupils under the supervision of the educational service 33665  
center shall determine the final estimated cost and certify this 33666  
amount to the superintendent and the board of county commissioners 33667

prior to the first day of July. 33668

(D)(1) A board of county commissioners shall be responsible 33669  
for the following percentages of the final total estimated cost 33670  
established by division (C) of this section: 33671

(a) Eighty per cent for fiscal year 2003; 33672

(b) Sixty per cent for fiscal year 2004; 33673

(c) Forty per cent for fiscal year 2005; 33674

(d) Twenty per cent for fiscal year 2006. 33675

In fiscal years 2003, 2004, 2005, and 2006 the educational 33676  
service center shall be responsible for the remainder of any costs 33677  
in excess of the amounts specified in division (D)(1)(a),(b), ~~or~~ 33678  
(c), or (d) of this section, as applicable, associated with the 33679  
provision and equipment of offices for the educational service 33680  
center and for provision of heat, light, water, and janitorial 33681  
services for such offices, including any unanticipated or 33682  
unexpected increases in the costs beyond the final estimated cost 33683  
amount. 33684

Beginning in fiscal year 2007, no board of county 33685  
commissioners shall have any obligation to provide and equip 33686  
offices for an educational service center or to provide heat, 33687  
light, water, or janitorial services for such offices. 33688

(2) Nothing in this section shall prohibit the board of 33689  
county commissioners and the governing board of an educational 33690  
service center from entering into a contract for providing and 33691  
equipping offices for the use of an educational service center and 33692  
for providing heat, light, water, and janitorial services for such 33693  
offices. The term of any such contract shall not exceed a period 33694  
of four years and may be renewed for additional periods not to 33695  
exceed four years. Any such contract shall supersede the 33696  
provisions of division (D)(1) of this section and no educational 33697

service center may be charged, at any time, any additional amount 33698  
for the county's provision of an office and equipment, heat, 33699  
light, water, and janitorial services beyond the amount specified 33700  
in such contract. 33701

(3) No contract entered into under division (D)(2) of this 33702  
section in any year prior to fiscal year 2007 between an 33703  
educational service center formed under section 3311.053 or 33704  
3311.059 of the Revised Code and the board of county commissioners 33705  
required to provide and equip its office pursuant to division (B) 33706  
of this section shall take effect unless the boards of county 33707  
commissioners of all other counties required to participate in the 33708  
funding for such offices pursuant to division (B) of this section 33709  
adopt resolutions approving the contract. 33710

**Sec. 3319.22.** (A)(1) The state board of education shall adopt 33711  
rules establishing the standards and requirements for obtaining 33712  
temporary, associate, provisional, and professional educator 33713  
licenses of any categories, types, and levels the board elects to 33714  
provide. However, no educator license shall be required for 33715  
teaching children two years old or younger. 33716

(2) If the state board requires any examinations for educator 33717  
licensure, the department of education shall provide the results 33718  
of such examinations received by the department to the Ohio board 33719  
of regents, in the manner and to the extent permitted by state and 33720  
federal law. 33721

(B) Any rules the state board of education adopts, amends, or 33722  
rescinds for educator licenses under this section, division (D) of 33723  
section 3301.07 of the Revised Code, or any other law shall be 33724  
adopted, amended, or rescinded under Chapter 119. of the Revised 33725  
Code except as follows: 33726

(1) Notwithstanding division (D) of section 119.03 and 33727  
division (A)(1) of section 119.04 of the Revised Code, the 33728

effective date of any rules, or amendment or rescission of any 33729  
rules, shall not be as prescribed in division (D) of section 33730  
119.03 and division (A)(1) of section 119.04 of the Revised Code. 33731  
Instead, the effective date shall be the date prescribed by 33732  
section 3319.23 of the Revised Code. 33733

(2) Notwithstanding the authority to adopt, amend, or rescind 33734  
emergency rules in division (F) of section 119.03 of the Revised 33735  
Code, this authority shall not apply to the state board of 33736  
education with regard to rules for educator licenses. 33737

(C)(1) The rules adopted under this section establishing 33738  
standards requiring additional coursework for the renewal of any 33739  
educator license shall require a school district and a chartered 33740  
nonpublic school to establish local professional development 33741  
committees. In a nonpublic school, the chief administrative 33742  
officer shall establish the committees in any manner acceptable to 33743  
such officer. The committees established under this division shall 33744  
determine whether coursework that a district or chartered 33745  
nonpublic school teacher proposes to complete meets the 33746  
requirement of the rules. The rules shall establish a procedure by 33747  
which a teacher may appeal the decision of a local professional 33748  
development committee. 33749

(2) In any school district in which there is no exclusive 33750  
representative established under Chapter 4117. of the Revised 33751  
Code, the professional development committees shall be established 33752  
as described in division (C)(2) of this section. 33753

Not later than the effective date of the rules adopted under 33754  
this section, the board of education of each school district shall 33755  
establish the structure for one or more local professional 33756  
development committees to be operated by such school district. The 33757  
committee structure so established by a district board shall 33758  
remain in effect unless within thirty days prior to an anniversary 33759  
of the date upon which the current committee structure was 33760

established, the board provides notice to all affected district 33761  
employees that the committee structure is to be modified. 33762  
Professional development committees may have a district-level or 33763  
building-level scope of operations, and may be established with 33764  
regard to particular grade or age levels for which an educator 33765  
license is designated. 33766

Each professional development committee shall consist of at 33767  
least three classroom teachers employed by the district, one 33768  
principal employed by the district, and one other employee of the 33769  
district appointed by the district superintendent. For committees 33770  
with a building-level scope, the teacher and principal members 33771  
shall be assigned to that building, and the teacher members shall 33772  
be elected by majority vote of the classroom teachers assigned to 33773  
that building. For committees with a district-level scope, the 33774  
teacher members shall be elected by majority vote of the classroom 33775  
teachers of the district, and the principal member shall be 33776  
elected by a majority vote of the principals of the district, 33777  
unless there are two or fewer principals employed by the district, 33778  
in which case the one or two principals employed shall serve on 33779  
the committee. If a committee has a particular grade or age level 33780  
scope, the teacher members shall be licensed to teach such grade 33781  
or age levels, and shall be elected by majority vote of the 33782  
classroom teachers holding such a license and the principal shall 33783  
be elected by all principals serving in buildings where any such 33784  
teachers serve. The district superintendent shall appoint a 33785  
replacement to fill any vacancy that occurs on a professional 33786  
development committee, except in the case of vacancies among the 33787  
elected classroom teacher members, which shall be filled by vote 33788  
of the remaining members of the committee so selected. 33789

Terms of office on professional development committees shall 33790  
be prescribed by the district board establishing the committees. 33791  
The conduct of elections for members of professional development 33792

committees shall be prescribed by the district board establishing 33793  
the committees. A professional development committee may include 33794  
additional members, except that the majority of members on each 33795  
such committee shall be classroom teachers employed by the 33796  
district. Any member appointed to fill a vacancy occurring prior 33797  
to the expiration date of the term for which a predecessor was 33798  
appointed shall hold office as a member for the remainder of that 33799  
term. 33800

The initial meeting of any professional development 33801  
committee, upon election and appointment of all committee members, 33802  
shall be called by a member designated by the district 33803  
superintendent. At this initial meeting, the committee shall 33804  
select a chairperson and such other officers the committee deems 33805  
necessary, and shall adopt rules for the conduct of its meetings. 33806  
Thereafter, the committee shall meet at the call of the 33807  
chairperson or upon the filing of a petition with the district 33808  
superintendent signed by a majority of the committee members 33809  
calling for the committee to meet. 33810

(3) In the case of a school district in which an exclusive 33811  
representative has been established pursuant to Chapter 4117. of 33812  
the Revised Code, professional development committees shall be 33813  
established in accordance with any collective bargaining agreement 33814  
in effect in the district that includes provisions for such 33815  
committees. 33816

If the collective bargaining agreement does not specify a 33817  
different method for the selection of teacher members of the 33818  
committees, the exclusive representative of the district's 33819  
teachers shall select the teacher members. 33820

If the collective bargaining agreement does not specify a 33821  
different structure for the committees, the board of education of 33822  
the school district shall establish the structure, including the 33823  
number of committees and the number of teacher and administrative 33824

members on each committee; the specific administrative members to 33825  
be part of each committee; whether the scope of the committees 33826  
will be district levels, building levels, or by type of grade or 33827  
age levels for which educator licenses are designated; the lengths 33828  
of terms for members; the manner of filling vacancies on the 33829  
committees; and the frequency and time and place of meetings. 33830  
However, in all cases, except as provided in division (C)(4) of 33831  
this section, there shall be a majority of teacher members of any 33832  
professional development committee, there shall be at least five 33833  
total members of any professional development committee, and the 33834  
exclusive representative shall designate replacement members in 33835  
the case of vacancies among teacher members, unless the collective 33836  
bargaining agreement specifies a different method of selecting 33837  
such replacements. 33838

(4) Whenever an administrator's coursework plan is being 33839  
discussed or voted upon, the local professional development 33840  
committee shall, at the request of one of its administrative 33841  
members, cause a majority of the committee to consist of 33842  
administrative members by reducing the number of teacher members 33843  
voting on the plan. 33844

(D)(1) The department of education, educational service 33845  
centers, county boards of mental retardation and developmental 33846  
disabilities, regional professional development centers, special 33847  
education regional resource centers, college and university 33848  
departments of education, head start programs, the Ohio SchoolNet 33849  
commission, and the Ohio education computer network may establish 33850  
local professional development committees to determine whether the 33851  
coursework proposed by their employees who are licensed or 33852  
certificated under this section or section 3319.222 of the Revised 33853  
Code meet the requirements of the rules adopted under this 33854  
section. They may establish local professional development 33855  
committees on their own or in collaboration with a school district 33856

or other agency having authority to establish them. 33857

Local professional development committees established by 33858  
county boards of mental retardation and developmental disabilities 33859  
shall be structured in a manner comparable to the structures 33860  
prescribed for school districts in divisions (C)(2) and (3) of 33861  
this section, as shall the committees established by any other 33862  
entity specified in division (D)(1) of this section that provides 33863  
educational services by employing or contracting for services of 33864  
classroom teachers licensed or certificated under this section or 33865  
section 3319.222 of the Revised Code. All other entities specified 33866  
in division (D)(1) of this section shall structure their 33867  
committees in accordance with guidelines which shall be issued by 33868  
the state board. 33869

(2) Any public agency that is not specified in division 33870  
(D)(1) of this section but provides educational services and 33871  
employs or contracts for services of classroom teachers licensed 33872  
or certificated under this section or section 3319.222 of the 33873  
Revised Code may establish a local professional development 33874  
committee, subject to the approval of the department of education. 33875  
The committee shall be structured in accordance with guidelines 33876  
issued by the state board. 33877

**Sec. 3319.33.** On or before the first day of August in each 33878  
year, the board of education of each city ~~and~~, exempted village, 33879  
and local school district shall report to the state board of 33880  
education, ~~and the board of each local school district shall~~ 33881  
~~report to the superintendent of the educational service center,~~ 33882  
the school statistics of its district. Such report shall be made 33883  
on forms furnished by the state board of education and shall 33884  
contain such information as the state board of education requires. 33885  
The report shall also set forth with respect to each civil 33886  
proceeding in which the board of education is a defendant and each 33887

civil proceeding in which the board of education is a party and is 33888  
not a defendant and in which one of the other parties is a board 33889  
of education in this state or an officer, board, or official of 33890  
this state: 33891

(A) The nature of the proceeding; 33892

(B) The capacity in which the board is a party to the 33893  
proceeding; 33894

(C) The total expenses incurred by the board with respect to 33895  
the proceeding; 33896

(D) The total expenses incurred by the board with respect to 33897  
the proceeding during the reporting period. 33898

Divisions (A) to (D) of this section do not apply to any 33899  
proceeding for which no expenses have been incurred during the 33900  
reporting period. 33901

The board of education of each city ~~and~~ exempted village, 33902  
and local school district may prepare and publish annually a 33903  
report of the condition and administration of the schools under 33904  
its supervision which shall include therein an exhibit of the 33905  
financial affairs of the district and the information required in 33906  
divisions (A) to (D) of this section. Such annual report shall be 33907  
for a full year. 33908

**Sec. 3319.36.** (A) No treasurer of a board of education or 33909  
educational service center shall draw a check for the payment of a 33910  
teacher for services until the teacher files with the treasurer 33911  
both of the following: 33912

(1) Such reports as are required by the state board of 33913  
education, the school district board of education, or the 33914  
superintendent of schools; 33915

(2) Except for a teacher who is engaged pursuant to section 33916  
3319.301 of the Revised Code ~~and except as provided under division~~ 33917

~~(B) of this section, a written statement from the city or, 33918  
exempted village, or local school district superintendent or the 33919  
educational service center superintendent that the teacher has 33920  
filed with the treasurer a legal educator license or internship 33921  
certificate, or true copy of it, to teach the subjects or grades 33922  
taught, with the dates of its validity. The state board of 33923  
education shall prescribe the record and administration for such 33924  
filing of educator licenses and internship certificates in 33925  
educational service centers. 33926~~

~~(B) If the board of education of a local school district and 33927  
the governing board of the educational service center of which the 33928  
local district is a part have entered into an agreement under 33929  
division (B) of section 3319.07 of the Revised Code, the agreement 33930  
may also require the superintendent of the local school district, 33931  
instead of the superintendent of the educational service center, 33932  
to administer the filing of educator licenses and internship 33933  
certificates for the local school district and to provide to the 33934  
teachers of the district the written statements required in 33935  
division (A)(2) of this section. While such an agreement is in 33936  
effect between a local school district and an educational service 33937  
center, a teacher employed by the local district shall file a 33938  
legal educator license or internship certificate, or true copy of 33939  
it, with the superintendent of the local district and that 33940  
superintendent shall provide to the teacher the written statement 33941  
required by division (A)(2) of this section. 33942~~

~~(C) Notwithstanding division (A) of this section, the 33943  
treasurer may pay either of the following: 33944~~

~~(1) Any teacher for services rendered during the first two 33945  
months of the teacher's initial employment with the school 33946  
district or educational service center, provided such teacher is 33947  
the holder of a bachelor's degree or higher and has filed with the 33948  
state board of education an application for the issuance of a 33949~~

provisional or professional educator license. 33950

(2) Any substitute teacher for services rendered while 33951  
conditionally employed under section 3319.101 of the Revised Code. 33952

~~(D)~~(C) Upon notice to the treasurer given by the state board 33953  
of education or any superintendent having jurisdiction that 33954  
reports required of a teacher have not been made, the treasurer 33955  
shall withhold the salary of the teacher until the required 33956  
reports are completed and furnished. 33957

**Sec. 3319.55.** (A) A grant program is hereby established to 33958  
recognize and reward public school teachers who hold valid 33959  
teaching certificates or licenses issued by the national board for 33960  
professional teaching standards. The superintendent of public 33961  
instruction shall administer this program in accordance with this 33962  
section and rules which the state board of education shall adopt 33963  
in accordance with Chapter 119. of the Revised Code. 33964

In each fiscal year that the general assembly appropriates 33965  
funds for purposes of this section, the superintendent of public 33966  
instruction shall award a grant to each person who, by the first 33967  
day of August of that year and in accordance with the rules 33968  
adopted under this section, submits to the superintendent evidence 33969  
indicating ~~both~~ all of the following: 33970

(1) The person holds a valid certificate or license issued by 33971  
the national board for professional teaching standards; 33972

(2) The person was employed full-time as a teacher by the 33973  
board of education of a school district in this state during the 33974  
school year that immediately preceded the fiscal year; 33975

(3) The date the person was accepted into the national board 33976  
certification or licensure program. 33977

An individual may receive a grant under this section in each 33978  
fiscal year the person is eligible for a grant and submits 33979

evidence of that eligibility in accordance with this section. 33980

(B) The amount of the grant awarded to each eligible person 33981  
under division (A) of this section in any fiscal year shall equal 33982  
~~two~~ the following: 33983

(1) Two thousand five hundred dollars except that for any 33984  
teacher accepted as a candidate for certification or licensure by 33985  
the national board on or before May 31, 2003, and issued a 33986  
certificate or license by the national board on or before December 33987  
31, 2004; 33988

(2) One thousand dollars for any other teacher issued a 33989  
certificate or license by the national board. 33990

However, if the funds appropriated for purposes of this 33991  
section in any fiscal year are not sufficient to award the full 33992  
grant amount to each person who is eligible in that fiscal year, 33993  
the superintendent shall prorate the amount of the grant awarded 33994  
in that fiscal year to each eligible person ~~shall equal the amount~~ 33995  
~~obtained by dividing the total amount of funds appropriated for~~ 33996  
~~purposes of this section in the fiscal year by the total number of~~ 33997  
~~persons eligible for a grant under this section for the fiscal~~ 33998  
~~year.~~ 33999

**Sec. 3323.16.** No unit for deaf children shall be disapproved 34000  
for funding under division (B) or (D)(1) of section 3317.05 of the 34001  
Revised Code on the basis of the methods of instruction used in 34002  
educational programs in the school district or institution to 34003  
teach deaf children to communicate, and no preference in approving 34004  
units for funding shall be given ~~by the state board~~ for teaching 34005  
deaf children by the oral, manual, total communication, or other 34006  
method of instruction. 34007

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 34008  
and division (D) of section 3311.52 of the Revised Code, this 34009

section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend the board of education shall provide transportation for such pupils to and from such school except as provided in section 3327.02 of the Revised Code.

In all city, local, and exempted village school districts the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.

A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the collection point as designated by ~~the coordinator of school transportation, appointed under section 3327.011 of the Revised Code, for the attendance area of~~ the district of residence.

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02

of the Revised Code. 34042

In all city, local, and exempted village school districts the 34043  
board shall provide transportation for all children who are so 34044  
crippled that they are unable to walk to and from the school for 34045  
which the state board of education prescribes minimum standards 34046  
pursuant to division (D) of section 3301.07 of the Revised Code 34047  
and which they attend. In case of dispute whether the child is 34048  
able to walk to and from the school, the health commissioner shall 34049  
be the judge of such ability. In all city, exempted village, and 34050  
local school districts the board shall provide transportation to 34051  
and from school or special education classes for educable mentally 34052  
retarded children in accordance with standards adopted by the 34053  
state board of education. 34054

When transportation of pupils is provided the conveyance 34055  
shall be run on a time schedule that shall be adopted and put in 34056  
force by the board not later than ten days after the beginning of 34057  
the school term. 34058

The cost of any transportation service authorized by this 34059  
section shall be paid first out of federal funds, if any, 34060  
available for the purpose of pupil transportation, and secondly 34061  
out of state appropriations, in accordance with regulations 34062  
adopted by the state board of education. 34063

No transportation of any pupils shall be provided by any 34064  
board of education to or from any school which in the selection of 34065  
pupils, faculty members, or employees, practices discrimination 34066  
against any person on the grounds of race, color, religion, or 34067  
national origin. 34068

~~Sec. 3327.011. Coordinators of school transportation shall be 34069  
appointed according to provisions of section 3301.13 of the 34070  
Revised Code to assure that each pupil, as provided in section 34071  
3327.01 of the Revised Code, is transported to and from the school 34072~~

~~which he attends in a safe, expedient, and economical manner using public school collection points, routes, and schedules.~~ 34073  
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In determining how best to provide ~~such~~ transportation, where persons or firms on or after April 1, 1965, were providing transportation to and from schools pursuant to contracts with persons or agencies responsible for the operation of such schools, ~~a coordinator or~~ the board of education responsible for transportation in accordance with section 3327.01 of the Revised Code shall give preference if economically feasible during the term of any such contract to the firm or person providing such transportation. The boards of education within the county or group of counties shall ~~recommend to the coordinator of~~ establish transportation routes, schedules, and utilization of transportation equipment. ~~The coordinator, upon receipt of such recommendations, shall establish transportation routes, schedules, and utilization of transportation equipment, following such recommendations to whatever extent is feasible.~~ The appeals from the determination of the ~~coordinator~~ board of education responsible for transportation shall be taken to the state board of education. 34075  
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**Sec. 3329.06.** The board of education of each city, exempted village, and local school district shall furnish, free of charge, the necessary textbooks to the pupils attending the public schools. In lieu of textbooks, district boards may furnish electronic textbooks to pupils attending the public schools, provided the electronic textbooks are furnished free of charge. A district board that chooses to furnish electronic textbooks to pupils attending school in the district shall provide reasonable access to the electronic textbooks and other necessary computer equipment to pupils in the district who are required to complete homework assignments, and teachers providing homework assignments, utilizing electronic textbooks furnished by the district board. 34093  
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Pupils wholly or in part supplied with necessary textbooks or 34105  
electronic textbooks shall be supplied only as other or new 34106  
textbooks or electronic textbooks are needed. ~~A board may limit~~ 34107  
~~its purchase and ownership of textbooks or electronic textbooks~~ 34108  
~~needed for its schools to six subjects per year, the cost of which~~ 34109  
~~shall not exceed twenty five per cent of the entire cost of~~ 34110  
~~adoption.~~ All textbooks or electronic textbooks furnished as 34111  
provided in this section shall be the property of the district, 34112  
and loaned to the pupils on such terms as each such board 34113  
prescribes. In order to carry out sections 3329.01 to 3329.10 of 34114  
the Revised Code, each board, in the preparation of its annual 34115  
budget, shall include as a separate item the amount which the 34116  
board finds necessary to administer such sections and such amount 34117  
shall not be subject to transfer to any other fund. 34118

**Sec. 3329.08.** At any regular meeting, the board of education 34119  
of each local school district, from lists adopted by the 34120  
educational service center governing board, and the board of 34121  
education of each city and exempted village school district shall 34122  
determine by a majority vote of all members elected or appointed 34123  
under division (B) or (F) of section 3311.71 of the Revised Code 34124  
which of such textbooks or electronic textbooks so filed shall be 34125  
used in the schools under its control. ~~Except for periodic and~~ 34126  
~~normal updating of electronic textbooks, no textbooks or~~ 34127  
~~electronic textbooks shall be changed, nor any part thereof~~ 34128  
~~altered or revised, nor any other textbook or electronic textbook~~ 34129  
~~substituted therefor, within four years after the date of~~ 34130  
~~selection and adoption thereof, as shown by the official records~~ 34131  
~~of such boards, except by the consent, at a regular meeting, of~~ 34132  
~~four fifths of all members elected thereto. Textbooks or~~ 34133  
~~electronic textbooks so substituted shall be adopted for the full~~ 34134  
~~term of four years.~~ 34135

**Sec. 3332.04.** The state board of career colleges and schools 34136  
may appoint an executive director and such other staff as may be 34137  
required for the performance of the board's duties and provide 34138  
necessary facilities. In selecting an executive director, the 34139  
board shall appoint an individual with a background or experience 34140  
in the regulation of commerce, business, or education. The board 34141  
may also arrange for services and facilities to be provided by the 34142  
state board of education and the Ohio board of regents. All 34143  
receipts of the board shall be deposited in the state treasury to 34144  
the credit of the ~~general revenue~~ occupational licensing and 34145  
regulatory fund. 34146

**Sec. 3333.12.** (A) As used in this section: 34147

(1) "Eligible student" means an undergraduate student who is: 34148

(a) An Ohio resident; 34149

(b) Enrolled in either of the following: 34150

(i) An accredited institution of higher education in this 34151  
state that meets the requirements of Title VI of the Civil Rights 34152  
Act of 1964 and is state-assisted, is nonprofit and has a 34153  
certificate of authorization from the Ohio board of regents 34154  
pursuant to Chapter 1713. of the Revised Code, has a certificate 34155  
of registration from the state board of career colleges and 34156  
schools and program authorization to award an associate or 34157  
bachelor's degree, or is a private institution exempt from 34158  
regulation under Chapter 3332. of the Revised Code as prescribed 34159  
in section 3333.046 of the Revised Code. Students who attend an 34160  
institution that holds a certificate of registration shall be 34161  
enrolled in a program leading to an associate or bachelor's degree 34162  
for which associate or bachelor's degree program the institution 34163  
has program authorization issued under section 3332.05 of the 34164  
Revised Code. 34165

(ii) A technical education program of at least two years 34166  
duration sponsored by a private institution of higher education in 34167  
this state that meets the requirements of Title VI of the Civil 34168  
Rights Act of 1964. 34169

(c) Enrolled as a full-time student or enrolled as a less 34170  
than full-time student for the term expected to be the student's 34171  
final term of enrollment and is enrolled for the number of credit 34172  
hours necessary to complete the requirements of the program in 34173  
which the student is enrolled. 34174

(2) "Gross income" includes all taxable and nontaxable income 34175  
of the parents, the student, and the student's spouse, except 34176  
income derived from an Ohio academic scholarship, income earned by 34177  
the student between the last day of the spring term and the first 34178  
day of the fall term, and other income exclusions designated by 34179  
the board. Gross income may be verified to the board by the 34180  
institution in which the student is enrolled using the federal 34181  
financial aid eligibility verification process or by other means 34182  
satisfactory to the board. 34183

(3) "Resident," "full-time student," "dependent," 34184  
"financially independent," and "accredited" shall be defined by 34185  
rules adopted by the board. 34186

(B) The Ohio board of regents shall establish and administer 34187  
an instructional grant program and may adopt rules to carry out 34188  
this section. The general assembly shall support the instructional 34189  
grant program by such sums and in such manner as it may provide, 34190  
but the board may also receive funds from other sources to support 34191  
the program. If the amounts available for support of the program 34192  
are inadequate to provide grants to all eligible students, 34193  
preference in the payment of grants shall be given in terms of 34194  
income, beginning with the lowest income category of gross income 34195  
and proceeding upward by category to the highest gross income 34196  
category. 34197

An instructional grant shall be paid to an eligible student 34198  
through the institution in which the student is enrolled, except 34199  
that no instructional grant shall be paid to any person serving a 34200  
term of imprisonment. Applications for such grants shall be made 34201  
as prescribed by the board, and such applications may be made in 34202  
conjunction with and upon the basis of information provided in 34203  
conjunction with student assistance programs funded by agencies of 34204  
the United States government or from financial resources of the 34205  
institution of higher education. The institution shall certify 34206  
that the student applicant meets the requirements set forth in 34207  
divisions (A)(1)(b) and (c) of this section. Instructional grants 34208  
shall be provided to an eligible student only as long as the 34209  
student is making appropriate progress toward a nursing diploma or 34210  
an associate or bachelor's degree. No student shall be eligible to 34211  
receive a grant for more than ten semesters, fifteen quarters, or 34212  
the equivalent of five academic years. A grant made to an eligible 34213  
student on the basis of less than full-time enrollment shall be 34214  
based on the number of credit hours for which the student is 34215  
enrolled and shall be computed in accordance with a formula 34216  
adopted by the board. No student shall receive more than one grant 34217  
on the basis of less than full-time enrollment. 34218

An instructional grant shall not exceed the total 34219  
instructional and general charges of the institution. 34220

(C) The tables in this division prescribe the maximum grant 34221  
amounts covering two semesters, three quarters, or a comparable 34222  
portion of one academic year. Grant amounts for additional terms 34223  
in the same academic year shall be determined under division (D) 34224  
of this section. 34225

For a full-time student who is a dependent and enrolled in a 34226  
nonprofit educational institution that is not a state-assisted 34227  
institution and that has a certificate of authorization issued 34228  
pursuant to Chapter 1713. of the Revised Code, the amount of the 34229

instructional grant for two semesters, three quarters, or a 34230  
comparable portion of the academic year shall be determined in 34231  
accordance with the following table: 34232

Private Institution 34234

Table of Grants 34235

Maximum Grant \$5,466 34236

Gross Income Number of Dependents 34237

	1	2	3	4	5 or more	
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	34238
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	34239
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	34240
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	34241
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	34242
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	34243
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	34244
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	34245
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	34246
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	34247
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	34248
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	34249
\$34,001 - \$35,000	444	888	984	1,080	1,344	34250
\$35,001 - \$36,000	--	444	888	984	1,080	34251
\$36,001 - \$37,000	--	--	444	888	984	34252
\$37,001 - \$38,000	--	--	--	444	888	34253
\$38,001 - \$39,000	--	--	--	--	444	34254

For a full-time student who is financially independent and 34256  
enrolled in a nonprofit educational institution that is not a 34257  
state-assisted institution and that has a certificate of 34258  
authorization issued pursuant to Chapter 1713. of the Revised 34259  
Code, the amount of the instructional grant for two semesters, 34260  
three quarters, or a comparable portion of the academic year shall 34261

be determined in accordance with the following table:							34262
							34263
		Private Institution					34264
		Table of Grants					34265
		Maximum Grant \$5,466					34266
Gross Income		Number of Dependents					34267
	0	1	2	3	4	5 or more	34268
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	34269
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	34270
\$5,301 - \$5,800	4,362	<del>4,920</del>	5,466	5,466	5,466	5,466	34271
		<u>5,196</u>					34272
\$5,801 - \$6,300	3,828	<del>4,362</del>	<del>4,920</del>	5,466	5,466	5,466	34273
		<u>4,914</u>	<u>5,196</u>				34274
\$6,301 - \$6,800	3,288	<del>3,828</del>	<del>4,362</del>	<del>4,920</del>	5,466	5,466	34275
		<u>4,650</u>	<u>4,914</u>	<u>5,196</u>			34276
\$6,801 - \$7,300	2,736	<del>3,288</del>	<del>3,828</del>	<del>4,362</del>	<del>4,920</del>	5,466	34277
		<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	<u>5,196</u>		34278
\$7,301 - \$8,300	2,178	<del>2,736</del>	<del>3,288</del>	<del>3,828</del>	<del>4,362</del>	<del>4,920</del>	34279
		<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	<u>5,196</u>	34280
\$8,301 - \$9,300	1,626	<del>2,178</del>	<del>2,736</del>	<del>3,288</del>	<del>3,828</del>	<del>4,362</del>	34281
		<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	34282
\$9,301 - \$10,300	1,344	<del>1,626</del>	<del>2,178</del>	<del>2,736</del>	<del>3,288</del>	<del>3,828</del>	34283
		<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	34284
\$10,301 - \$11,800	1,080	<del>1,344</del>	<del>1,626</del>	<del>2,178</del>	<del>2,736</del>	<del>3,288</del>	34285
		<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	34286
\$11,801 - \$13,300	984	<del>1,080</del>	<del>1,344</del>	<del>1,626</del>	<del>2,178</del>	<del>2,736</del>	34287
		<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	34288
\$13,301 - \$14,800	888	<del>984</del>	<del>1,080</del>	<del>1,344</del>	<del>1,626</del>	<del>2,178</del>	34289
		<u>3,228</u>	<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	34290
\$14,801 - \$16,300	444	<del>888</del>	<del>984</del>	<del>1,080</del>	<del>1,344</del>	<del>1,626</del>	34291
		<u>2,904</u>	<u>3,228</u>	<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	34292
\$16,301 - \$19,300	--	<del>444</del>	<del>888</del>	<del>984</del>	<del>1,080</del>	<del>1,344</del>	34293

			<u>2,136</u>	<u>2,628</u>	<u>2,952</u>	<u>3,276</u>	<u>3,408</u>	34294
\$19,301 - \$22,300	--	--	—	444	888	984	<del>1,080</del>	34295
			<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	<u>2,676</u>	<u>3,000</u>	34296
\$22,301 - \$25,300	--	--	—	—	444	888	984	34297
			<u>1,092</u>	<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	<u>2,676</u>	34298
\$25,301 - \$30,300	--	--	—	—	—	444	888	34299
			<u>816</u>	<u>1,092</u>	<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	34300
\$30,301 - \$35,300	--	--	—	—	—	—	444	34301
			<u>492</u>	<u>540</u>	<u>672</u>	<u>816</u>	<u>1,314</u>	34302

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution		Table of Grants					
		Maximum Grant \$4,632					
Gross Income		Number of Dependents					
		1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	34315
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	4,632	34316
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	4,632	34317
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	4,632	34318
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	4,632	34319
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	4,632	34320
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	4,182	34321
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	3,684	34322
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	3,222	34323
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	2,790	34324
						2,292	34325

\$32,001 - \$33,000	852	906	1,134	1,416	1,854	34326
\$33,001 - \$34,000	750	852	906	1,134	1,416	34327
\$34,001 - \$35,000	372	750	852	906	1,134	34328
\$35,001 - \$36,000	--	372	750	852	906	34329
\$36,001 - \$37,000	--	--	372	750	852	34330
\$37,001 - \$38,000	--	--	--	372	750	34331
\$38,001 - \$39,000	--	--	--	--	372	34332

For a full-time student who is financially independent and 34333  
enrolled in an educational institution that holds a certificate of 34334  
registration from the state board of career colleges and schools 34335  
or a private institution exempt from regulation under Chapter 34336  
3332. of the Revised Code as prescribed in section 3333.046 of the 34337  
Revised Code, the amount of the instructional grant for two 34338  
semesters, three quarters, or a comparable portion of the academic 34339  
year shall be determined in accordance with the following table: 34340

Career Institution 34341

Table of Grants 34342

Maximum Grant \$4,632 34343

Gross Income Number of Dependents 34344

	Number of Dependents						34345
	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	34346
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	34347
\$5,301 - \$5,800	3,684	<del>4,182</del>	4,632	4,632	4,632	4,632	34348
		<u>4,410</u>					34349
\$5,801 - \$6,300	3,222	<del>3,684</del>	<del>4,182</del>	4,632	4,632	4,632	34350
		<u>4,158</u>	<u>4,410</u>				34351
\$6,301 - \$6,800	2,790	<del>3,222</del>	<del>3,684</del>	<del>4,182</del>	4,632	4,632	34352
		<u>3,930</u>	<u>4,158</u>	<u>4,410</u>			34353
\$6,801 - \$7,300	2,292	<del>2,790</del>	<del>3,222</del>	<del>3,684</del>	<del>4,182</del>	4,632	34354
		<u>3,714</u>	<u>3,930</u>	<u>4,158</u>	<u>4,410</u>		34355
\$7,301 - \$8,300	1,854	<del>2,292</del>	<del>2,790</del>	<del>3,222</del>	<del>3,684</del>	<del>4,182</del>	34356
		<u>3,462</u>	<u>3,714</u>	<u>3,930</u>	<u>4,158</u>	<u>4,410</u>	34357



\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	34390
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	34391
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	34392
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	34393
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	34394
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	34395
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	34396
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	34397
\$28,001 - \$31,000	522	648	864	1,080	1,320	34398
\$31,001 - \$32,000	420	522	648	864	1,080	34399
\$32,001 - \$33,000	384	420	522	648	864	34400
\$33,001 - \$34,000	354	384	420	522	648	34401
\$34,001 - \$35,000	174	354	384	420	522	34402
\$35,001 - \$36,000	--	174	354	384	420	34403
\$36,001 - \$37,000	--	--	174	354	384	34404
\$37,001 - \$38,000	--	--	--	174	354	34405
\$38,001 - \$39,000	--	--	--	--	174	34406

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							34412
Table of Grants							34413
Maximum Grant \$2,190							34414
Gross Income	Number of Dependents						34415
	0	1	2	3	4	5 or more	34416
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	34417
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	34418
\$5,301 - \$5,800	1,740	<del>1,974</del>	2,190	2,190	2,190	2,190	34419
		<u>2,082</u>					34420
\$5,801 - \$6,300	1,542	<del>1,740</del>	<del>1,974</del>	2,190	2,190	2,190	34421

			<u>1,968</u>	<u>2,082</u>				34422
\$6,301 - \$6,800	1,320	<del>1,542</del>	<del>1,740</del>	<del>1,974</del>	2,190	2,190		34423
		<u>1,866</u>	<u>1,968</u>	<u>2,082</u>				34424
\$6,801 - \$7,300	1,080	<del>1,320</del>	<del>1,542</del>	<del>1,740</del>	<del>1,974</del>	2,190		34425
		<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>			34426
\$7,301 - \$8,300	864	<del>1,080</del>	<del>1,320</del>	<del>1,542</del>	<del>1,740</del>	<del>1,974</del>		34427
		<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>		34428
\$8,301 - \$9,300	648	<del>864</del>	<del>1,080</del>	<del>1,320</del>	<del>1,542</del>	<del>1,740</del>		34429
		<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>		34430
\$9,301 - \$10,300	522	<del>648</del>	<del>864</del>	<del>1,080</del>	<del>1,320</del>	<del>1,542</del>		34431
		<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>		34432
\$10,301 - \$11,800	420	<del>522</del>	<del>648</del>	<del>864</del>	<del>1,080</del>	<del>1,320</del>		34433
		<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>		34434
\$11,801 - \$13,300	384	<del>420</del>	<del>522</del>	<del>648</del>	<del>864</del>	<del>1,080</del>		34435
		<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>		34436
\$13,301 - \$14,800	354	<del>384</del>	<del>420</del>	<del>522</del>	<del>648</del>	<del>864</del>		34437
		<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>		34438
\$14,801 - \$16,300	174	<del>354</del>	<del>384</del>	<del>420</del>	<del>522</del>	<del>648</del>		34439
		<u>1,164</u>	<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>		34440
\$16,301 - \$19,300	--	<del>174</del>	<del>354</del>	<del>384</del>	<del>420</del>	<del>522</del>		34441
		<u>858</u>	<u>1,050</u>	<u>1,182</u>	<u>1,308</u>	<u>1,356</u>		34442
\$19,301 - \$22,300	--	<del>—</del>	<del>174</del>	<del>354</del>	<del>384</del>	<del>420</del>		34443
		<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	<u>1,200</u>		34444
\$22,301 - \$25,300	--	<del>—</del>	<del>—</del>	<del>174</del>	<del>354</del>	<del>384</del>		34445
		<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>		34446
\$25,301 - \$30,300	--	<del>—</del>	<del>—</del>	<del>—</del>	<del>174</del>	<del>354</del>		34447
		<u>324</u>	<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>		34448
\$30,301 - \$35,300	--	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>174</del>		34449
		<u>192</u>	<u>210</u>	<u>264</u>	<u>324</u>	<u>522</u>		34450

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a

percentage of the maximum prescribed in the applicable table of 34455  
that division. The maximum grant for a fourth quarter shall be 34456  
one-third of the maximum amount prescribed under that division. 34457  
The maximum grant for a third semester shall be one-half of the 34458  
maximum amount prescribed under that division. 34459

(E) No grant shall be made to any student in a course of 34460  
study in theology, religion, or other field of preparation for a 34461  
religious profession unless such course of study leads to an 34462  
accredited bachelor of arts, bachelor of science, associate of 34463  
arts, or associate of science degree. 34464

(F)(1) Except as provided in division (F)(2) of this section, 34465  
no grant shall be made to any student for enrollment during a 34466  
fiscal year in an institution with a cohort default rate 34467  
determined by the United States secretary of education pursuant to 34468  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 34469  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 34470  
preceding the fiscal year, equal to or greater than thirty per 34471  
cent for each of the preceding two fiscal years. 34472

(2) Division (F)(1) of this section does not apply to the 34473  
following: 34474

(a) Any student enrolled in an institution that under the 34475  
federal law appeals its loss of eligibility for federal financial 34476  
aid and the United States secretary of education determines its 34477  
cohort default rate after recalculation is lower than the rate 34478  
specified in division (F)(1) of this section or the secretary 34479  
determines due to mitigating circumstances the institution may 34480  
continue to participate in federal financial aid programs. The 34481  
board shall adopt rules requiring institutions to provide 34482  
information regarding an appeal to the board. 34483

(b) Any student who has previously received a grant under 34484  
this section who meets all other requirements of this section. 34485

(3) The board shall adopt rules for the notification of all 34486  
institutions whose students will be ineligible to participate in 34487  
the grant program pursuant to division (F)(1) of this section. 34488

(4) A student's attendance at an institution whose students 34489  
lose eligibility for grants under division (F)(1) of this section 34490  
shall not affect that student's eligibility to receive a grant 34491  
when enrolled in another institution. 34492

(G) Institutions of higher education that enroll students 34493  
receiving instructional grants under this section shall report to 34494  
the board all students who have received instructional grants but 34495  
are no longer eligible for all or part of such grants and shall 34496  
refund any moneys due the state within thirty days after the 34497  
beginning of the quarter or term immediately following the quarter 34498  
or term in which the student was no longer eligible to receive all 34499  
or part of the student's grant. There shall be an interest charge 34500  
of one per cent per month on all moneys due and payable after such 34501  
thirty-day period. The board shall immediately notify the office 34502  
of budget and management and the legislative service commission of 34503  
all refunds so received. 34504

Sec. 3333.121. There is hereby established in the state 34505  
treasury the instructional grant reconciliation fund, which shall 34506  
consist of refunds of instructional grant payments made pursuant 34507  
to section 3333.12 of the Revised Code. Revenues credited to the 34508  
fund shall be used by the Ohio board of regents to pay to higher 34509  
education institutions any outstanding obligations from the prior 34510  
year owed for the Ohio instructional grant program that are 34511  
identified through the annual reconciliation and financial audit. 34512  
Any amount in the fund that is in excess of the amount certified 34513  
to the director of budget and management by the board of regents 34514  
as necessary to reconcile prior year payments under the program 34515  
shall be transferred to the general revenue fund. 34516

Sec. 3333.16. As used in this section "state institution of higher education" means an institution of higher education as defined in section 3345.12 of the Revised Code. 34517  
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(A) By April 15, 2005, the Ohio board of regents shall do all of the following: 34520  
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(1) Establish policies and procedures applicable to all state institutions of higher education that ensure that students can begin higher education at any state institution of higher education and transfer coursework and degrees to any other state institution of higher education without unnecessary duplication or institutional barriers. The purpose of this requirement is to allow students to attain their highest educational aspirations in the most efficient and effective manner for the students and the state. These policies and procedures shall require state institutions of higher education to make changes or modifications, as needed, to strengthen course content so as to ensure equivalency for that course at any state institution of higher education. 34522  
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(2) Develop and implement a universal course equivalency classification system for state institutions of higher education so that the transfer of students and the transfer and articulation of equivalent courses or specified learning modules or units completed by students are not inhibited by inconsistent judgment about the application of transfer credits. Coursework completed within such a system at one state institution of higher education and transferred to another institution shall be applied to the student's degree objective in the same manner as equivalent coursework completed at the receiving institution. 34535  
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(3) Develop a system of transfer policies that ensure that graduates with associate degrees which include completion of approved transfer modules shall be admitted to a state institution 34545  
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of higher education, shall be able to compete for admission to 34548  
specific programs on the same basis as students native to the 34549  
institution, and shall have priority over out-of-state associate 34550  
degree graduates and transfer students. To assist a student in 34551  
advising and transferring, all state institutions of higher 34552  
education shall fully implement the course applicability system. 34553

(4) Examine the feasibility of developing a transfer 34554  
marketing agenda that includes materials and interactive 34555  
technology to inform the citizens of Ohio about the availability 34556  
of transfer options at state institutions of higher education and 34557  
to encourage adults to return to colleges and universities for 34558  
additional education; 34559

(5) Study, in consultation with the state board of career 34560  
colleges and schools, and in light of existing criteria and any 34561  
other criteria developed by the articulation and transfer advisory 34562  
council, the feasibility of credit recognition and transferability 34563  
to state institutions of higher education for graduates who have 34564  
received associate degrees from a career college or school with a 34565  
certificate of registration from the state board of career 34566  
colleges and schools under Chapter 3332. of the Revised Code. 34567

(B) By April 15, 2004, the board shall report to the general 34568  
assembly on its progress in attaining completion of the actions 34569  
prescribed in division (A) of this section. 34570

(C) All provisions of the existing articulation and transfer 34571  
policy developed by the board shall remain in effect except where 34572  
amended by this act. 34573

**Sec. 3333.38.** (A) As used in this section: 34574

(1) "Institution of higher education" includes all of the 34575  
following: 34576

(a) A state institution of higher education, as defined in 34577

<u>section 3345.011 of the Revised Code;</u>	34578
<u>(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code;</u>	34579 34580 34581
<u>(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;</u>	34582 34583 34584
<u>(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.</u>	34585 34586 34587
<u>(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.</u>	34588 34589 34590 34591 34592 34593
<u>(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:</u>	34594 34595 34596 34597 34598 34599
<u>(1) A violation of section 2917.02 or 2917.03 of the Revised Code;</u>	34600 34601
<u>(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code;</u>	34602 34603 34604 34605
<u>(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within</u>	34606 34607

the proximate area where four or more others are acting in a 34608  
course of conduct in violation of section 2917.11 of the Revised 34609  
Code. 34610

(C) If an individual is convicted of, pleads guilty to, or is 34611  
adjudicated a delinquent child for committing a violation of 34612  
section 2907.02 or 2907.03 of the Revised Code, and if the 34613  
individual is enrolled in a state-supported institution of higher 34614  
education, the institution in which the individual is enrolled 34615  
shall immediately dismiss the individual. No state-supported 34616  
institution of higher education shall admit an individual of that 34617  
nature for one academic year after the individual applies for 34618  
admission to a state-supported institution of higher education. 34619  
This division does not limit or affect the ability of a 34620  
state-supported institution of higher education to suspend or 34621  
otherwise discipline its students. 34622

**Sec. 3353.11.** There is hereby created in the state treasury 34623  
the governmental television/telecommunications operating fund. The 34624  
fund shall consist of money received from contract productions of 34625  
the Ohio government telecommunications studio and shall be used 34626  
for operations or equipment breakdowns related to the studio. Only 34627  
Ohio government telecommunications may authorize the spending of 34628  
money in the fund. All investment earnings of the fund shall be 34629  
credited to the fund. Once the fund has a balance of zero, the 34630  
fund shall cease to exist. 34631

**Sec. 3361.01.** (A) There is hereby created a state university 34632  
to be known as the "university of Cincinnati." The government of 34633  
the university of Cincinnati is vested in a board of eleven 34634  
trustees who shall be appointed by the governor with the advice 34635  
and consent of the senate. Two of the trustees shall be students 34636  
at the university of Cincinnati, and their selection and terms 34637  
shall be in accordance with division (B) of this section. The 34638

terms of the first nine members of the board of trustees shall 34639  
commence upon the effective date of the transfer of assets of the 34640  
state-affiliated university of Cincinnati to the university of 34641  
Cincinnati hereby created. One of such trustees shall be appointed 34642  
for a term ending on the first day of January occurring at least 34643  
twelve months after such date of transfer, and each of the other 34644  
trustees shall be appointed for respective terms ending on each 34645  
succeeding first day of January, so that one term will expire on 34646  
each first day of January after expiration of the shortest term. 34647  
Except for the two student trustees, each successor trustee shall 34648  
be appointed for a term ending on the first day of January, nine 34649  
years from the expiration date of the term ~~he~~ the trustee 34650  
succeeds, except that any person appointed to fill a vacancy shall 34651  
be appointed to serve only for the unexpired term. 34652

Any trustee shall continue in office subsequent to the 34653  
expiration date of ~~his~~ the trustee's term until ~~his~~ the trustee's 34654  
successor takes office, or until a period of sixty days has 34655  
elapsed, whichever occurs first. 34656

No person who has served a full nine-year term or longer or 34657  
more than six years of such a term shall be eligible to 34658  
reappointment. ~~No person is eligible for appointment to the board~~ 34659  
~~of trustees for a full nine year term who is not at the time of~~ 34660  
~~appointment a resident of the city of Cincinnati, unless at the~~ 34661  
~~time of such appointment there are at least five members of the~~ 34662  
~~board who are not students and who are residents of the city of~~ 34663  
~~Cincinnati.~~ 34664

The trustees shall receive no compensation for their services 34665  
but shall be paid their reasonable necessary expenses while 34666  
engaged in the discharge of their official duties. A majority of 34667  
the board constitutes a quorum. 34668

(B) The student members of the board of trustees of the 34669  
university of Cincinnati have no voting power on the board. 34670

Student members shall not be considered as members of the board in 34671  
determining whether a quorum is present. Student members shall not 34672  
be entitled to attend executive sessions of the board. The student 34673  
members of the board shall be appointed by the governor, with the 34674  
advice and consent of the senate, from a group of five candidates 34675  
selected pursuant to a procedure adopted by the university's 34676  
student governments and approved by the university's board of 34677  
trustees. The initial term of office of one of the student members 34678  
shall commence on May 14, 1988 and shall expire on May 13, 1989, 34679  
and the initial term of office of the other student member shall 34680  
commence on May 14, 1988 and expire on May 13, 1990. Thereafter, 34681  
terms of office of student members shall be for two years, each 34682  
term ending on the same day of the same month of the year as the 34683  
term it succeeds. In the event that a student cannot fulfill ~~his~~ a 34684  
two-year term, a replacement shall be selected to fill the 34685  
unexpired term in the same manner used to make the original 34686  
selection. 34687

**Sec. 3375.41.** When a board of library trustees appointed 34688  
pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 34689  
and 3375.30 of the Revised Code determines to construct, demolish, 34690  
alter, repair, or reconstruct a library or make any improvements 34691  
or repairs, the cost of which will exceed ~~fifteen~~ twenty-five 34692  
thousand dollars, except in cases of urgent necessity or for the 34693  
security and protection of library property, it shall proceed as 34694  
follows: 34695

(A) The board shall advertise for a period of four weeks for 34696  
bids in some newspaper of general circulation in the district, and 34697  
if there are two such papers, the board shall advertise in both of 34698  
them. If no newspaper has a general circulation in the district, 34699  
the board shall advertise by posting ~~such~~ the advertisement in 34700  
three public places ~~therein~~ in the district. ~~Such~~ The 34701  
advertisement shall be entered in full by the clerk on the record 34702

of proceedings of the board. 34703

(B) The sealed bids shall be filed with the clerk by twelve noon of the last day stated in the advertisement. 34704  
34705

(C) The bids shall be opened at the next meeting of the board, shall be publicly read by the clerk, and shall be entered in full on the records of the board; provided, that the board ~~may~~ by resolution, may provide for the public opening and reading of ~~such the~~ bids by the clerk, immediately after the time for filing ~~such the~~ bids has expired, at the usual place of meeting of the board, and for the tabulation of ~~such the~~ bids and a report of ~~such the~~ tabulation to the board at its next meeting. 34706  
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(D) Each bid shall contain the name of every person interested ~~therein~~, in it and shall meet the requirements of section 153.54 of the Revised Code. 34714  
34715  
34716

(E) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price ~~thereof~~ of each, or may require that bids be submitted without ~~such that~~ separation. 34717  
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(F) None but the lowest responsible bid shall be accepted. The board may reject all the bids or accept any bid for both labor and material for ~~such the~~ improvement or repair which is the lowest in the aggregate. 34721  
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(G) The contract shall be between the board and the bidders. The board shall pay the contract price for the work in cash at the times and in the amounts as provided by sections 153.12, 153.13, and 153.14 of the Revised Code. 34725  
34726  
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(H) When two or more bids are equal, in whole or in part, and are lower than any others, either may be accepted, but in no case shall the work be divided between such bidders. 34729  
34730  
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(I) When there is reason to believe there is collusion or 34732

combination among the bidders, the bids of those concerned in ~~such~~ 34733  
the collusion or combination shall be rejected. 34734

**Sec. 3377.01.** As used in Chapter 3377. of the Revised Code: 34735

(A) "Educational institution" or "institution" means an 34736  
educational institution organized not for profit and holding an 34737  
effective certificate of authorization issued under section 34738  
1713.02 of the Revised Code. It does not include any institution 34739  
created by or in accordance with Title XXXIII of the Revised Code 34740  
nor any institution whose principal educational activity is 34741  
preparing students for or granting degrees, diplomas, and other 34742  
marks of deficiency which have value only in religious and 34743  
ecclesiastical fields. 34744

(B) "Educational facility" or "facility" means any building, 34745  
structure, facility, equipment, machinery, utility, or 34746  
improvement, site, or other interest in real estate therefor or 34747  
pertinent thereto, and equipment and furnishings to be used 34748  
therein or in connection therewith, together with any 34749  
appurtenances necessary or convenient to the uses thereof, to be 34750  
used for or in connection with the conduct or operation of an 34751  
educational institution, including but not limited to, classrooms 34752  
and other instructional facilities, laboratories, research 34753  
facilities, libraries, study facilities, administrative and office 34754  
facilities, museums, gymnasiums, campus walks, drives and site 34755  
improvements, dormitories and other suitable living quarters or 34756  
accommodations, dining halls and other food service and 34757  
preparation facilities, student services or activity facilities, 34758  
physical education, athletic and recreational facilities, 34759  
theatres, auditoriums, assembly and exhibition halls, greenhouses, 34760  
agricultural buildings and facilities, parking, storage and 34761  
maintenance facilities, infirmary, hospital, medical, and health 34762  
facilities, continuing education facilities, communications, fire 34763

prevention, and fire fighting facilities, and any one, or any 34764  
combination of the foregoing, whether or not comprising part of 34765  
one building, structure, or facility. It does not include any 34766  
facility used ~~for sectarian instruction or study or~~ exclusively as 34767  
a place for devotional activities ~~or religious worship.~~ 34768

(C) "Bond proceedings" means the resolution or resolutions, 34769  
the trust agreement, the indenture of mortgage, or combination 34770  
thereof authorizing or providing for the terms and conditions 34771  
applicable to bonds issued under authority of Chapter 3377. of the 34772  
Revised Code. 34773

(D) "Pledged facilities" means the project or other property 34774  
that is mortgaged or the rentals, revenues, and other income, 34775  
charges, and moneys from which are pledged, or both, for the 34776  
payment of or the security for the payment of the principal of and 34777  
interest on the bonds issued under the authority of section 34778  
3377.05 or 3377.06 of the Revised Code. 34779

(E) "Project" means real or personal property, or both, 34780  
acquired by gift or purchase, constructed, reconstructed, 34781  
enlarged, remodeled, renovated, improved, furnished, or equipped, 34782  
or any combination thereof, by or financed by the Ohio higher 34783  
educational facility commission, or by funds that are refinanced 34784  
or reimbursed by the commission for use by an educational 34785  
institution as an educational facility located within the state. 34786

(F) "Project costs" means the costs of acquiring, 34787  
constructing, equipping, furnishing, reconstructing, remodeling, 34788  
renovating, enlarging, and improving educational facilities 34789  
comprising one or more project, including costs connected with or 34790  
incidental thereto, provision of capitalized interest prior to and 34791  
during construction and for a period after the completion of the 34792  
construction, appropriate reserves, architectural, engineering, 34793  
financial, and legal services, and all other costs of financing, 34794  
and the repayment or restoration of moneys borrowed or advanced 34795

for such purposes or temporarily used therefor from other sources, 34796  
and means the costs of refinancing obligations issued or loans 34797  
incurred by, or reimbursement of money advanced, invested or 34798  
expended by, educational institutions or others the proceeds of 34799  
which obligations or loans or the amounts advanced, invested or 34800  
expended were used at any time for the payment of project costs, 34801  
if the Ohio higher educational facility commission determines that 34802  
the refinancing or reimbursement advances the purposes of this 34803  
chapter, whether or not the refinancing or reimbursement is in 34804  
conjunction with the acquisition or construction of additional 34805  
educational facilities. 34806

**Sec. 3377.06.** In anticipation of the issuance of bonds 34807  
authorized by section 3377.05 of the Revised Code, the Ohio higher 34808  
educational facility commission may issue bond anticipation notes 34809  
of the state and may renew the same from time to time by the 34810  
issuance of new notes, but the maximum maturity of such notes, 34811  
including renewals thereof, shall not exceed five years from the 34812  
date of the issuance of the original notes. Such notes are payable 34813  
solely from the revenues and receipts that may be pledged to the 34814  
payment of such bonds or from the proceeds of such bonds, or both, 34815  
as the commission provides in its resolution authorizing such 34816  
notes, and may be additionally secured by covenants of the 34817  
commission to the effect that the commission will do such or all 34818  
things necessary for the issuance of such bonds, or of renewal 34819  
notes under this section in appropriate amount, and either 34820  
exchange such bonds or renewal notes therefor or apply the 34821  
proceeds thereof to the extent necessary to make full payment on 34822  
such notes at the time or times contemplated, as provided in such 34823  
resolution. Subject to the provisions of this section, all 34824  
provisions for and references to bonds in Chapter 3377. of the 34825  
Revised Code are applicable to notes authorized under this section 34826  
and any references therein to bondholders shall include holders or 34827

owners of such notes. 34828

Prior to the sale of bonds or notes authorized under section 34829  
3377.05 or 3377.06 of the Revised Code, the commission shall 34830  
determine that the project to be financed thereby will contribute 34831  
to the objectives stated in section 3377.02 of the Revised Code 34832  
and that the educational institution to which such project is to 34833  
be leased, sold, exchanged, or otherwise disposed of, admits 34834  
students without discrimination by reason of race, creed, color, 34835  
or national origin. Nothing in this section prohibits an 34836  
educational institution from requesting that its applicants for 34837  
admission demonstrate beliefs or principles consistent with the 34838  
mission of the institution. 34839

Sec. 3379.11. There is hereby created in the state treasury 34840  
the gifts and donations fund. The fund shall consist of gifts and 34841  
donations made to the Ohio arts council and fees paid for 34842  
conferences the council sponsors. The fund shall be used to pay 34843  
for the council's operating expenses, including, but not limited 34844  
to, payroll, personal services, maintenance, equipment, and 34845  
subsidy payments. All moneys deposited into the fund shall be 34846  
received and expended pursuant to the council's duty to foster and 34847  
encourage the development of the arts in this state and the 34848  
preservation of the state's cultural heritage. 34849

**Sec. 3383.01.** As used in this chapter: 34850

(A) "Arts" means any of the following: 34851

(1) Visual, musical, dramatic, graphic, design, and other 34852  
arts, including, but not limited to, architecture, dance, 34853  
literature, motion pictures, music, painting, photography, 34854  
sculpture, and theater, and the provision of training or education 34855  
in these arts; 34856

(2) The presentation or making available, in museums or other 34857

indoor or outdoor facilities, of principles of science and their 34858  
development, use, or application in business, industry, or 34859  
commerce or of the history, heritage, development, presentation, 34860  
and uses of the arts described in division (A)(1) of this section 34861  
and of transportation; 34862

(3) The preservation, presentation, or making available of 34863  
features of archaeological, architectural, environmental, or 34864  
historical interest or significance in a state historical facility 34865  
or a local historical facility. 34866

(B) "Arts organization" means either of the following: 34867

(1) A governmental agency or Ohio nonprofit corporation that 34868  
provides programs or activities in areas directly concerned with 34869  
the arts; 34870

(2) A regional arts and cultural district as defined in 34871  
section 3381.01 of the Revised Code. 34872

(C) "Arts project" means all or any portion of an Ohio arts 34873  
facility for which the general assembly has specifically 34874  
authorized the spending of money, or made an appropriation, 34875  
pursuant to division (D)(3) or (E) of section 3383.07 of the 34876  
Revised Code. 34877

(D) "Cooperative contract" means a contract between the Ohio 34878  
arts and sports facilities commission and an arts organization 34879  
providing the terms and conditions of the cooperative use of an 34880  
Ohio arts facility. 34881

(E) "Costs of operation" means amounts required to manage an 34882  
Ohio arts facility that are incurred following the completion of 34883  
construction of its arts project, provided that both of the 34884  
following apply: 34885

(1) Those amounts either: 34886

(a) Have been committed to a fund dedicated to that purpose; 34887

(b) Equal the principal of any endowment fund, the income 34888  
from which is dedicated to that purpose. 34889

(2) The commission and the arts organization have executed an 34890  
agreement with respect to either of those funds. 34891

(F) "General building services" means general building 34892  
services for an Ohio arts facility or an Ohio sports facility, 34893  
including, but not limited to, general custodial care, security, 34894  
maintenance, repair, painting, decoration, cleaning, utilities, 34895  
fire safety, grounds and site maintenance and upkeep, and 34896  
plumbing. 34897

(G) "Governmental agency" means a state agency, a 34898  
state-supported or state-assisted institution of higher education, 34899  
a municipal corporation, county, township, or school district, a 34900  
port authority created under Chapter 4582. of the Revised Code, 34901  
any other political subdivision or special district in this state 34902  
established by or pursuant to law, or any combination of these 34903  
entities; except where otherwise indicated, the United States or 34904  
any department, division, or agency of the United States, or any 34905  
agency, commission, or authority established pursuant to an 34906  
interstate compact or agreement. 34907

(H) "Local contributions" means the value of an asset 34908  
provided by or on behalf of an arts organization from sources 34909  
other than the state, the value and nature of which shall be 34910  
approved by the Ohio arts and sports facilities commission, in its 34911  
sole discretion. "Local contributions" may include the value of 34912  
the site where an arts project is to be constructed. All "local 34913  
contributions," except a contribution attributable to such a site, 34914  
shall be for the costs of construction of an arts project or the 34915  
costs of operation of an arts facility. 34916

(I) "Local historical facility" means a site or facility, 34917  
other than a state historical facility, of archaeological, 34918

architectural, environmental, or historical interest or 34919  
significance, or a facility, including a storage facility, 34920  
appurtenant to the operations of such a site or facility, that is 34921  
owned by an arts organization, provided the facility meets the 34922  
requirements of division (K)(2)(b) of this section, is managed by 34923  
or pursuant to a contract with the Ohio arts and sports facilities 34924  
commission, and is used for or in connection with the activities 34925  
of the commission, including the presentation or making available 34926  
of arts to the public. 34927

(J) "Manage," "operate," or "management" means the provision 34928  
of, or the exercise of control over the provision of, activities: 34929

(1) Relating to the arts for an Ohio arts facility, including 34930  
as applicable, but not limited to, providing for displays, 34931  
exhibitions, specimens, and models; booking of artists, 34932  
performances, or presentations; scheduling; and hiring or 34933  
contracting for directors, curators, technical and scientific 34934  
staff, ushers, stage managers, and others directly related to the 34935  
arts activities in the facility; but not including general 34936  
building services; 34937

(2) Relating to sports and athletic events for an Ohio sports 34938  
facility, including as applicable, but not limited to, providing 34939  
for booking of athletes, teams, and events; scheduling; and hiring 34940  
or contracting for staff, ushers, managers, and others directly 34941  
related to the sports and athletic events in the facility; but not 34942  
including general building services. 34943

(K) "Ohio arts facility" means any of the following: 34944

(1) The three theaters located in the state office tower at 34945  
77 South High street in Columbus; 34946

(2) Any capital facility in this state to which both of the 34947  
following apply: 34948

(a) The construction of an arts project related to the 34949

facility was authorized or funded by the general assembly pursuant 34950  
to division (D)(3) of section 3383.07 of the Revised Code and 34951  
proceeds of state bonds are used for costs of the arts project. 34952

(b) The facility is managed directly by, or is subject to a 34953  
cooperative or management contract with, the Ohio arts and sports 34954  
facilities commission, and is used for or in connection with the 34955  
activities of the commission, including the presentation or making 34956  
available of arts to the public and the provision of training or 34957  
education in the arts. ~~A cooperative or management contract shall 34958  
be for a term not less than the time remaining to the date of 34959  
payment or provision for payment of any state bonds issued to pay 34960  
the costs of the arts project, as determined by the director of 34961  
budget and management and certified by the director to the Ohio 34962  
arts and sports facilities commission and to the Ohio building 34963  
authority. 34964~~

(3) A state historical facility or a local historical 34965  
facility. 34966

(L) "State agency" means the state or any of its branches, 34967  
officers, boards, commissions, authorities, departments, 34968  
divisions, or other units or agencies. 34969

(M) "Construction" includes acquisition, including 34970  
acquisition by lease-purchase, demolition, reconstruction, 34971  
alteration, renovation, remodeling, enlargement, improvement, site 34972  
improvements, and related equipping and furnishing. 34973

(N) "State historical facility" means a site or facility of 34974  
archaeological, architectural, environmental, or historical 34975  
interest or significance, or a facility, including a storage 34976  
facility, appurtenant to the operations of such a site or 34977  
facility, that is owned by or is located on real property owned by 34978  
the state or by an arts organization, so long as the real property 34979  
of the arts organization is contiguous to state-owned real 34980

property that is in the care, custody, and control of an arts 34981  
organization, and that is managed directly by or is subject to a 34982  
cooperative or management contract with the Ohio arts and sports 34983  
facilities commission and is used for or in connection with the 34984  
activities of the commission, including the presentation or making 34985  
available of arts to the public. 34986

(O) "Ohio sports facility" means all or a portion of a 34987  
stadium, arena, or other capital facility in this state, a primary 34988  
purpose of which is to provide a site or venue for the 34989  
presentation to the public of events of one or more major or minor 34990  
league professional athletic or sports teams that are associated 34991  
with the state or with a city or region of the state, which 34992  
facility is owned by or is located on real property owned by the 34993  
state or a governmental agency, and including all parking 34994  
facilities, walkways, and other auxiliary facilities, equipment, 34995  
furnishings, and real and personal property and interests and 34996  
rights therein, that may be appropriate for or used for or in 34997  
connection with the facility or its operation, for capital costs 34998  
of which state funds are spent pursuant to this chapter. A 34999  
facility constructed as an Ohio sports facility may be both an 35000  
Ohio arts facility and an Ohio sports facility. 35001

**Sec. 3383.07.** (A) The department of administrative services 35002  
shall provide for the construction of an arts project in 35003  
conformity with Chapter 153. of the Revised Code, except as 35004  
follows: 35005

(1) For an arts project that has an estimated construction 35006  
cost, excluding the cost of acquisition, of twenty-five million 35007  
dollars or more, and that is financed by the Ohio building 35008  
authority, construction services may be provided by the authority 35009  
if the authority determines it should provide those services. 35010

(2) For an arts project other than a state historical 35011

facility, construction services may be provided on behalf of the 35012  
state by the Ohio arts and sports facilities commission, or by a 35013  
governmental agency or an arts organization that occupies, will 35014  
occupy, or is responsible for the Ohio arts facility, as 35015  
determined by the commission. Construction services to be provided 35016  
by a governmental agency or an arts organization shall be 35017  
specified in an agreement between the commission and the 35018  
governmental agency or arts organization. The agreement, or any 35019  
actions taken under it, are not subject to Chapter 123. or 153. of 35020  
the Revised Code, except for sections 123.151 and 153.011 of the 35021  
Revised Code, and shall be subject to Chapter 4115. of the Revised 35022  
Code. 35023

(3) For an arts project that is a state historical facility, 35024  
construction services may be provided by the Ohio arts and sports 35025  
facilities commission or by an arts organization that occupies, 35026  
will occupy, or is responsible for the facility, as determined by 35027  
the commission. The construction services to be provided by the 35028  
arts organization shall be specified in an agreement between the 35029  
commission and the arts organization. That agreement, and any 35030  
actions taken under it, are not subject to Chapter 123., 153., or 35031  
4115. of the Revised Code. 35032

(B) For an Ohio sports facility that is financed in part by 35033  
the Ohio building authority, construction services shall be 35034  
provided on behalf of the state by or at the direction of the 35035  
governmental agency or nonprofit corporation that will own or be 35036  
responsible for the management of the facility, all as determined 35037  
by the Ohio arts and sports facilities commission. Any 35038  
construction services to be provided by a governmental agency or 35039  
nonprofit corporation shall be specified in an agreement between 35040  
the commission and the governmental agency or nonprofit 35041  
corporation. That agreement, and any actions taken under it, are 35042  
not subject to Chapter 123. or 153. of the Revised Code, except 35043

for sections 123.151 and 153.011 of the Revised Code, and shall be 35044  
subject to Chapter 4115. of the Revised Code. 35045

(C) General building services for an Ohio arts facility shall 35046  
be provided by the Ohio arts and sports facilities commission or 35047  
by an arts organization that occupies, will occupy, or is 35048  
responsible for the facility, as determined by the commission, 35049  
except that the Ohio building authority may elect to provide those 35050  
services for Ohio arts facilities financed with proceeds of state 35051  
bonds issued by the authority. The costs of management and general 35052  
building services shall be paid by the arts organization that 35053  
occupies, will occupy, or is responsible for the facility as 35054  
provided in an agreement between the commission and the arts 35055  
organization, except that the state may pay for general building 35056  
services for state-owned arts facilities constructed on 35057  
state-owned land. 35058

General building services for an Ohio sports facility shall 35059  
be provided by or at the direction of the governmental agency or 35060  
nonprofit corporation that will be responsible for the management 35061  
of the facility, all as determined by the commission. Any general 35062  
building services to be provided by a governmental agency or 35063  
nonprofit corporation for an Ohio sports facility shall be 35064  
specified in an agreement between the commission and the 35065  
governmental agency or nonprofit corporation. That agreement, and 35066  
any actions taken under it, are not subject to Chapter 123. or 35067  
153. of the Revised Code, except for sections 123.151 and 153.011 35068  
of the Revised Code, and shall be subject to Chapter 4115. of the 35069  
Revised Code. 35070

(D) This division does not apply to a state historical 35071  
facility. No state funds, including any state bond proceeds, shall 35072  
be spent on the construction of any arts project under this 35073  
chapter unless, with respect to the arts project and to the Ohio 35074  
arts facility related to the project, all of the following apply: 35075

(1) The Ohio arts and sports facilities commission has 35076  
determined that there is a need for the arts project and the Ohio 35077  
arts facility related to the project in the region of the state in 35078  
which the Ohio arts facility is located or for which the facility 35079  
is proposed. 35080

(2) The commission has determined that, as an indication of 35081  
substantial regional support for the arts project, the arts 35082  
organization has made provision satisfactory to the commission, in 35083  
its sole discretion, for local contributions amounting to not less 35084  
than fifty per cent of the total state funding for the arts 35085  
project. 35086

(3) The general assembly has specifically authorized the 35087  
spending of money on, or made an appropriation for, the 35088  
construction of the arts project, or for rental payments relating 35089  
to the financing of the construction of the arts project. 35090  
Authorization to spend money, or an appropriation, for planning 35091  
the arts project does not constitute authorization to spend money 35092  
on, or an appropriation for, construction of the arts project. 35093

(E) No state funds, including any state bond proceeds, shall 35094  
be spent on the construction of any state historical facility 35095  
under this chapter unless the general assembly has specifically 35096  
authorized the spending of money on, or made an appropriation for, 35097  
the construction of the arts project related to the facility, or 35098  
for rental payments relating to the financing of the construction 35099  
of the arts project. Authorization to spend money, or an 35100  
appropriation, for planning the arts project does not constitute 35101  
authorization to spend money on, or an appropriation for, the 35102  
construction of the arts project. 35103

(F) State funds shall not be used to pay or reimburse more 35104  
than fifteen per cent of the initial estimated construction cost 35105  
of an Ohio sports facility, excluding any site acquisition cost, 35106  
and no state funds, including any state bond proceeds, shall be 35107

spent on any Ohio sports facility under this chapter unless, with 35108  
respect to that facility, all of the following apply: 35109

(1) The Ohio arts and sports facilities commission has 35110  
determined that there is a need for the facility in the region of 35111  
the state for which the facility is proposed to provide the 35112  
function of an Ohio sports facility as provided for in this 35113  
chapter. 35114

(2) As an indication of substantial local support for the 35115  
facility, the commission has received a financial and development 35116  
plan satisfactory to it, and provision has been made, by agreement 35117  
or otherwise, satisfactory to the commission, for a contribution 35118  
amounting to not less than eighty-five per cent of the total 35119  
estimated construction cost of the facility, excluding any site 35120  
acquisition cost, from sources other than the state. 35121

(3) The general assembly has specifically authorized the 35122  
spending of money on, or made an appropriation for, the 35123  
construction of the facility, or for rental payments relating to 35124  
state financing of all or a portion of the costs of constructing 35125  
the facility. Authorization to spend money, or an appropriation, 35126  
for planning or determining the feasibility of or need for the 35127  
facility does not constitute authorization to spend money on, or 35128  
an appropriation for, costs of constructing the facility. 35129

(4) If state bond proceeds are being used for the Ohio sports 35130  
facility, the state or a governmental agency owns or has 35131  
sufficient property interests in the facility or in the site of 35132  
the facility or in the portion or portions of the facility 35133  
financed from proceeds of state bonds, which may include, but is 35134  
not limited to, the right to use or to require the use of the 35135  
facility for the presentation of sport and athletic events to the 35136  
public at the facility, ~~extending for a period of not less than~~ 35137  
~~the greater of the useful life of the portion of the facility~~ 35138  
~~financed from proceeds of those bonds as determined using the~~ 35139

~~guidelines for maximum maturities as provided under divisions (B), 35140  
(C), and (D) of section 133.20 of the Revised Code, or the period 35141  
of time remaining to the date of payment or provision for payment 35142  
of outstanding state bonds allocable to costs of the facility, all 35143  
as determined by the director of budget and management and 35144  
certified by the director to the Ohio arts and sports facilities 35145  
commission and to the Ohio building authority. 35146~~

Sec. 3501.011. (A) Except as otherwise provided in divisions 35147  
(B) and (C) of this section, and except as otherwise provided in 35148  
any section of Title XXXV of the Revised Code to the contrary, as 35149  
used in the sections of the Revised Code relating to elections and 35150  
political communications, whenever a person is required to sign or 35151  
affix a signature to a declaration of candidacy, nominating 35152  
petition, declaration of intent to be a write-in candidate, 35153  
initiative petition, referendum petition, recall petition, or any 35154  
other kind of petition, or to sign or affix a signature on any 35155  
other document that is filed with or transmitted to a board of 35156  
elections or the office of the secretary of state, "sign" or 35157  
"signature" means that person's written, cursive-style legal mark 35158  
written in that person's own hand. 35159

(B) For persons who do not use a cursive-style legal mark 35160  
during the course of their regular business and legal affairs, 35161  
"sign" or "signature" means that person's other legal mark that 35162  
the person uses during the course of that person's regular 35163  
business and legal affairs that is written in the person's own 35164  
hand. 35165

(C) Any voter registration record requiring a person's 35166  
signature shall be signed using the person's legal mark used in 35167  
the person's regular business and legal affairs. For any purpose 35168  
described in division (A) of this section, the legal mark of a 35169  
registered elector shall be considered to be the mark of that 35170

elector as it appears on the elector's voter registration record. 35171

**Sec. 3501.18.** (A) The board of elections may divide a 35172  
political subdivision~~7~~ within its jurisdiction~~7~~ into precincts 35173  
~~and~~and establish, define, divide, rearrange, and combine the several 35174  
election precincts within its jurisdiction~~7~~ and change the 35175  
location of the polling place for each precinct when it is 35176  
necessary to maintain the requirements as to the number of voters 35177  
in a precinct and to provide for the convenience of the voters and 35178  
the proper conduct of elections, ~~provided that no.~~ No change in 35179  
the number of precincts or in precinct boundaries shall be made 35180  
during the twenty-five days immediately preceding a primary or 35181  
general election ~~nor~~ or between the first day of January and the 35182  
day on which the members of county central committees are elected 35183  
in the years in which those committees are elected. Except as 35184  
otherwise provided in division (C) of this section, each precinct 35185  
shall contain a number of electors, not to exceed one thousand 35186  
four hundred, that the board of elections determines to be a 35187  
reasonable number after taking into consideration the type and 35188  
amount of available equipment, prior voter turnout, the size and 35189  
location of each selected polling place, available parking, 35190  
availability of an adequate number of poll workers, and handicap 35191  
accessibility and other accessibility to the polling place. 35192

If the board changes the boundaries of a precinct after the 35193  
filing of a local option election petition pursuant to sections 35194  
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 35195  
calls for a local option election to be held in that precinct, the 35196  
local option election shall be held in the area that constituted 35197  
the precinct at the time the local option petition was filed, 35198  
regardless of the change in the boundaries. 35199

If the board changes the boundaries of a precinct in order to 35200  
meet the requirements of division (B)(1) of this section in a 35201

manner that causes a member of a county central committee to no longer qualify as a representative of an election precinct in the county, of a ward of a city in the county, or of a township in the county, the member shall continue to represent the precinct, ward, or township for the remainder of the member's term, regardless of the change in boundaries.

In an emergency, the board may provide more than one polling place in a precinct. In order to provide for the convenience of the voters, the board may locate polling places for voting or registration outside the boundaries of precincts, provided that the nearest public school or public building shall be used if the board determines it to be available and suitable for use as a polling place. Except in an emergency, no change in the number or location of the polling places in a precinct shall be made during the twenty-five days immediately preceding a primary or general election.

Electors who have failed to respond within thirty days to any confirmation notice shall not be counted in determining the size of any precinct under this section.

(B)(1) Except as otherwise provided in division (B)(2) ~~or (3)~~ of this section, ~~not later than August 1, 2000, the~~ a board of elections shall determine all precinct boundaries using geographical units used by the United States department of commerce, bureau of the census, in reporting the decennial census of Ohio.

~~(2) When any part of the boundary of a precinct also forms a part of the boundary of a legislative district and the precinct boundary cannot be determined by August 1, 2000, using the geographical units described in division (B)(1) of this section without making that part of the precinct boundary that also forms part of the legislative district boundary different from that legislative district boundary, the board of elections may~~

~~determine the boundary of that precinct using the geographical units described in division (B)(1) of this section not later than April 1, 2002. As used in this division, legislative district means a district determined under Article XI of the Ohio Constitution.~~

(3) The board of elections may apply to the secretary of state for a waiver from the requirement of division (B)(1) of this section when it is not feasible to comply with that requirement because of unusual physical boundaries or residential development practices that would cause unusual hardship for voters. The board shall identify the affected precincts and census units, explain the reason for the waiver request, and include a map illustrating where the census units will be split because of the requested waiver. If the secretary of state approves the waiver and so notifies the board of elections in writing, the board may change a precinct boundary as necessary under this section, notwithstanding the requirement in division (B)(1) of this section.

(C) The board of elections may apply to the secretary of state for a waiver from the requirement of division (A) of this section regarding the number of electors in a precinct when the use of geographical units used by the United States department of commerce, bureau of the census, will cause a precinct to contain more than one thousand four hundred electors. The board shall identify the affected precincts and census units, explain the reason for the waiver request, and include a map illustrating where census units will be split because of the requested waiver. If the secretary of state approves the waiver and so notifies the board of elections in writing, the board may change a precinct boundary as necessary to meet the requirements of division (B)(1) of this section.

**Sec. 3501.30.** (A) The board of elections shall provide for

each polling place the necessary ballot boxes, official ballots, 35265  
cards of instructions, registration forms, pollbooks, or poll 35266  
lists, tally sheets, forms on which to make summary statements, 35267  
writing implements, paper, and all other supplies necessary for 35268  
casting and counting the ballots and recording the results of the 35269  
voting at ~~such the~~ polling place. ~~Such The~~ pollbooks or poll lists 35270  
shall have certificates appropriately printed ~~thereon~~ on them for 35271  
the signatures of all the precinct officials, by which they shall 35272  
certify that, to the best of their knowledge and belief, ~~said the~~ 35273  
pollbooks or poll lists correctly show the names of all electors 35274  
who voted in ~~such the~~ polling place at the election indicated 35275  
~~therein~~ in the pollbook or poll list. 35276

A All of the following shall be included among the supplies 35277  
provided to each polling place: 35278

(1) A large map of each appropriate precinct ~~shall be~~ 35279  
~~included among the supplies to each polling place,~~ which shall be 35280  
displayed prominently to assist persons who desire to register or 35281  
vote on election day. Each map shall show all streets within the 35282  
precinct and contain identifying symbols of the precinct in bold 35283  
print. 35284

~~Such supplies shall also include a~~ (2) Any materials, 35285  
postings, or instructions required to comply with state or federal 35286  
laws; 35287

(3) A flag of the United States approximately two and 35288  
one-half feet in length along the top, which shall be displayed 35289  
outside the entrance to the polling place during the time it is 35290  
open for voting. ~~Two;~~ 35291

(4) Two or more small flags of the United States 35292  
approximately fifteen inches in length along the top ~~shall be~~ 35293  
~~provided and,~~ which shall be placed at a distance of one hundred 35294  
feet from the polling place on the thoroughfares or walkways 35295

leading to the polling place, to mark the distance within which 35296  
persons other than election officials, witnesses, challengers, 35297  
police officers, and electors waiting to mark, marking, or casting 35298  
their ballots shall not loiter, congregate, or engage in any kind 35299  
of election campaigning. Where small flags cannot reasonably be 35300  
placed one hundred feet from the polling place, the presiding 35301  
election judge shall place the flags as near to one hundred feet 35302  
from the entrance to the polling place as is physically possible. 35303  
Police officers and all election officials shall see that this 35304  
prohibition against loitering and congregating is enforced. ~~When~~ 35305

When the period of time during which the polling place is 35306  
open for voting expires, all of ~~said~~ the flags described in this 35307  
division shall be taken into the polling place, and shall be 35308  
returned to the board together with all other election ~~materials~~ 35309  
~~and~~ supplies required to be delivered to ~~such~~ the board. 35310

(B) The board of elections shall follow the instructions and 35311  
advisories of the secretary of state in the production and use of 35312  
polling place supplies. 35313

**Sec. 3503.10.** (A) Each designated agency shall designate one 35314  
person within that agency to serve as coordinator for the voter 35315  
registration program within the agency and its departments, 35316  
divisions, and programs. The designated person shall be trained 35317  
under a program designed by the secretary of state and shall be 35318  
responsible for administering all aspects of the voter 35319  
registration program for that agency as prescribed by the 35320  
secretary of state. The designated person shall receive no 35321  
additional compensation for performing such duties. 35322

(B) Every designated agency, public high school and 35323  
vocational school, public library, and office of a county 35324  
treasurer shall provide in each of its offices or locations voter 35325  
registration applications and assistance in the registration of 35326

persons qualified to register to vote, in accordance with this 35327  
chapter. 35328

(C) Every designated agency shall distribute to its 35329  
applicants, prior to or in conjunction with distributing a voter 35330  
registration application, a form prescribed by the secretary of 35331  
state that includes all of the following: 35332

(1) The question, "Do you want to register to vote or update 35333  
your current voter registration?"--followed by boxes for the 35334  
applicant to indicate whether the applicant would like to register 35335  
or decline to register to vote, and the statement, highlighted in 35336  
bold print, "If you do not check either box, you will be 35337  
considered to have decided not to register to vote at this time.;" 35338

(2) If the agency provides public assistance, the statement, 35339  
"Applying to register or declining to register to vote will not 35340  
affect the amount of assistance that you will be provided by this 35341  
agency.;" 35342

(3) The statement, "If you would like help in filling out the 35343  
voter registration application form, we will help you. The 35344  
decision whether to seek or accept help is yours. You may fill out 35345  
the application form in private.;" 35346

(4) The statement, "If you believe that someone has 35347  
interfered with your right to register or to decline to register 35348  
to vote, your right to privacy in deciding whether to register or 35349  
in applying to register to vote, or your right to choose your own 35350  
political party or other political preference, you may file a 35351  
complaint with the prosecuting attorney of your county or with the 35352  
secretary of state," with the address and telephone number for 35353  
each such official's office. 35354

(D) Each designated agency shall distribute a voter 35355  
registration form prescribed by the secretary of state to each 35356  
applicant with each application for service or assistance, and 35357

with each written application or form for recertification, 35358  
renewal, or change of address. 35359

(E) Each designated agency shall do all of the following: 35360

(1) Have employees trained to administer the voter 35361  
registration program in order to provide to each applicant who 35362  
wishes to register to vote and who accepts assistance, the same 35363  
degree of assistance with regard to completion of the voter 35364  
registration application as is provided by the agency with regard 35365  
to the completion of its own form; 35366

(2) Accept completed voter registration applications, voter 35367  
registration change of residence forms, and voter registration 35368  
change of name forms, regardless of whether the application or 35369  
form was distributed by the designated agency, for transmittal to 35370  
the office of the board of elections in the county in which the 35371  
agency is located. Each designated agency and the appropriate 35372  
board of elections shall establish a method by which the voter 35373  
registration applications and other voter registration forms are 35374  
transmitted to that board of elections within five days after 35375  
being accepted by the agency. 35376

(3) If the designated agency is one that is primarily engaged 35377  
in providing services to persons with disabilities under a 35378  
state-funded program, and that agency provides services to a 35379  
person with disabilities at a person's home, provide the services 35380  
described in divisions (E)(1) and (2) of this section at the 35381  
person's home; 35382

(4) Keep as confidential, except as required by the secretary 35383  
of state for record-keeping purposes, the identity of an agency 35384  
through which a person registered to vote or updated the person's 35385  
voter registration records, and information relating to a 35386  
declination to register to vote made in connection with a voter 35387  
registration application issued by a designated agency. 35388

(F) The secretary of state shall prepare and transmit written instructions on the implementation of the voter registration program within each designated agency, public high school and vocational school, public library, and office of a county treasurer. The instructions shall include directions as follows:

(1) That each person designated to assist with voter registration maintain strict neutrality with respect to a person's political philosophies, a person's right to register or decline to register, and any other matter that may influence a person's decision to register or not register to vote;

(2) That each person designated to assist with voter registration not seek to influence a person's decision to register or not register to vote, not display or demonstrate any political preference or party allegiance, and not make any statement to a person or take any action the purpose or effect of which is to lead a person to believe that a decision to register or not register has any bearing on the availability of services or benefits offered, on the grade in a particular class in school, or on credit for a particular class in school;

(3) Regarding when and how to assist a person in completing the voter registration application, what to do with the completed voter registration application or voter registration update form, and when the application must be transmitted to the appropriate board of elections;

(4) Regarding what records must be kept by the agency and where and when those records should be transmitted to satisfy reporting requirements imposed on the secretary of state under the National Voter Registration Act of 1993;

(5) Regarding whom to contact to obtain answers to questions about voter registration forms and procedures.

(G) If the voter registration activity is part of an in-class

voter registration program in a public high school or vocational school, whether prescribed by the secretary of state or independent of the secretary of state, the board of education shall do all of the following:

(1) Establish a schedule of school days and hours during these days when the person designated to assist with voter registration shall provide voter registration assistance;

(2) Designate a person to assist with voter registration from the public high school's or vocational school's staff;

(3) Make voter registration applications and materials available, as outlined in the voter registration program established by the secretary of state pursuant to section 3501.05 of the Revised Code;

(4) Distribute the statement, "applying to register or declining to register to vote will not affect or be a condition of your receiving a particular grade in or credit for a school course or class, participating in a curricular or extracurricular activity, receiving a benefit or privilege, or participating in a program or activity otherwise available to pupils enrolled in this school district's schools.";

(5) Establish a method by which the voter registration application and other voter registration forms are transmitted to the board of elections within five days after being accepted by the public high school or vocational school.

(H) Any person employed by the designated agency, public high school or vocational school, public library, or office of a county treasurer may be designated to assist with voter registration pursuant to this section. The designated agency, public high school or vocational school, public library, or office of a county treasurer shall provide the designated person, and make available such space as may be necessary, without charge to the county or

state. 35451

(I) The secretary of state shall prepare and cause to be 35452  
displayed in a prominent location in each designated agency a 35453  
notice that identifies the person designated to assist with voter 35454  
registration, the nature of that person's duties, and where and 35455  
when that person is available for assisting in the registration of 35456  
voters. 35457

A designated agency may furnish additional supplies and 35458  
services to disseminate information to increase public awareness 35459  
of the existence of a person designated to assist with voter 35460  
registration in every designated agency. 35461

(J) This section does not limit any authority a board of 35462  
education, superintendent, or principal has to allow, sponsor, or 35463  
promote voluntary election registration programs within a high 35464  
school or vocational school, including programs in which pupils 35465  
serve as persons designated to assist with voter registration, 35466  
provided that no pupil is required to participate. 35467

(K) Each public library and office of the county treasurer 35468  
shall establish a method by which voter registration forms are 35469  
transmitted to the board of elections within five days after being 35470  
accepted by the public library or office of the county treasurer. 35471

(L) The department of job and family services and its 35472  
departments, divisions, and programs shall limit administration of 35473  
the aspects of the voter registration program for the department 35474  
to the requirements prescribed by the secretary of state and the 35475  
requirements of this section and the National Voter Registration 35476  
Act of 1993. 35477

**Sec. 3505.01.** On the sixtieth day before the day of the next 35478  
general election, the secretary of state shall certify to the 35479  
board of elections of each county the forms of the official 35480

ballots to be used at ~~such that~~ general election, together with 35481  
the names of the candidates to be printed ~~thereon~~ on those ballots 35482  
whose candidacy is to be submitted to the electors of the entire 35483  
state. In the case of the presidential ballot for a general 35484  
election ~~such, that~~ certification shall be made on the ~~sixtieth~~ 35485  
fifty-fifth day before the day of the general election. On the 35486  
seventy-fifth day before a special election to be held on the day 35487  
specified by division (E) of section 3501.01 of the Revised Code 35488  
for the holding of a primary election, designated by the general 35489  
assembly for the purpose of submitting to the voters of the state 35490  
constitutional amendments proposed by the general assembly, the 35491  
secretary of state shall certify to the board of elections of each 35492  
county the forms of the official ballots to be used at ~~such that~~ 35493  
election. 35494

The board of the most populous county in each district 35495  
comprised of more than one county but less than all of the 35496  
counties of the state, in which there are candidates whose 35497  
candidacies are to be submitted to the electors of ~~such that~~ 35498  
district, shall, on the sixtieth day before the day of the next 35499  
general election, certify to the board of each county in ~~such the~~ 35500  
district the names of ~~such those~~ candidates to be printed on such 35501  
ballots. 35502

The board of a county in which the major portion of a 35503  
subdivision, located in more than one county, is located shall, on 35504  
the sixtieth day before the day of the next general election, 35505  
certify to the board of each county in which other portions of 35506  
~~such subdivisions~~ that subdivision are located the names of 35507  
candidates whose candidacies are to be submitted to the electors 35508  
of ~~such that~~ subdivision, to be printed on such ballots. 35509

If, subsequently to the sixtieth day before, or in the case 35510  
of a presidential ballot for a general election the fifty-fifth 35511  
day before, and prior to the tenth day before the day of ~~such a~~ 35512

general election, a certificate is filed with the secretary of 35513  
state to fill a vacancy caused by the death of a candidate, the 35514  
secretary of state shall forthwith make a supplemental 35515  
certification to the board of each county amending and correcting 35516  
~~his~~ the secretary of state's original certification provided for 35517  
in the first paragraph of this section. If, within ~~such~~ that time, 35518  
such a certificate is filed with the board of the most populous 35519  
county in a district comprised of more than one county but less 35520  
than all of the counties of the state, or with the board of a 35521  
county in which the major portion of the population of a 35522  
subdivision, located in more than one county, is located, ~~such~~ the 35523  
board with which ~~such~~ a the certificate is filed shall forthwith 35524  
make a supplemental certification to the board of each county in 35525  
~~such~~ the district or to the board of each county in which other 35526  
portions of ~~such~~ the subdivision are located, amending and 35527  
correcting its original certification provided for in the second 35528  
and third paragraphs of this section. If, at the time such 35529  
supplemental certification is received by a board, ballots 35530  
carrying the name of the deceased candidate have been printed, 35531  
~~such~~ the board shall cause strips of paper bearing the name of the 35532  
candidate certified to fill ~~such~~ the vacancy to be printed and 35533  
pasted on ~~such~~ those ballots so as to cover the name of the 35534  
deceased candidate, except that in voting places using marking 35535  
devices, the board shall cause strips of paper bearing the revised 35536  
list of candidates for the office, after certification of a 35537  
candidate to fill ~~such~~ the vacancy, to be printed and pasted on 35538  
~~such~~ the ballot ~~card~~ cards so as to cover the names of candidates 35539  
shown prior to the new certification, before such ballots are 35540  
delivered to electors. 35541

**Sec. 3505.061.** (A) The Ohio ballot board, as authorized by 35542  
Section 1 of Article XVI, Ohio Constitution, shall consist of the 35543  
secretary of state and four appointed members. No more than two of 35544

the appointed members shall be of the same political party. One of 35545  
the members shall be appointed by the president of the senate, one 35546  
shall be appointed by the minority leader of the senate, one shall 35547  
be appointed by the speaker of the house of representatives, and 35548  
one shall be appointed by the minority leader of the house of 35549  
representatives. The appointments shall be made no later than the 35550  
last Monday in January in the year in which the appointments are 35551  
to be made. If any appointment is not so made, the secretary of 35552  
state, acting in place of the person otherwise required to make 35553  
the appointment, shall appoint as many qualified members 35554  
affiliated with the appropriate political party as are necessary. 35555

(B)(1) The initial appointees to the board shall serve until 35556  
the first Monday in February, 1977. Thereafter, terms of office 35557  
shall be for four years, each term ending on the first Monday in 35558  
February. The term of the secretary of state on the board shall 35559  
coincide with the secretary of state's term of office. Except as 35560  
otherwise provided in division (B)(2) of this section, division 35561  
(B)(2) of section 3505.063, and division (B)(2) of section 3519.03 35562  
of the Revised Code, each appointed member shall hold office from 35563  
the date of appointment until the end of the term for which the 35564  
member was appointed. Except as otherwise provided in those 35565  
divisions, any member appointed to fill a vacancy occurring prior 35566  
to the expiration of the term for which the member's predecessor 35567  
was appointed shall hold office for the remainder of that term. 35568  
Except as otherwise provided in those divisions, any member shall 35569  
continue in office subsequent to the expiration date of the 35570  
member's term until the member's successor takes office or a 35571  
period of sixty days has elapsed, whichever occurs first. Any 35572  
vacancy occurring on the board shall be filled in the manner 35573  
provided for original appointments. A member appointed to fill a 35574  
vacancy shall be of the same political party as that required of 35575  
the member whom the member replaces. 35576

(2) The term of office of a member of the board who also is a member of the general assembly and who was appointed to the board by the president of the senate, the minority leader of the senate, the speaker of the house of representatives, or the minority leader of the house of representatives shall end on the earlier of the following dates:

(a) The ending date of the ballot board term for which the member was appointed;

(b) The ending date of the member's term as a member of the general assembly.

(C) Members of the board shall serve without compensation but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

(D) The secretary of state shall be the chairperson of the board, and the secretary of state or the secretary of state's representative shall have a vote equal to that of any other member. The vice-chairperson shall act as chairperson in the absence or disability of the chairperson, or during a vacancy in that office. The board shall meet after notice of at least seven days at a time and place determined by the chairperson. At its first meeting, the board shall elect a vice-chairperson from among its members for a term of two years, and it shall adopt rules for its procedures. After the first meeting, the board shall meet at the call of the chairperson or upon the written request of three other members. Three members constitute a quorum. No action shall be taken without the concurrence of three members.

(E) The secretary of state shall provide technical, professional, and clerical employees as necessary for the board to carry out its duties.

**Sec. 3505.08.** (A) Ballots shall be provided by the board of

elections for all general and special elections. ~~Such~~ The ballots 35607  
shall be printed with black ink on No. 2 white book paper fifty 35608  
pounds in weight per ream assuming such ream to consist of five 35609  
hundred sheets of such paper twenty-five by thirty-eight inches in 35610  
size. Each ballot shall have attached at the top two stubs, each 35611  
of the width of the ballot and not less than one-half inch in 35612  
length, except that, if the board of elections has an alternate 35613  
method to account for the ballots that the secretary of state has 35614  
authorized, each ballot may have only one stub that shall be the 35615  
width of the ballot and not less than one-half inch in length. In 35616  
the case of ballots with two stubs, the stubs shall be separated 35617  
from the ballot and from each other by perforated lines. The top 35618  
stub shall be known as Stub B and shall have printed on its face 35619  
"Stub B." The other stub shall be known as Stub A and shall have 35620  
printed on its face "Stub A." Each stub shall also have printed on 35621  
its face "Consecutive Number ....." ~~Each~~ 35622

Each ballot of each kind of ballot provided for use in each 35623  
precinct shall be numbered consecutively beginning with number 1 35624  
by printing such number upon both of the stubs attached ~~thereto~~ to 35625  
the ballot. On ballots bearing the names of candidates, each 35626  
candidate's name shall be printed in twelve point boldface upper 35627  
case type in an enclosed rectangular space, and an enclosed blank 35628  
rectangular space shall be provided at the left ~~thereof~~ of the 35629  
candidate's name. The name of the political party of a candidate 35630  
nominated at a primary election or certified by a party committee 35631  
shall be printed in ten point lightface upper and lower case type 35632  
and shall be separated by a two point blank space. The name of 35633  
each candidate shall be indented one space within ~~such~~ the 35634  
enclosed rectangular space, and the name of the political party 35635  
shall be indented two spaces within ~~such~~ the enclosed rectangular 35636  
space. ~~The~~ 35637

The title of each office on ~~such~~ the ballots shall be printed 35638

in twelve point boldface upper and lower case type in a separate enclosed rectangular space. A four point rule shall separate the name of a candidate or a group of candidates for the same office from the title of the office next appearing below on the ballot, ~~and~~ a two point rule shall separate the title of the office from the names of candidates; and a one point rule shall separate names of candidates. Headings shall be printed in display Roman type. When the names of several candidates are grouped together as candidates for the same office, there shall be printed on ~~such~~ the ballots immediately below the title of ~~such~~ the office and within the separate rectangular space in which ~~such~~ the title is printed "Vote for not more than . . . . .," in six point boldface upper and lower case filling the blank space with that number which will indicate the number of persons who may be lawfully elected to ~~such~~ the office.

Columns on ballots shall be separated from each other by a heavy vertical border or solid line at least one-eighth of an inch wide, and a similar vertical border or line shall enclose the left and right side of ballots, ~~and ballots.~~ Ballots shall be trimmed along the sides close to such lines.

The ballots provided for by this section shall be comprised of four kinds of ballots designated as follows: ~~(A)~~ office type ballot; ~~(B)~~ nonpartisan ballot; ~~(C)~~ questions and issues ballot; ~~(D)~~ and presidential ballot.

On the back of each office type ballot shall be printed "Official Office Type Ballot;" on the back of each nonpartisan ballot shall be printed "Official Nonpartisan Ballot;" on the back of each questions and issues ballot shall be printed "Official Questions and Issues Ballot;" and on the back of each presidential ballot shall be printed "Official Presidential Ballot." On the back of every ballot also shall be printed the date of the election at which the ballot is used and the facsimile signatures

of the members of the board of the county in which the ballot is 35671  
used. For the purpose of identifying the kind of ballot, the back 35672  
of every ballot may be numbered in ~~such~~ the order ~~as~~ the board 35673  
shall determine. ~~Such~~ The numbers shall be printed in not less 35674  
than thirty-six point type above the words "Official Office Type 35675  
Ballot," "Official Nonpartisan Ballot," "Official Questions and 35676  
Issues Ballot," or "Official Presidential Ballot," as the case may 35677  
be. Ballot boxes bearing corresponding numbers shall be furnished 35678  
for each precinct in which the above-described numbered ballots 35679  
are used. 35680

On the back of every ballot used, there shall be a solid 35681  
black line printed opposite the blank rectangular space that is 35682  
used to mark the choice of the voter. This line shall be printed 35683  
wide enough so that the mark in the blank rectangular space will 35684  
not be visible from the back side of the ballot. 35685

Sample ballots may be printed by the board of elections for 35686  
all general elections. ~~Such~~ The ballots shall be printed on 35687  
colored paper, and "Sample Ballot" shall be plainly printed in 35688  
boldface type on the face of each ballot. In counties of less than 35689  
one hundred thousand population, the board may print not more than 35690  
five hundred sample ballots; in all other counties, it may print 35691  
not more than one thousand sample ballots. ~~Such~~ The sample ballots 35692  
shall not be distributed by a political party or a candidate, nor 35693  
shall a political party or candidate cause their title or name to 35694  
be imprinted ~~thereon~~ on sample ballots. 35695

(B) Notwithstanding division (A) of this section, in 35696  
approving the form of an official ballot, the secretary of state 35697  
may authorize the use of fonts, type face settings, and ballot 35698  
formats other than those prescribed in that division. 35699

**Sec. 3505.10.** (A) On the presidential ballot below the stubs 35700  
at the top of the face of the ballot shall be printed "Official 35701

Presidential Ballot" centered between the side edges of the 35702  
ballot. Below "Official Presidential Ballot" shall be printed a 35703  
heavy line centered between the side edges of the ballot. Below 35704  
the line shall be printed "Instruction to Voters" centered between 35705  
the side edges of the ballot, and below ~~such~~ those words shall be 35706  
printed the following instructions: 35707

~~(A)~~(1) To vote for the candidates for president and 35708  
vice-president whose names are printed below, record your vote in 35709  
the manner provided next to the names of such candidates. That 35710  
recording of the vote will be counted as a vote for each of the 35711  
candidates for presidential elector whose names have been 35712  
certified to the secretary of state and who are members of the 35713  
same political party as the nominees for president and 35714  
vice-president. A recording of the vote for independent candidates 35715  
for president and vice-president shall be counted as a vote for 35716  
the presidential electors filed by such candidates with the 35717  
secretary of state. 35718

~~(B)~~(2) To vote for candidates for president and 35719  
vice-president in the blank space below, record your vote in the 35720  
manner provided and write the names of your choice for president 35721  
and vice-president under the respective headings provided for 35722  
those offices. Such write-in will be counted as a vote for the 35723  
candidates' presidential electors whose names have been properly 35724  
certified to the secretary of state. 35725

~~(C)~~(3) If you tear, soil, deface, or erroneously mark this 35726  
ballot, return it to the precinct election officers or, if you 35727  
cannot return it, notify the precinct election officers, and 35728  
obtain another ballot." 35729

(B) Below ~~such~~ those instructions to the voter shall be 35730  
printed a single vertical column of enclosed rectangular spaces 35731  
equal in number to the number of presidential candidates plus one 35732  
additional space for write-in candidates. Each of ~~such~~ those 35733

rectangular spaces shall be enclosed by a heavy line along each of 35734  
its four sides, and such spaces shall be separated from each other 35735  
by one-half inch of open space. 35736

In each of ~~such~~ those enclosed rectangular spaces, except the 35737  
space provided for write-in candidates, shall be printed the names 35738  
of the candidates for president and vice-president certified to 35739  
the secretary of state or nominated as such in one of the 35740  
following manners: 35741

(1) Nominated by the national convention of a political party 35742  
to which delegates and alternates were elected in this state at 35743  
the next preceding primary election ~~and the names of those~~ 35744  
~~independent candidates nominated.~~ A political party certifying 35745  
candidates so nominated shall certify the names of those 35746  
candidates to the secretary of state on or before the sixtieth day 35747  
before the day of the general election. 35748

(2) Nominated by nominating petition in accordance with 35749  
section 3513.257 of the Revised Code. ~~The~~ Such a petition shall be 35750  
filed on or before the seventy-fifth day before the day of the 35751  
general election to provide sufficient time to verify the 35752  
sufficiency and accuracy of signatures on it. 35753

(3) Certified to the secretary of state for placement on the 35754  
presidential ballot by authorized officials of an intermediate or 35755  
minor political party that has held a state or national convention 35756  
for the purpose of choosing those candidates or that may, without 35757  
a convention, certify those candidates in accordance with the 35758  
procedure authorized by its party rules. The officials shall 35759  
certify the names of those candidates to the secretary of state on 35760  
or before the sixtieth day before the day of the general election. 35761  
The certification shall be accompanied by a designation of a 35762  
sufficient number of presidential electors to satisfy the 35763  
requirements of law. 35764

The names of candidates for electors of president and 35765  
vice-president shall not be placed on the ballot, but shall be 35766  
certified to the secretary of state as required by sections 35767  
3513.11 and 3513.257 of the Revised Code. ~~The names of candidates~~ 35768  
~~for president and vice president may be certified to the secretary~~ 35769  
~~of state, for placement on the presidential ballot, by authorized~~ 35770  
~~officials of an intermediate or minor political party which has~~ 35771  
~~held a state or national convention for the purpose of choosing~~ 35772  
~~such candidates, or which may, without convention, certify such~~ 35773  
~~candidates in accordance with the procedure authorized by its~~ 35774  
~~party rules. Certification to the secretary of state of such~~ 35775  
~~candidates shall be made on or before the seventy fifth day before~~ 35776  
~~the day of the general election and shall be accompanied by~~ 35777  
~~designation of a sufficient number of presidential electors to~~ 35778  
~~satisfy the requirements of law.~~ A vote for any of ~~such~~ candidates 35779  
for president and vice-president shall be a vote for the electors 35780  
of ~~such~~ those candidates whose names have been certified to the 35781  
secretary of state. 35782

(C) The arrangement of the printing in each of ~~such~~ the 35783  
enclosed rectangular spaces shall be substantially as follows: 35784  
Near the top and centered within the rectangular space shall be 35785  
printed "For President" in ten-point boldface upper and lower case 35786  
type. Below "For President" shall be printed the name of the 35787  
candidate for president in twelve-point boldface upper case type. 35788  
Below the name of the candidate for president shall be printed the 35789  
name of the political party by which ~~such~~ that candidate for 35790  
president was nominated in eight-point lightface upper and lower 35791  
case type. Below the name of such political party shall be printed 35792  
"For Vice-President" in ten-point boldface upper and lower case 35793  
type. Below "For Vice-President" shall be printed the name of the 35794  
candidate for vice-president in twelve-point boldface upper case 35795  
type. Below the name of the candidate for vice-president shall be 35796  
printed the name of the political party by which ~~such~~ that 35797

candidate for vice-president was nominated in eight-point 35798  
lightface upper and lower case type. No political identification 35799  
or name of any political party shall be printed below the names of 35800  
presidential and vice-presidential candidates nominated by 35801  
petition. 35802

The rectangular spaces on the ballot described in this 35803  
section shall be rotated and printed as provided in section 35804  
3505.03 of the Revised Code. 35805

Sec. 3506.20. (A) Notwithstanding anything in the Revised 35806  
Code to the contrary, the secretary of state shall not do either 35807  
of the following: 35808

(1) Issue instructions by a rule, directive, or advisory to 35809  
any county board of elections requiring the board to be in full 35810  
compliance with the "Help America Vote Act of 2002," 116 Stat. 35811  
1666, 42 U.S.C. 15301, by a date that is earlier than January 1, 35812  
2005; 35813

(2) Otherwise specify a date earlier than January 1, 2005, by 35814  
which a county board of elections shall be in full compliance with 35815  
the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 35816  
15301. 35817

(B) Notwithstanding any provision of section 3501.11 of the 35818  
Revised Code to the contrary, a county board of elections shall 35819  
not submit to the secretary of state, and the secretary of state 35820  
shall not decide, any tie vote or disagreement of the board on 35821  
whether the board will fully comply with the "Help America Vote 35822  
Act of 2002," 116 Stat. 1666, 42 U.S.C. 15301, by a date that is 35823  
earlier than January 1, 2005. 35824

(C) The secretary of state shall apply for a waiver, pursuant 35825  
to the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 35826  
15301, of any applicable deadlines for the act's implementation 35827

earlier than January 1, 2005, except that the application shall 35828  
not preclude any county board of elections that chooses to fully 35829  
comply with the act by a date that is earlier than January 1, 35830  
2005, from doing so. 35831

**Sec. 3517.092.** (A) As used in this section: 35832

(1) "Appointing authority" has the same meaning as in section 35833  
124.01 of the Revised Code. 35834

(2) "State elected officer" means any person appointed or 35835  
elected to a state elective office. 35836

(3) "State elective office" means any of the offices of 35837  
governor, lieutenant governor, secretary of state, auditor of 35838  
state, treasurer of state, attorney general, member of the state 35839  
board of education, member of the general assembly, and justice 35840  
and chief justice of the supreme court. 35841

(4) "County elected officer" means any person appointed or 35842  
elected to a county elective office. 35843

(5) "County elective office" means any of the offices of 35844  
county auditor, county treasurer, clerk of the court of common 35845  
pleas, sheriff, county recorder, county engineer, county 35846  
commissioner, prosecuting attorney, and coroner. 35847

(6) "Contribution" includes a contribution to any political 35848  
party, campaign committee, political action committee, political 35849  
contributing entity, or legislative campaign fund. 35850

(B) No state elected officer, no campaign committee of such 35851  
an officer, and no other person or entity shall knowingly solicit 35852  
or accept a contribution on behalf of that officer or that 35853  
officer's campaign committee from any of the following: 35854

(1) A state employee whose appointing authority is the state 35855  
elected officer; 35856

(2) A state employee whose appointing authority is authorized 35857  
or required by law to be appointed by the state elected officer; 35858

(3) A state employee who functions in or is employed in or by 35859  
the same public agency, department, division, or office as the 35860  
state elected officer. 35861

(C) No candidate for a state elective office, no campaign 35862  
committee of such a candidate, and no other person or entity shall 35863  
knowingly solicit or accept a contribution on behalf of that 35864  
candidate or that candidate's campaign committee from any of the 35865  
following: 35866

(1) A state employee at the time of the solicitation, whose 35867  
appointing authority will be the candidate, if elected; 35868

(2) A state employee at the time of the solicitation, whose 35869  
appointing authority will be appointed by the candidate, if 35870  
elected, as authorized or required by law; 35871

(3) A state employee at the time of the solicitation, who 35872  
will function in or be employed in or by the same public agency, 35873  
department, division, or office as the candidate, if elected. 35874

(D) No county elected officer, no campaign committee of such 35875  
an officer, and no other person or entity shall knowingly solicit 35876  
a contribution on behalf of that officer or that officer's 35877  
campaign committee from any of the following: 35878

(1) A county employee whose appointing authority is the 35879  
county elected officer; 35880

(2) A county employee whose appointing authority is 35881  
authorized or required by law to be appointed by the county 35882  
elected officer; 35883

(3) A county employee who functions in or is employed in or 35884  
by the same public agency, department, division, or office as the 35885  
county elected officer. 35886

(E) No candidate for a county elective office, no campaign committee of such a candidate, and no other person or entity shall knowingly solicit a contribution on behalf of that candidate or that candidate's campaign committee from any of the following:

(1) A county employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;

(2) A county employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;

(3) A county employee at the time of the solicitation, who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.

(F)(1) No public employee shall solicit a contribution from any person while the public employee is performing the public employee's official duties or in those areas of a public building where official business is transacted or conducted.

(2) No person shall solicit a contribution from any public employee while the public employee is performing the public employee's official duties or is in those areas of a public building where official business is transacted or conducted.

(3) As used in division (F) of this section, "public employee" does not include any person holding an elective office.

(G) The prohibitions in divisions (B), (C), (D), (E), and (F) of this section are in addition to the prohibitions in sections 124.57, ~~1553.09~~, 3304.22, and 4503.032 of the Revised Code.

**Sec. 3701.021.** (A) The public health council shall adopt, in accordance with Chapter 119. of the Revised Code, such rules as are necessary to carry out sections 3701.021 to ~~3701.028~~ 3701.0210 of the Revised Code, including, but not limited to, rules to establish the following:

(1) Medical and financial eligibility requirements for the program for medically handicapped children;	35917 35918
(2) Eligibility requirements for providers of services for medically handicapped children;	35919 35920
(3) Procedures to be followed by the department of health in disqualifying providers for violating requirements adopted under division (A)(2) of this section;	35921 35922 35923
(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	35924 35925 35926 35927
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	35928 35929
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	35930 35931 35932 35933 35934
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	35935 35936 35937
(8) Criteria for payment of approved providers who provide services for medically handicapped children;	35938 35939
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;	35940 35941 35942
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	35943 35944 35945
(11) Terms of appointment for members of the medically	35946

handicapped children's medical advisory council created in section 3701.025 of the Revised Code; 35947  
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(12) Eligibility requirements for the hemophilia program, 35949  
including income and hardship requirements. 35950

(B) The department of health shall develop a manual of 35951  
operational procedures and guidelines for the program for 35952  
medically handicapped children to implement sections 3701.021 to 35953  
~~3701.028~~ 3701.0210 of the Revised Code. 35954

**Sec. 3701.022.** As used in sections 3701.021 to ~~3701.028~~ 35955  
3701.0210 of the Revised Code: 35956

(A) "Medically handicapped child" means an Ohio resident 35957  
under twenty-one years of age who suffers primarily from an 35958  
organic disease, defect, or a congenital or acquired physically 35959  
handicapping and associated condition that may hinder the 35960  
achievement of normal growth and development. 35961

(B) "Provider" means a health professional, hospital, medical 35962  
equipment supplier, and any individual, group, or agency that is 35963  
approved by the department of health pursuant to division (C) of 35964  
section 3701.023 of the Revised Code and that provides or intends 35965  
to provide goods or services to a child who is eligible for the 35966  
program for medically handicapped children. 35967

(C) "Service coordination" means case management services 35968  
provided to medically handicapped children that promote effective 35969  
and efficient organization and utilization of public and private 35970  
resources and ensure that care rendered is family-centered, 35971  
community-based, and coordinated. 35972

(D)(1) "Third party" means any person or government entity 35973  
other than the following: 35974

(a) A medically handicapped child participating in the 35975  
program for medically handicapped children or the child's parent 35976

or guardian;	35977
(b) The department or any program administered by the department, including the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended;	35978 35979 35980 35981
(c) The "caring program for children" operated by the nonprofit community mutual insurance corporation.	35982 35983
(2) "Third party" includes all of the following:	35984
(a) Any trust established to benefit a medically handicapped child participating in the program or the child's family or guardians, if the trust was established after the date the medically handicapped child applied to participate in the program;	35985 35986 35987 35988
(b) That portion of a trust designated to pay for the medical and ancillary care of a medically handicapped child, if the trust was established on or before the date the medically handicapped child applied to participate in the program;	35989 35990 35991 35992
(c) The program awarding reparations to victims of crime established under sections 2743.51 to 2743.72 of the Revised Code.	35993 35994
(E) "Third-party benefits" means any and all benefits paid by a third party to or on behalf of a medically handicapped child participating in the program or the child's parent or guardian for goods or services that are authorized by the department pursuant to division (B) or (D) of section 3701.023 of the Revised Code.	35995 35996 35997 35998 35999
<u>(F) "Hemophilia program" means the hemophilia program the department of health is required to establish and administer under section 3701.029 of the Revised Code.</u>	36000 36001 36002
<b>Sec. 3701.024.</b> (A)(1) Under a procedure established in rules adopted under section 3701.021 of the Revised Code, the department of health shall determine the amount each county shall provide annually for the program for medically handicapped children, based	36003 36004 36005 36006

on a proportion of the county's total general property tax 36007  
duplicate, not to exceed one-tenth of a mill ~~through fiscal year~~ 36008  
~~2005 and three tenths of a mill thereafter~~, and charge the county 36009  
for any part of expenses incurred under the program for treatment 36010  
services on behalf of medically handicapped children having legal 36011  
settlement in the county that is not paid from federal funds or 36012  
through the medical assistance program established under section 36013  
5111.01 of the Revised Code. The department shall not charge the 36014  
county for expenses exceeding the difference between the amount 36015  
determined under division (A)(1) of this section and any amounts 36016  
retained under divisions (A)(2) and (3) of this section. 36017

All amounts collected by the department under division (A)(1) 36018  
of this section shall be deposited into the state treasury to the 36019  
credit of the medically handicapped children-county assessment 36020  
fund, which is hereby created. The fund shall be used by the 36021  
department to comply with sections 3701.021 to 3701.028 of the 36022  
Revised Code. 36023

(2) The department, in accordance with rules adopted under 36024  
section 3701.021 of the Revised Code, may allow each county to 36025  
retain up to ten per cent of the amount determined under division 36026  
(A)(1) of this section to provide funds to city or general health 36027  
districts of the county with which the districts shall provide 36028  
service coordination, public health nursing, or transportation 36029  
services for medically handicapped children. 36030

(3) In addition to any amount retained under division (A)(2) 36031  
of this section, the department, in accordance with rules adopted 36032  
under section 3701.021 of the Revised Code, may allow counties 36033  
that it determines have significant numbers of potentially 36034  
eligible medically handicapped children to retain an amount equal 36035  
to the difference between: 36036

(a) Twenty-five per cent of the amount determined under 36037  
division (A)(1) of this section; 36038

(b) Any amount retained under division (A)(2) of this section. 36039  
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Counties shall use amounts retained under division (A)(3) of this section to provide funds to city or general health districts of the county with which the districts shall conduct outreach activities to increase participation in the program for medically handicapped children. 36041  
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(4) Prior to any increase in the millage charged to a county, the public health council shall hold a public hearing on the proposed increase and shall give notice of the hearing to each board of county commissioners that would be affected by the increase at least thirty days prior to the date set for the hearing. Any county commissioner may appear and give testimony at the hearing. Any increase in the millage any county is required to provide for the program for medically handicapped children shall be determined, and notice of the amount of the increase shall be provided to each affected board of county commissioners, no later than the first day of June of the fiscal year next preceding the fiscal year in which the increase will take effect. 36046  
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(B) Each board of county commissioners shall establish a medically handicapped children's fund and shall appropriate thereto an amount, determined in accordance with division (A)(1) of this section, for the county's share in providing medical, surgical, and other aid to medically handicapped children residing in such county and for the purposes specified in divisions (A)(2) and (3) of this section. Each county shall use money retained under divisions (A)(2) and (3) of this section only for the purposes specified in those divisions. 36058  
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Sec. 3701.029. Subject to available funds, the department of health shall establish and administer a hemophilia program to provide payment of health insurance premiums for Ohio residents 36067  
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who meet all of the following requirements: 36070

(A) Have been diagnosed with hemophilia or a related bleeding disorder; 36071  
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(B) Are at least twenty-one years of age; 36073

(C) Meet the eligibility requirements established by rules adopted under division (A)(12) of section 3701.021 of the Revised Code. 36074  
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**Sec. ~~3701.145~~ 3701.0210.** The director of health medically handicapped children's medical advisory council shall establish appoint a hemophilia advisory council subcommittee to advise the director and the department of health and council on all matters pertaining to the care and treatment of persons with hemophilia. The council The duties of the subcommittee include, but are not limited to, the monitoring of care and treatment of children and adults who suffer from hemophilia or from other similar blood disorders. 36077  
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The subcommittee shall consist of not fewer than ~~nineteen~~ fifteen members, each of whom shall be appointed by the director to terms of four years. The members of the council subcommittee shall elect a chairperson from among the appointed membership to serve a term of two years. Members of the council subcommittee shall serve without compensation, except that they may be reimbursed for travel expenses to and from meetings of the council subcommittee. 36086  
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Members shall be appointed to represent all geographic areas of this state. Not fewer than five members of the ~~council~~ subcommittee shall be persons with hemophilia or family members of persons with hemophilia. Not fewer than five members shall be providers of health care services to persons with hemophilia. Not fewer than five members shall be experts in fields of importance 36094  
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to treatment of persons with hemophilia, including experts in 36100  
infectious diseases, insurance, and law. 36101

~~The council shall submit to the director of health, the 36102  
governor, and the general assembly, a report no later than the 36103  
thirtieth day of September of each year summarizing the current 36104  
status and needs of persons in this state with hemophilia and of 36105  
family members of persons with hemophilia. 36106~~

Notwithstanding section 101.83 of the Revised Code, that 36107  
section does not apply to the medically handicapped children's 36108  
medical advisory council hemophilia advisory subcommittee, and the 36109  
subcommittee shall not expire under that section. 36110

**Sec. 3701.141.** (A) There is hereby created in the department 36111  
of health the ~~office of women's health initiatives program,~~ 36112  
~~consisting of the chief of the office and an administrative 36113  
assistant. To the extent of available funds, other positions 36114  
determined necessary and relevant by the director of health may be 36115  
added. The administrative assistant and all other employees 36116  
assigned to the office shall report to the chief and the chief to 36117  
the director or the deputy specified by the director. 36118~~

(B) To the extent funds are available, the ~~office of women's 36119  
health initiatives program~~ shall: 36120

(1) Identify, review, and assist the director in the 36121  
coordination of programs and resources the department of health is 36122  
committing to women's health concerns, including the department's 36123  
women's and infants' program activities; 36124

(2) Advocate for women's health by requesting that the 36125  
department conduct, sponsor, encourage, or fund research; 36126  
establish additional programs regarding women's health concerns as 36127  
needed; and monitor the research and program efforts; 36128

(3) Collect, classify, and store relevant research conducted 36129

by the department or other entities, and provide, unless otherwise 36130  
prohibited by law, interested persons access to research results; 36131

(4) ~~Generate~~ Apply for grant ~~activities~~ opportunities. 36132

~~(C) Prior to the director's report to the governor on the 36133  
department's biennial budget request, the office of women's health 36134  
initiatives shall submit in writing to the director of health a 36135  
biennial report of recommended programs, projects, and research to 36136  
address critical issues in women's health. 36137~~

Sec. 3701.61. (A) The department of health shall establish 36138  
the help me grow program for the purpose of encouraging early 36139  
prenatal and well-baby care. The program shall include 36140  
distributing subsidies to counties to provide the following 36141  
services: 36142

(1) Home-visiting services to newborn infants and their 36143  
families; 36144

(2) Services to infants and toddlers under three years of age 36145  
who are at risk for, or who have, a developmental delay or 36146  
disability and their families. 36147

(B) The department shall not provide home-visiting services 36148  
under the help me grow program unless requested in writing by a 36149  
parent of the infant or toddler. 36150

(C) Pursuant to Chapter 119. of the Revised Code, the 36151  
department shall adopt rules that are necessary and proper to 36152  
implement this section. 36153

**Sec. 3701.741. (A)** Through December 31, 2004, each health 36154  
care provider and medical records company shall provide copies of 36155  
medical records in accordance with this section. 36156

(B) Except as provided in divisions (C) and (E) of this 36157  
section, a health care provider or medical records company that 36158

receives a request for a copy of a patient's medical record may 36159  
charge not more than the amounts set forth in this section. Total 36160  
costs for copies and all services related to those copies shall 36161  
not exceed the sum of the following: 36162

(1) An initial fee of fifteen dollars, which shall compensate 36163  
for the records search; 36164

(2) With respect to data recorded on paper, the following 36165  
amounts: 36166

(a) One dollar per page for the first ten pages; 36167

(b) Fifty cents per page for pages eleven through fifty; 36168

(c) Twenty cents per page for pages fifty-one and higher. 36169

(3) With respect to data recorded other than on paper, the 36170  
actual cost of making the copy; 36171

(4) The actual cost of any related postage incurred by the 36172  
health care provider or medical records company. 36173

(C) A health care provider or medical records company shall 36174  
provide one copy without charge to the following: 36175

(1) The bureau of workers' compensation, in accordance with 36176  
Chapters 4121. and 4123. of the Revised Code and the rules adopted 36177  
under those chapters; 36178

(2) The industrial commission, in accordance with Chapters 36179  
4121. and 4123. of the Revised Code and the rules adopted under 36180  
those chapters; 36181

(3) The department of job and family services, in accordance 36182  
with Chapter 5101. of the Revised Code and the rules adopted under 36183  
those chapters; 36184

(4) The attorney general, in accordance with sections 2743.51 36185  
to 2743.72 of the Revised Code and any rules that may be adopted 36186  
under those sections; 36187

(5) A patient or patient's representative if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed.

(D) Division (C) of this section shall not be construed to supersede any rule of the bureau of workers' compensation, the industrial commission, or the department of job and family services.

(E) A health care provider or medical records company may enter into a contract with a patient, a patient's representative, or an insurer for the copying of medical records at a fee other than as provided in division (B) of this section.

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

(1) Copies of medical records provided to insurers authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state or health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code;

(2) Medical records the copying of which is covered by section 173.20 of the Revised Code or by 42 C.F.R. 483.10.

(G) Nothing in this section requires or precludes the distribution of medical records at any particular cost or fee to insurers authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state or health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code.

**Sec. 3701.83.** (A) There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344,

~~3701.88~~, 3702.20, 3710.15, 3711.021, 3717.45, 3721.02, 3722.04, 36218  
3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 36219  
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 36220  
Revised Code. 36221

(B) The alcohol testing program fund is hereby created in the 36222  
state treasury. The director of health shall use the fund to 36223  
administer and enforce the alcohol testing and permit program 36224  
authorized by section 3701.143 of the Revised Code. 36225

The fund shall receive transfers from the liquor control fund 36226  
created under section 4301.12 of the Revised Code. All investment 36227  
earnings of the alcohol testing program fund shall be credited to 36228  
the fund. 36229

**Sec. 3701.881.** (A) As used in this section: 36230

(1) "Applicant" means both of the following: 36231

(a) A person who is under final consideration for appointment 36232  
or employment with a home health agency in a position as a person 36233  
responsible for the care, custody, or control of a child; 36234

(b) A person who is under final consideration for employment 36235  
with a home health agency in a full-time, part-time, or temporary 36236  
position that involves providing direct care to an older adult. 36237  
With regard to persons providing direct care to older adults, 36238  
"applicant" does not include a person who provides direct care as 36239  
a volunteer without receiving or expecting to receive any form of 36240  
remuneration other than reimbursement for actual expenses. 36241

(2) "Criminal records check" and "older adult" have the same 36242  
meanings as in section 109.572 of the Revised Code. 36243

(3) "Home health agency" ~~has the same meaning as in section~~ 36244  
~~3701.88 of the Revised Code~~ means a person or government entity, 36245  
other than a nursing home, residential care facility, or hospice 36246  
care program, that has the primary function of providing any of 36247

<u>the following services to a patient at a place of residence used</u>	36248
<u>as the patient's home:</u>	36249
<u>(a) Skilled nursing care;</u>	36250
<u>(b) Physical therapy;</u>	36251
<u>(c) Speech-language pathology;</u>	36252
<u>(d) Occupational therapy;</u>	36253
<u>(e) Medical social services;</u>	36254
<u>(f) Home health aide services.</u>	36255
(4) <u>"Home health aide services" means any of the following</u>	36256
<u>services provided by an individual employed with or contracted for</u>	36257
<u>by a home health agency:</u>	36258
<u>(a) Hands-on bathing or assistance with a tub bath or shower;</u>	36259
<u>(b) Assistance with dressing, ambulation, and toileting;</u>	36260
<u>(c) Catheter care but not insertion;</u>	36261
<u>(d) Meal preparation and feeding.</u>	36262
(5) <u>"Hospice care program" has the same meaning as in section</u>	36263
<u>3712.01 of the Revised Code.</u>	36264
(6) <u>"Medical social services" means services provided by a</u>	36265
<u>social worker under the direction of a patient's attending</u>	36266
<u>physician.</u>	36267
(7) <u>"Minor drug possession offense" has the same meaning as</u>	36268
<u>in section 2925.01 of the Revised Code.</u>	36269
(8) <u>"Nursing home," "residential care facility," and "skilled</u>	36270
<u>nursing care" have the same meanings as in section 3721.01 of the</u>	36271
<u>Revised Code.</u>	36272
(9) <u>"Occupational therapy" has the same meaning as in section</u>	36273
<u>4755.01 of the Revised Code.</u>	36274
(10) <u>"Physical therapy" has the same meaning as in section</u>	36275

<u>4755.40 of the Revised Code.</u>	36276
<u>(11) "Social worker" means a person licensed under Chapter</u>	36277
<u>4757. of the Revised Code to practice as a social worker or</u>	36278
<u>independent social worker.</u>	36279
<u>(12) "Speech-language pathology" has the same meaning as in</u>	36280
<u>section 4753.01 of the Revised Code.</u>	36281
(B)(1) Except as provided in division (I) of this section,	36282
the chief administrator of a home health agency shall request the	36283
superintendent of the bureau of criminal identification and	36284
investigation to conduct a criminal records check with respect to	36285
each applicant. If the position may involve both responsibility	36286
for the care, custody, or control of a child and provision of	36287
direct care to an older adult, the chief administrator shall	36288
request that the superintendent conduct a single criminal records	36289
check for the applicant. If an applicant for whom a criminal	36290
records check request is required under this division does not	36291
present proof of having been a resident of this state for the	36292
five-year period immediately prior to the date upon which the	36293
criminal records check is requested or does not provide evidence	36294
that within that five-year period the superintendent has requested	36295
information about the applicant from the federal bureau of	36296
investigation in a criminal records check, the chief administrator	36297
shall request that the superintendent obtain information from the	36298
federal bureau of investigation as a part of the criminal records	36299
check for the applicant. Even if an applicant for whom a criminal	36300
records check request is required under this division presents	36301
proof that the applicant has been a resident of this state for	36302
that five-year period, the chief administrator may request that	36303
the superintendent include information from the federal bureau of	36304
investigation in the criminal records check.	36305
(2) Any person required by division (B)(1) of this section to	36306
request a criminal records check shall provide to each applicant	36307

for whom a criminal records check request is required under that 36308  
division a copy of the form prescribed pursuant to division (C)(1) 36309  
of section 109.572 of the Revised Code and a standard impression 36310  
sheet prescribed pursuant to division (C)(2) of section 109.572 of 36311  
the Revised Code, obtain the completed form and impression sheet 36312  
from each applicant, and forward the completed form and impression 36313  
sheet to the superintendent of the bureau of criminal 36314  
identification and investigation at the time the chief 36315  
administrator requests a criminal records check pursuant to 36316  
division (B)(1) of this section. 36317

(3) An applicant who receives pursuant to division (B)(2) of 36318  
this section a copy of the form prescribed pursuant to division 36319  
(C)(1) of section 109.572 of the Revised Code and a copy of an 36320  
impression sheet prescribed pursuant to division (C)(2) of that 36321  
section and who is requested to complete the form and provide a 36322  
set of fingerprint impressions shall complete the form or provide 36323  
all the information necessary to complete the form and shall 36324  
provide the impression sheets with the impressions of the 36325  
applicant's fingerprints. If an applicant, upon request, fails to 36326  
provide the information necessary to complete the form or fails to 36327  
provide fingerprint impressions, the home health agency shall not 36328  
employ that applicant for any position for which a criminal 36329  
records check is required by division (B)(1) of this section. 36330

(C)(1) Except as provided in rules adopted by the department 36331  
of health in accordance with division (F) of this section and 36332  
subject to division (C)(3) of this section, no home health agency 36333  
shall employ a person as a person responsible for the care, 36334  
custody, or control of a child if the person previously has been 36335  
convicted of or pleaded guilty to any of the following: 36336

(a) A violation of section 2903.01, 2903.02, 2903.03, 36337  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 36338  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 36339

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 36340  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 36341  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 36342  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 36343  
2925.06, or 3716.11 of the Revised Code, a violation of section 36344  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 36345  
violation of section 2919.23 of the Revised Code that would have 36346  
been a violation of section 2905.04 of the Revised Code as it 36347  
existed prior to July 1, 1996, had the violation been committed 36348  
prior to that date, a violation of section 2925.11 of the Revised 36349  
Code that is not a minor drug possession offense, or felonious 36350  
sexual penetration in violation of former section 2907.12 of the 36351  
Revised Code; 36352

(b) A violation of an existing or former law of this state, 36353  
any other state, or the United States that is substantially 36354  
equivalent to any of the offenses listed in division (C)(1)(a) of 36355  
this section. 36356

(2) Except as provided in rules adopted by the department of 36357  
health in accordance with division (F) of this section and subject 36358  
to division (C)(3) of this section, no home health agency shall 36359  
employ a person in a position that involves providing direct care 36360  
to an older adult if the person previously has been convicted of 36361  
or pleaded guilty to any of the following: 36362

(a) A violation of section 2903.01, 2903.02, 2903.03, 36363  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 36364  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 36365  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 36366  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 36367  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 36368  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 36369  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 36370  
2925.22, 2925.23, or 3716.11 of the Revised Code. 36371

(b) A violation of an existing or former law of this state, 36372  
any other state, or the United States that is substantially 36373  
equivalent to any of the offenses listed in division (C)(2)(a) of 36374  
this section. 36375

(3)(a) A home health agency may employ conditionally an 36376  
applicant for whom a criminal records check request is required 36377  
under division (B) of this section as a person responsible for the 36378  
care, custody, or control of a child until the criminal records 36379  
check regarding the applicant required by this section is 36380  
completed and the agency receives the results of the criminal 36381  
records check. If the results of the criminal records check 36382  
indicate that, pursuant to division (C)(1) of this section, the 36383  
applicant does not qualify for employment, the agency shall 36384  
release the applicant from employment unless the agency chooses to 36385  
employ the applicant pursuant to division (F) of this section. 36386

(b)(i) A home health agency may employ conditionally an 36387  
applicant for whom a criminal records check request is required 36388  
under division (B) of this section in a position that involves 36389  
providing direct care to an older adult or in a position that 36390  
involves both responsibility for the care, custody, and control of 36391  
a child and the provision of direct care to older adults prior to 36392  
obtaining the results of a criminal records check regarding the 36393  
individual, provided that the agency shall request a criminal 36394  
records check regarding the individual in accordance with division 36395  
(B)(1) of this section not later than five business days after the 36396  
individual begins conditional employment. In the circumstances 36397  
described in division (I)(2) of this section, a home health agency 36398  
may employ conditionally in a position that involves providing 36399  
direct care to an older adult an applicant who has been referred 36400  
to the home health agency by an employment service that supplies 36401  
full-time, part-time, or temporary staff for positions involving 36402  
the direct care of older adults and for whom, pursuant to that 36403

division, a criminal records check is not required under division 36404  
(B) of this section. In the circumstances described in division 36405  
(I)(4) of this section, a home health agency may employ 36406  
conditionally in a position that involves both responsibility for 36407  
the care, custody, and control of a child and the provision of 36408  
direct care to older adults an applicant who has been referred to 36409  
the home health agency by an employment service that supplies 36410  
full-time, part-time, or temporary staff for positions involving 36411  
both responsibility for the care, custody, and control of a child 36412  
and the provision of direct care to older adults and for whom, 36413  
pursuant to that division, a criminal records check is not 36414  
required under division (B) of this section. 36415

(ii) A home health agency that employs an individual 36416  
conditionally under authority of division (C)(3)(b)(i) of this 36417  
section shall terminate the individual's employment if the results 36418  
of the criminal records check requested under division (B)(1) of 36419  
this section or described in division (I)(2) or (4) of this 36420  
section, other than the results of any request for information 36421  
from the federal bureau of investigation, are not obtained within 36422  
the period ending sixty days after the date the request is made. 36423  
Regardless of when the results of the criminal records check are 36424  
obtained, if the individual was employed conditionally in a 36425  
position that involves the provision of direct care to older 36426  
adults and the results indicate that the individual has been 36427  
convicted of or pleaded guilty to any of the offenses listed or 36428  
described in division (C)(2) of this section, or if the individual 36429  
was employed conditionally in a position that involves both 36430  
responsibility for the care, custody, and control of a child and 36431  
the provision of direct care to older adults and the results 36432  
indicate that the individual has been convicted of or pleaded 36433  
guilty to any of the offenses listed or described in division 36434  
(C)(1) or (2) of this section, the agency shall terminate the 36435  
individual's employment unless the agency chooses to employ the 36436

individual pursuant to division (F) of this section. Termination 36437  
of employment under this division shall be considered just cause 36438  
for discharge for purposes of division (D)(2) of section 4141.29 36439  
of the Revised Code if the individual makes any attempt to deceive 36440  
the agency about the individual's criminal record. 36441

(D)(1) Each home health agency shall pay to the bureau of 36442  
criminal identification and investigation the fee prescribed 36443  
pursuant to division (C)(3) of section 109.572 of the Revised Code 36444  
for each criminal records check conducted in accordance with that 36445  
section upon the request pursuant to division (B)(1) of this 36446  
section of the chief administrator of the home health agency. 36447

(2) A home health agency may charge an applicant a fee for 36448  
the costs it incurs in obtaining a criminal records check under 36449  
this section, unless the medical assistance program established 36450  
under Chapter 5111. of the Revised Code reimburses the agency for 36451  
the costs. A fee charged under division (D)(2) of this section 36452  
shall not exceed the amount of fees the agency pays under division 36453  
(D)(1) of this section. If a fee is charged under division (D)(2) 36454  
of this section, the agency shall notify the applicant at the time 36455  
of the applicant's initial application for employment of the 36456  
amount of the fee and that, unless the fee is paid, the agency 36457  
will not consider the applicant for employment. 36458

(E) The report of any criminal records check conducted by the 36459  
bureau of criminal identification and investigation in accordance 36460  
with section 109.572 of the Revised Code and pursuant to a request 36461  
made under division (B)(1) of this section is not a public record 36462  
for the purposes of section 149.43 of the Revised Code and shall 36463  
not be made available to any person other than the following: 36464

(1) The individual who is the subject of the criminal records 36465  
check or the individual's representative; 36466

(2) The home health agency requesting the criminal records 36467

check or its representative; 36468

(3) The administrator of any other facility, agency, or 36469  
program that provides direct care to older adults that is owned or 36470  
operated by the same entity that owns or operates the home health 36471  
agency; 36472

(4) Any court, hearing officer, or other necessary individual 36473  
involved in a case dealing with a denial of employment of the 36474  
applicant or dealing with employment or unemployment benefits of 36475  
the applicant; 36476

(5) Any person to whom the report is provided pursuant to, 36477  
and in accordance with, division (I)(1), (2), (3), or (4) of this 36478  
section. 36479

(F) The department of health shall adopt rules in accordance 36480  
with Chapter 119. of the Revised Code to implement this section. 36481  
The rules shall specify circumstances under which the home health 36482  
agency may employ a person who has been convicted of or pleaded 36483  
guilty to an offense listed or described in division (C)(1) of 36484  
this section but who meets standards in regard to rehabilitation 36485  
set by the department or employ a person who has been convicted of 36486  
or pleaded guilty to an offense listed or described in division 36487  
(C)(2) of this section but meets personal character standards set 36488  
by the department. 36489

(G) Any person required by division (B)(1) of this section to 36490  
request a criminal records check shall inform each person, at the 36491  
time of initial application for employment that the person is 36492  
required to provide a set of fingerprint impressions and that a 36493  
criminal records check is required to be conducted and 36494  
satisfactorily completed in accordance with section 109.572 of the 36495  
Revised Code if the person comes under final consideration for 36496  
appointment or employment as a precondition to employment for that 36497  
position. 36498

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home health agency employs in a position that involves providing direct care to older adults, all of the following shall apply:

(1) If the agency employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

(2) If the agency employed the individual in good faith on a conditional basis pursuant to division (C)(3)(b) of this section, the agency shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the agency in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the agency shall not be found negligent solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in division (C)(1) or (2) of this section.

(I)(1) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves the provision of direct care to older adults if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment

service or the applicant a report of the results of a criminal 36530  
records check regarding the applicant that has been conducted by 36531  
the superintendent within the one-year period immediately 36532  
preceding the applicant's referral; 36533

(b) The report of the criminal records check demonstrates 36534  
that the person has not been convicted of or pleaded guilty to an 36535  
offense listed or described in division (C)(2) of this section, or 36536  
the report demonstrates that the person has been convicted of or 36537  
pleaded guilty to one or more of those offenses, but the home 36538  
health agency chooses to employ the individual pursuant to 36539  
division (F) of this section. 36540

(2) The chief administrator of a home health agency is not 36541  
required to request that the superintendent of the bureau of 36542  
criminal identification and investigation conduct a criminal 36543  
records check of an applicant for a position that involves 36544  
providing direct care to older adults and may employ the applicant 36545  
conditionally in a position of that nature as described in this 36546  
division, if the applicant has been referred to the agency by an 36547  
employment service that supplies full-time, part-time, or 36548  
temporary staff for positions involving the direct care of older 36549  
adults and if the chief administrator receives from the employment 36550  
service or the applicant a letter from the employment service that 36551  
is on the letterhead of the employment service, dated, and signed 36552  
by a supervisor or another designated official of the employment 36553  
service and that states that the employment service has requested 36554  
the superintendent to conduct a criminal records check regarding 36555  
the applicant, that the requested criminal records check will 36556  
include a determination of whether the applicant has been 36557  
convicted of or pleaded guilty to any offense listed or described 36558  
in division (C)(2) of this section, that, as of the date set forth 36559  
on the letter, the employment service had not received the results 36560  
of the criminal records check, and that, when the employment 36561

service receives the results of the criminal records check, it 36562  
promptly will send a copy of the results to the home health 36563  
agency. If a home health agency employs an applicant conditionally 36564  
in accordance with this division, the employment service, upon its 36565  
receipt of the results of the criminal records check, promptly 36566  
shall send a copy of the results to the home health agency, and 36567  
division (C)(3)(b) of this section applies regarding the 36568  
conditional employment. 36569

(3) The chief administrator of a home health agency is not 36570  
required to request that the superintendent of the bureau of 36571  
criminal identification and investigation conduct a criminal 36572  
records check of an applicant for a position that involves both 36573  
responsibility for the care, custody, and control of a child and 36574  
the provision of direct care to older adults if the applicant has 36575  
been referred to the agency by an employment service that supplies 36576  
full-time, part-time, or temporary staff for positions involving 36577  
both responsibility for the care, custody, and control of a child 36578  
and the provision of direct care to older adults and both of the 36579  
following apply: 36580

(a) The chief administrator receives from the employment 36581  
service or applicant a report of a criminal records check of the 36582  
type described in division (I)(1)(a) of this section; 36583

(b) The report of the criminal records check demonstrates 36584  
that the person has not been convicted of or pleaded guilty to an 36585  
offense listed or described in division (C)(1) or (2) of this 36586  
section, or the report demonstrates that the person has been 36587  
convicted of or pleaded guilty to one or more of those offenses, 36588  
but the home health agency chooses to employ the individual 36589  
pursuant to division (F) of this section. 36590

(4) The chief administrator of a home health agency is not 36591  
required to request that the superintendent of the bureau of 36592  
criminal identification and investigation conduct a criminal 36593

records check of an applicant for a position that involves both 36594  
responsibility for the care, custody, and control of a child and 36595  
the provision of direct care to older adults and may employ the 36596  
applicant conditionally in a position of that nature as described 36597  
in this division, if the applicant has been referred to the agency 36598  
by an employment service that supplies full-time, part-time, or 36599  
temporary staff for positions involving both responsibility for 36600  
the care, custody, and control of a child and the direct care of 36601  
older adults and if the chief administrator receives from the 36602  
employment service or the applicant a letter from the employment 36603  
service that is on the letterhead of the employment service, 36604  
dated, and signed by a supervisor or another designated official 36605  
of the employment service and that states that the employment 36606  
service has requested the superintendent to conduct a criminal 36607  
records check regarding the applicant, that the requested criminal 36608  
records check will include a determination of whether the 36609  
applicant has been convicted of or pleaded guilty to any offense 36610  
listed or described in division (C)(1) or (2) of this section, 36611  
that, as of the date set forth on the letter, the employment 36612  
service had not received the results of the criminal records 36613  
check, and that, when the employment service receives the results 36614  
of the criminal records check, it promptly will send a copy of the 36615  
results to the home health agency. If a home health agency employs 36616  
an applicant conditionally in accordance with this division, the 36617  
employment service, upon its receipt of the results of the 36618  
criminal records check, promptly shall send a copy of the results 36619  
to the home health agency, and division (C)(3)(b) of this section 36620  
applies regarding the conditional employment. 36621

**Sec. 3701.99.** (A) Whoever violates section 3701.25 of the 36622  
Revised Code is guilty of a minor misdemeanor on a first offense; 36623  
on each subsequent offense, the person is guilty of a misdemeanor 36624  
of the second degree. 36625

(B) Whoever violates division (I) of section 3701.262, 36626  
division (D) of section 3701.263, or section 3701.352 or sections 36627  
3701.46 to 3701.55 of the Revised Code is guilty of a minor 36628  
misdemeanor on a first offense; on each subsequent offense, the 36629  
person is guilty of a misdemeanor of the fourth degree. 36630

(C) Whoever violates section 3701.82 of the Revised Code is 36631  
guilty of a misdemeanor of the first degree. 36632

(D) Whoever violates section 3701.81 of the Revised Code is 36633  
guilty of a misdemeanor of the second degree. 36634

~~(E) Whoever violates division (G) of section 3701.88 of the 36635  
Revised Code shall be fined not more than one hundred dollars. 36636  
Each day the violation continues is a separate offense. 36637~~

**Sec. 3702.31.** (A) The quality monitoring and inspection fund 36638  
is hereby created in the state treasury. The director of health 36639  
shall use the fund to administer and enforce this section and 36640  
sections 3702.11 to 3702.20, 3702.30, and 3702.32 of the Revised 36641  
Code and rules adopted pursuant to those sections. The director 36642  
shall deposit in the fund any moneys collected pursuant to this 36643  
section or section 3702.32 of the Revised Code. All investment 36644  
earnings of the fund shall be credited to the fund. 36645

(B) The director of health shall adopt rules pursuant to 36646  
Chapter 119. of the Revised Code establishing fees for both of the 36647  
following: 36648

(1) Initial and renewal license applications submitted under 36649  
section 3702.30 of the Revised Code. The fees established under 36650  
division (B)(1) of this section shall not exceed the actual and 36651  
necessary costs of performing the activities described in division 36652  
(A) of this section. 36653

(2) Inspections conducted under section 3702.15 or 3702.30 of 36654  
the Revised Code. The fees established under division (B)(2) of 36655

this section shall not exceed the actual and necessary costs 36656  
incurred during an inspection, including any indirect costs 36657  
incurred by the department for staff, salary, or other 36658  
administrative costs. The director of health shall provide to each 36659  
health care facility or provider inspected pursuant to section 36660  
3702.15 or 3702.30 of the Revised Code a written statement of the 36661  
fee. The statement shall itemize and total the costs incurred. 36662  
Within fifteen days after receiving a statement from the director, 36663  
the facility or provider shall forward the total amount of the fee 36664  
to the director. 36665

(3) The fees described in divisions (B)(1) and (2) of this 36666  
section shall meet both of the following requirements: 36667

(a) For each service described in section 3702.11 of the 36668  
Revised Code, the fee shall not exceed one thousand ~~two~~ seven 36669  
hundred fifty dollars annually, except that the total fees charged 36670  
to a health care provider under this section shall not exceed five 36671  
thousand dollars annually. 36672

(b) The fee shall exclude any costs reimbursable by the 36673  
United States health care financing administration as part of the 36674  
certification process for the medicare program established under 36675  
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 36676  
U.S.C.A. 301, as amended, and the medicaid program established 36677  
under Title XIX of that act. 36678

(4) The director shall not establish a fee for any service 36679  
for which a licensure or inspection fee is paid by the health care 36680  
provider to a state agency for the same or similar licensure or 36681  
inspection. 36682

**Sec. 3702.529.** (A) A person granted a nonreviewability ruling 36683  
prior to April 20, 1995, may implement the activity for which the 36684  
ruling was issued in accordance with the information provided to 36685  
the director of health in the request for the ruling, 36686

notwithstanding the amendments to sections 3702.51 to 3702.62 of 36687  
the Revised Code by Amended Substitute Senate Bill No. 50 and 36688  
Amended Substitute Senate Bill No. 156, both of the 121st general 36689  
assembly. A person granted a certificate of need or 36690  
nonreviewability ruling prior to that date is not required to file 36691  
a notice of intent under section 3702.581 of the Revised Code, as 36692  
that section existed prior to the effective date of this 36693  
amendment, with respect to the activity for which the certificate 36694  
or ruling was issued. 36695

(B) A certificate of need is not required for any person to 36696  
add a cardiac catheterization laboratory to an existing cardiac 36697  
catheterization service, as described in division (R)(11) of 36698  
section 3702.51 of the Revised Code, if the person, prior to ~~the~~ 36699  
~~effective date of this section June 30, 1995~~, filed a notice of 36700  
intent under section 3702.581 of the Revised Code, as that section 36701  
existed prior to the effective date of this amendment, to do so. 36702  
However, the exemption provided by this division expires six 36703  
months after ~~the effective date of this section June 30, 1995~~, 36704  
unless the person has taken action to implement the addition by 36705  
taking the applicable action listed in divisions (A)(1) to (6) of 36706  
section 3702.525 of the Revised Code and provides the director 36707  
with written documentation that action has been taken. 36708

(C) The director shall issue a reviewability ruling, in 36709  
accordance with the version of section 3702.528 of the Revised 36710  
Code in effect immediately prior to ~~the effective date of this~~ 36711  
~~section June 30, 1995~~, to any hospital that requested one prior to 36712  
that date concerning a relocation of any of the following to 36713  
another hospital in the same or a different metropolitan 36714  
statistical area: 36715

(1) Obstetric or newborn care beds registered under section 36716  
3701.07 of the Revised Code as level II or III beds; 36717

(2) Pediatric intensive care beds; 36718

(3) A health service specified in division (R)(1) of section 3702.51 of the Revised Code. 36719  
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A certificate of need is not required to conduct such a relocation for which the director has issued a nonreviewability ruling. However, the exemption provided by this division expires six months after ~~the effective date of this section~~ June 30, 1995, unless the hospital has taken action to implement the relocation by taking the applicable action listed in divisions (A)(1) to (6) of section 3702.525 of the Revised Code and provides the director with written documentation that action has been taken. 36721  
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The director shall not issue a reviewability ruling requested under the previous version of section 3702.528 of the Revised Code concerning a relocation of long-term care beds. 36729  
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(D) A certificate of need is not required to relocate existing health services from one hospital to another, as described in division (T) of the version of section 3702.51 of the Revised Code in effect immediately prior to ~~the effective date of this section~~ June 30, 1995, if the hospitals filed the notice of intent required by division (T)(2) of that version prior to ~~the effective date of this amendment~~ June 30, 1995, and comply with divisions (T)(1) and (T)(3) to (6) of that version. 36732  
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**Sec. 3702.53.** (A) No person shall carry out any reviewable activity unless a certificate of need for such activity has been granted under sections 3702.51 to 3702.62 of the Revised Code or the person is exempted by division (T) of section 3702.51 or section 3702.527, 3702.528, 3702.529, 3702.5210, or 3702.62 of the Revised Code from the requirement that a certificate of need be obtained. No person shall carry out any reviewable activity if a certificate of need authorizing that activity has been withdrawn by the director of health under section 3702.52 or 3702.526 of the Revised Code. No person shall carry out a reviewable activity if 36740  
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the certificate of need authorizing that activity is void pursuant 36750  
to section 3702.524 of the Revised Code or has expired pursuant to 36751  
section 3702.525 of the Revised Code. 36752

(B) No person shall separate portions of any proposal for any 36753  
reviewable activity to evade the requirements of sections 3702.51 36754  
to 3702.62 of the Revised Code. 36755

(C) No person granted a certificate of need shall carry out 36756  
the reviewable activity authorized by the certificate of need 36757  
other than in substantial accordance with the approved application 36758  
for the certificate of need. 36759

~~(D) No person shall fail to file a notice required by section 36760  
3702.581 of the Revised Code. 36761~~

**Sec. 3702.532.** When the director of health determines that a 36762  
person has violated section 3702.53 of the Revised Code, the 36763  
director shall send a notice to the person by certified mail, 36764  
return receipt requested, specifying the activity constituting the 36765  
violation and the penalties imposed under section 3702.54, 36766  
3702.541, or 3702.542, ~~or 3702.543~~ of the Revised Code. 36767

**Sec. 3702.54.** Except as provided in sections 3702.541, and 36768  
3702.542, and former section 3702.543 of the Revised Code, 36769  
divisions (A) and (B) of this section apply when the director of 36770  
health determines that a person has violated section 3702.53 of 36771  
the Revised Code. 36772

(A) The director shall impose a civil penalty on the person 36773  
in an amount equal to the greatest of the following: 36774

(1) Three thousand dollars; 36775

(2) Five per cent of the operating cost of the activity that 36776  
constitutes the violation during the period of time it was 36777  
conducted in violation of section 3702.53 of the Revised Code; 36778

(3) Two per cent of the total capital cost associated with 36779  
implementation of the activity. 36780

In no event, however, shall the penalty exceed two hundred 36781  
fifty thousand dollars. 36782

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 36783  
the director shall refuse to accept for review any application for 36784  
a certificate of need filed by or on behalf of the person, or any 36785  
successor to the person or entity related to the person, for a 36786  
period of not less than one year and not more than three years 36787  
after ~~he~~ the director mails the notice of ~~his~~ the director's 36788  
determination under section 3702.532 of the Revised Code or, if 36789  
~~his~~ the determination is appealed under section 3702.60 of the 36790  
Revised Code, the issuance of the order upholding ~~his~~ the 36791  
determination that is not subject to further appeal. In 36792  
determining the length of time during which ~~he will not accept~~ 36793  
applications will not be accepted, the director may consider any 36794  
of the following: 36795

(a) The nature and magnitude of the violation; 36796

(b) The ability of the person to have averted the violation; 36797

(c) Whether the person disclosed the violation to the 36798  
director before the director commenced his investigation; 36799

(d) The person's history of compliance with sections 3702.51 36800  
to 3702.62 and the rules adopted under section 3702.57 of the 36801  
Revised Code; 36802

(e) Any community hardship that may result from refusing to 36803  
accept future applications from the person. 36804

(2) Notwithstanding the one-year minimum imposed by division 36805  
(B)(1) of this section, the director may establish a period of 36806  
less than one year during which ~~he~~ the director will refuse to 36807  
accept certificate of need applications if, after reviewing all 36808

information available to ~~him~~ the director, ~~he~~ the director 36809  
determines and expressly indicates in the notice mailed under 36810  
section 3702.532 of the Revised Code that refusing to accept 36811  
applications for a longer period would result in hardship to the 36812  
community in which the person provides health services. The 36813  
director's finding of community hardship shall not affect the 36814  
granting or denial of any future certificate of need application 36815  
filed by the person. 36816

**Sec. 3702.544.** Each person required by section 3702.54, 36817  
3702.541, or 3702.542, or former section 3702.543 of the Revised 36818  
Code to pay a civil penalty shall do so not later than sixty days 36819  
after receiving the notice mailed under section 3702.532 of the 36820  
Revised Code or, if the person appeals under section 3702.60 of 36821  
the Revised Code the director of health's determination that a 36822  
violation has occurred, not later than sixty days after the 36823  
issuance of an order upholding ~~his~~ the director's determination 36824  
that is not subject to further appeal. The civil penalties shall 36825  
be paid to the director. The director shall deposit them into the 36826  
certificate of need fund created by section 3702.52 of the Revised 36827  
Code. 36828

**Sec. 3702.55.** Except as provided in section 3702.542 of the 36829  
Revised Code, a person that the director of health determines has 36830  
violated section 3702.53 of the Revised Code shall cease 36831  
conducting the activity that constitutes the violation or 36832  
utilizing the equipment or facility resulting from the violation 36833  
not later than thirty days after the person receives the notice 36834  
mailed under section 3702.532 of the Revised Code or, if the 36835  
person appeals the director's determination under section 3702.60 36836  
of the Revised Code, thirty days after the person receives an 36837  
order upholding the director's determination that is not subject 36838  
to further appeal. A person that applies for a certificate of need 36839

as described in section 3702.542 of the Revised Code shall cease 36840  
conducting the activity or using the equipment or facility in 36841  
accordance with the timetable established by the director of 36842  
health under that section. 36843

If any person determined to have violated section 3702.53 of 36844  
the Revised Code fails to cease conducting an activity or using 36845  
equipment or a facility as required by this section or a timetable 36846  
established under section 3702.542 of the Revised Code, or if the 36847  
person continues to seek payment or reimbursement for services 36848  
rendered or costs incurred in conducting the activity as 36849  
prohibited by section 3702.56 of the Revised Code, in addition to 36850  
the penalties imposed under section 3702.54, 3702.541, or 36851  
3702.542~~7~~, or former section 3702.543 of the Revised Code: 36852

(A) The director of health may refuse to include any beds 36853  
involved in the activity in the bed capacity of a hospital for 36854  
purposes of registration under section 3701.07 of the Revised 36855  
Code; 36856

(B) The director of health may refuse to license, or may 36857  
revoke a license or reduce bed capacity previously granted to, a 36858  
maternity boardinghouse or lying-in hospital under section 3711.02 36859  
of the Revised Code; a hospice care program under section 3712.04 36860  
of the Revised Code; a nursing home, rest home, or home for the 36861  
aging under section 3721.02 of the Revised Code; or any beds 36862  
within any of those facilities that are involved in the activity; 36863

(C) A political subdivision certified under section 3721.09 36864  
of the Revised Code may refuse to license, or may revoke a license 36865  
or reduce bed capacity previously granted to, a nursing home, rest 36866  
home, or home for the aging, or any beds within any of those 36867  
facilities that are involved in the activity; 36868

(D) The director of mental health may refuse to license under 36869  
section 5119.20 of the Revised Code, or may revoke a license or 36870

reduce bed capacity previously granted to, a hospital receiving 36871  
mentally ill persons or beds within such a hospital that are 36872  
involved in the activity; 36873

(E) The department of job and family services may refuse to 36874  
enter into a provider agreement that includes a facility, beds, or 36875  
services that result from the activity. 36876

**Sec. 3702.60.** (A) Any affected person may appeal a 36877  
reviewability ruling issued on or after April 20, 1995, to the 36878  
director of health in accordance with Chapter 119. of the Revised 36879  
Code, and the director shall provide an adjudication hearing in 36880  
accordance with that chapter. An affected person may appeal the 36881  
director's ruling in the adjudication hearing to the tenth 36882  
district court of appeals. 36883

(B) The certificate of need applicant or another affected 36884  
person may appeal to the director in accordance with Chapter 119. 36885  
of the Revised Code a decision issued by the director on or after 36886  
April 20, 1995, to grant or deny a certificate of need application 36887  
for which an adjudication hearing was not conducted under section 36888  
3702.52 of the Revised Code, and the director shall provide an 36889  
adjudication hearing in accordance with that chapter. The 36890  
certificate of need applicant or an affected person that was a 36891  
party to and participated in an adjudication hearing conducted 36892  
under this division or section 3702.52 of the Revised Code may 36893  
appeal to the tenth district court of appeals the decision issued 36894  
by the director following the adjudication hearing. No person may 36895  
appeal to the director or a court the director's granting of a 36896  
certificate of need prior to ~~the effective date of this amendment~~ 36897  
June 30, 1995, under the version of section 3702.52 of the Revised 36898  
Code in effect immediately prior to that date due to failure to 36899  
submit timely written objections, no person may appeal to the 36900  
director or a court the director's granting of a certificate of 36901

need under division (C)(1) or (2) of section 3702.52 of the Revised Code. 36902  
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(C) The certificate of need holder may appeal to the director in accordance with Chapter 119. of the Revised Code a decision issued by the director under section 3702.52 or 3702.526 of the Revised Code on or after April 20, 1995, to withdraw a certificate of need, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals. 36904  
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(D) Any person determined by the director to have violated section 3702.53 of the Revised Code may appeal that determination, or the penalties imposed under section 3702.54, 3702.541, or 3702.542~~7~~ or former section 3702.543 of the Revised Code, to the director in accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals. 36912  
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(E) Each person appealing under this section to the director shall file with the director, not later than thirty days after the decision, ruling, or determination of the director was mailed, a notice of appeal designating the decision, ruling, or determination appealed from. 36920  
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(F) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than thirty days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed. 36925  
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(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the 36931  
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complete record of the proceedings out of which the appeal arises. 36933  
The expense of preparing and transcribing the record shall be 36934  
taxed as part of the costs of the appeal. In the event that the 36935  
record or a part thereof is not certified within the time 36936  
prescribed by this division, the appellant may apply to the court 36937  
for an order that the record be certified. 36938

(2) In hearing the appeal, the court shall consider only the 36939  
evidence contained in the record certified to it by the director. 36940  
The court may remand the matter to the director for the admission 36941  
of additional evidence on a finding that the additional evidence 36942  
is material, newly discovered, and could not with reasonable 36943  
diligence have been ascertained before the hearing before the 36944  
director. Except as otherwise provided by statute, the court shall 36945  
give the hearing on the appeal preference over all other civil 36946  
matters, irrespective of the position of the proceedings on the 36947  
calendar of the court. 36948

(3) The court shall affirm the director's order if it finds, 36949  
upon consideration of the entire record and any additional 36950  
evidence admitted under division (F)(2) of this section, that the 36951  
order is supported by reliable, probative, and substantial 36952  
evidence and is in accordance with law. In the absence of such a 36953  
finding, it shall reverse, vacate, or modify the order. 36954

(4) If the court determines that the director committed 36955  
material procedural error, the court shall remand the matter to 36956  
the director for further consideration or action. 36957

(G) The court may award reasonable attorney's fees against 36958  
the appellant if it determines that the appeal was frivolous. 36959  
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 36960  
apply to adjudication hearings under this section or section 36961  
3702.52 of the Revised Code and judicial appeals under this 36962  
section. 36963

(H) No person may intervene in an appeal brought under this section. 36964  
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**Sec. 3702.61.** In addition to the sanctions imposed under sections 3702.54, 3702.541, 3702.542, ~~3702.543~~, and 3702.55 and former section 3702.543 of the Revised Code, if any person violates section 3702.53 of the Revised Code, the attorney general may commence necessary legal proceedings in the court of common pleas of Franklin county to enjoin the person from such violation until the requirements of sections 3702.51 to 3702.62 of the Revised Code have been satisfied. At the request of the director of health, the attorney general shall commence any necessary proceedings. The court has jurisdiction to grant and, on a showing of a violation, shall grant appropriate injunctive relief. 36966  
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**Sec. 3702.63.** As specified in former Section 11 of Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. Sub. H.B. 405 of the 124th general assembly, all of the following apply: 36977  
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(A) The removal of former divisions (E) and (F) of section 3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 50 of the 121st general assembly does not release the holders of certificates of need issued under those divisions from complying with any conditions on which the granting of the certificates of need was based, including the requirement of former division (E)(6) of that section that the holders not enter into provider agreements under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for at least ten years following initial licensure of the long-term care facilities for which the certificates were granted. 36980  
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(B) The repeal of section 3702.55 of the Revised Code by Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 36992  
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not release the holders of certificates of need issued under that 36994  
section from complying with any conditions on which the granting 36995  
of the certificates of need was based, other than the requirement 36996  
of division (A)(6) of that section that the holders not seek 36997  
certification under Title XVIII of the "Social Security Act" for 36998  
beds recategorized under the certificates. That repeal also does 36999  
not eliminate the requirement that the director of health revoke 37000  
the licensure of the beds under Chapter 3721. of the Revised Code 37001  
if a person to which their ownership is transferred fails, as 37002  
required by division (A)(6) of the repealed section, to file 37003  
within ten days after the transfer a sworn statement not to seek 37004  
certification under Title XIX of the "Social Security Act" for 37005  
beds recategorized under the certificates of need. 37006

(C) The repeal of section 3702.56 of the Revised Code by 37007  
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 37008  
not release the holders of certificates of need issued under that 37009  
section from complying with any conditions on which the granting 37010  
of the certificates of need was based. 37011

**Sec. 3702.68.** (A) Notwithstanding sections 3702.51 to 3702.62 37012  
of the Revised Code, this section applies to the review of 37013  
certificate of need applications during the period beginning July 37014  
1, 1993, and ending June 30, ~~2003~~ 2005. 37015

(B)(1) Except as provided in division (B)(2) of this section, 37016  
the director of health shall neither grant nor deny any 37017  
application for a certificate of need submitted prior to July 1, 37018  
1993, if the application was for any of the following and the 37019  
director had not issued a written decision concerning the 37020  
application prior to that date: 37021

(a) Approval of beds in a new health care facility or an 37022  
increase of beds in an existing health care facility, if the beds 37023  
are proposed to be licensed as nursing home beds under Chapter 37024

3721. of the Revised Code; 37025

(b) Approval of beds in a new county home or new county 37026  
nursing home as defined in section 5155.31 of the Revised Code, or 37027  
an increase of beds in an existing county home or existing county 37028  
nursing home, if the beds are proposed to be certified as skilled 37029  
nursing facility beds under Title XVIII or nursing facility beds 37030  
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 37031  
42 U.S.C.A. 301, as amended; 37032

(c) Recategorization of hospital beds as described in section 37033  
3702.522 of the Revised Code, an increase of hospital beds 37034  
registered pursuant to section 3701.07 of the Revised Code as 37035  
long-term care beds or skilled nursing facility beds, or a 37036  
recategorization of hospital beds that would result in an increase 37037  
of beds registered pursuant to that section as long-term care beds 37038  
or skilled nursing facility beds. 37039

On July 1, 1993, the director shall return each such 37040  
application to the applicant and, notwithstanding section 3702.52 37041  
of the Revised Code regarding the uses of the certificate of need 37042  
fund, shall refund to the applicant the application fee paid under 37043  
that section. Applications returned under division (B)(1) of this 37044  
section may be resubmitted in accordance with section 3702.52 of 37045  
the Revised Code no sooner than July 1, ~~2003~~ 2005. 37046

(2) The director shall continue to review and shall issue a 37047  
decision regarding any application submitted prior to July 1, 37048  
1993, to increase beds for either of the purposes described in 37049  
division (B)(1)(a) or (b) of this section if the proposed increase 37050  
in beds is attributable solely to a replacement or relocation of 37051  
existing beds within the same county. The director shall authorize 37052  
under such an application no additional beds beyond those being 37053  
replaced or relocated. 37054

(C)(1) Except as provided in division (C)(2) of this section, 37055

the director, during the period beginning July 1, 1993, and ending 37056  
June 30, ~~2003~~ 2005, shall not accept for review under section 37057  
3702.52 of the Revised Code any application for a certificate of 37058  
need for any of the purposes described in divisions (B)(1)(a) to 37059  
(c) of this section. 37060

(2) The director shall accept for review any application for 37061  
either of the purposes described in division (B)(1)(a) or (b) of 37062  
this section if the proposed increase in beds is attributable 37063  
solely to a replacement or relocation of existing beds within the 37064  
same county. The director shall authorize under such an 37065  
application no additional beds beyond those being replaced or 37066  
relocated. The director also shall accept for review any 37067  
application that seeks certificate of need approval for existing 37068  
beds located in an infirmary that is operated exclusively by a 37069  
religious order, provides care exclusively to members of religious 37070  
orders who take vows of celibacy and live by virtue of their vows 37071  
within the orders as if related, and was providing care 37072  
exclusively to members of such a religious order on January 1, 37073  
1994. 37074

(D) The director shall issue a decision regarding any case 37075  
remanded by a court as the result of a decision issued by the 37076  
director prior to July 1, 1993, to grant, deny, or withdraw a 37077  
certificate of need for any of the purposes described in divisions 37078  
(B)(1)(a) to (c) of this section. 37079

(E) The director shall not project the need for beds listed 37080  
in division (B)(1) of this section for the period beginning July 37081  
1, 1993, and ending June 30, ~~2003~~ 2005. 37082

This section is an interim section effective until July 1, 37083  
~~2003~~ 2005. 37084

**Sec. 3702.74.** (A) A primary care physician who has signed a 37085  
letter of intent under section 3702.73 of the Revised Code, the 37086

director of health, and the Ohio board of regents may enter into a 37087  
contract for the physician's participation in the physician loan 37088  
repayment program. A lending institution may also be a party to 37089  
the contract. 37090

(B) The contract shall include all of the following 37091  
obligations: 37092

(1) The primary care physician agrees to provide primary care 37093  
services in the health resource shortage area identified in the 37094  
letter of intent for at least two years or one year per twenty 37095  
thousand dollars of repayment agreed to under division (B)(3) of 37096  
this section, whichever is greater; 37097

(2) When providing primary care services in the health 37098  
resource shortage area, the primary care physician agrees to do 37099  
all of the following: 37100

(a) Provide primary care services for a minimum of forty 37101  
hours per week; 37102

(b) Provide primary care services without regard to a 37103  
patient's ability to pay; 37104

(c) Meet the conditions prescribed by the "Social Security 37105  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 37106  
department of job and family services for participation in the 37107  
medical assistance program established under Chapter 5111. of the 37108  
Revised Code and enter into a contract with the department to 37109  
provide primary care services to recipients of the medical 37110  
assistance program; 37111

(d) Meet the conditions established by the department of job 37112  
and family services for participation in the disability ~~assistance~~ 37113  
medical assistance program established under Chapter 5115. of the 37114  
Revised Code and enter into a contract with the department to 37115  
provide primary care services to recipients of disability medical 37116  
assistance. 37117

(3) The Ohio board of regents agrees, as provided in section 37118  
3702.75 of the Revised Code, to repay, so long as the primary care 37119  
physician performs the service obligation agreed to under division 37120  
(B)(1) of this section, all or part of the principal and interest 37121  
of a government or other educational loan taken by the primary 37122  
care physician for expenses described in section 3702.75 of the 37123  
Revised Code; 37124

(4) The primary care physician agrees to pay the board the 37125  
following as damages if the physician fails to complete the 37126  
service obligation agreed to under division (B)(1) of this 37127  
section: 37128

(a) If the failure occurs during the first two years of the 37129  
service obligation, three times the total amount the board has 37130  
agreed to repay under division (B)(3) of this section; 37131

(b) If the failure occurs after the first two years of the 37132  
service obligation, three times the amount the board is still 37133  
obligated to repay under division (B)(3) of this section. 37134

(C) The contract may include any other terms agreed upon by 37135  
the parties, including an assignment to the Ohio board of regents 37136  
of the physician's duty to pay the principal and interest of a 37137  
government or other educational loan taken by the physician for 37138  
expenses described in section 3702.75 of the Revised Code. If the 37139  
board assumes the physician's duty to pay a loan, the contract 37140  
shall set forth the total amount of principal and interest to be 37141  
paid, an amortization schedule, and the amount of each payment to 37142  
be made under the schedule. 37143

**Sec. 3705.01.** As used in this chapter: 37144

(A) "Live birth" means the complete expulsion or extraction 37145  
from its mother of a product of human conception that after such 37146  
expulsion or extraction breathes or shows any other evidence of 37147

life such as beating of the heart, pulsation of the umbilical 37148  
cord, or definite movement of voluntary muscles, whether or not 37149  
the umbilical cord has been cut or the placenta is attached. 37150

(B)(1) "Fetal death" means death prior to the complete 37151  
expulsion or extraction from its mother of a product of human 37152  
conception of at least twenty weeks of gestation, which after such 37153  
expulsion or extraction does not breathe or show any other 37154  
evidence of life such as beating of the heart, pulsation of the 37155  
umbilical cord, or definite movement of voluntary muscles. 37156

(2) "Stillborn" means that an infant suffered a fetal death. 37157

(C) "Dead body" means a human body or part of a human body 37158  
from the condition of which it reasonably may be concluded that 37159  
death recently occurred. 37160

(D) "Physician" means a person licensed pursuant to Chapter 37161  
4731. of the Revised Code to practice medicine or surgery or 37162  
osteopathic medicine and surgery. 37163

(E) "Attending physician" means the physician in charge of 37164  
the patient's care for the illness or condition that resulted in 37165  
death. 37166

(F) "Institution" means any establishment, public or private, 37167  
that provides medical, surgical, or diagnostic care or treatment, 37168  
or domiciliary care, to two or more unrelated individuals, or to 37169  
persons committed by law. 37170

(G) "Funeral director" has the meaning given in section 37171  
4717.01 of the Revised Code. 37172

(H) "State registrar" means the head of the office of vital 37173  
statistics in the department of health. 37174

(I) "Medical certification" means completion of the medical 37175  
certification portion of the certificate of death or fetal death 37176  
as to the cause of death or fetal death. 37177

(J) "Final disposition" means the interment, cremation,	37178
removal from the state, donation, or other authorized disposition	37179
of a dead body or a fetal death.	37180
(K) "Interment" means the final disposition of the remains of	37181
a dead body by burial or entombment.	37182
(L) "Cremation" means the reduction to ashes of a dead body.	37183
(M) "Donation" means gift of a dead body to a research	37184
institution or medical school.	37185
(N) "System of vital statistics" means the registration,	37186
collection, preservation, amendment, and certification of vital	37187
records, the collection of other reports required by this chapter,	37188
and activities related thereto.	37189
(O) "Vital records" means certificates or reports of birth,	37190
death, fetal death, marriage, divorce, dissolution of marriage,	37191
annulment, and data related thereto and other documents maintained	37192
as required by statute.	37193
(P) "File" means the presentation of vital records for	37194
registration by the office of vital statistics.	37195
(Q) "Registration" means the acceptance by the office of	37196
vital statistics and the incorporation of vital records into its	37197
official records.	37198
(R) "Birth record" means a birth certificate that has been	37199
registered with the office of vital statistics; or, if registered	37200
prior to the effective date of this section, with the division of	37201
vital statistics; or, if registered prior to the establishment of	37202
the division of vital statistics, with the department of health or	37203
a local registrar.	37204
(S) "Certification of birth" means a document issued by the	37205
director of health or state registrar or a local registrar under	37206
division (B) of section 3705.23 of the Revised Code.	37207

**Sec. 3705.23.** (A)(1) Except as otherwise provided in this 37208  
section, the director of health, the state registrar, or a local 37209  
registrar, on receipt of a signed application and the fee 37210  
specified in section 3705.24 of the Revised Code, shall issue a 37211  
certified copy of a vital record, or of a part of a vital record, 37212  
in the director's or registrar's custody to any applicant, unless 37213  
the vital record has ceased to be a public record pursuant to 37214  
section 3705.09, 3705.11, 3705.12, or 3705.15 of the Revised Code. 37215  
The certified copy shall show the date the vital record was 37216  
registered by the local registrar. 37217

(2) A certified copy of a vital record may be made by a 37218  
mechanical, electronic, or other reproduction process. It shall be 37219  
certified as a true copy by the director, state registrar, or 37220  
local registrar who has custody of the record and shall include 37221  
the date of issuance, the name of the issuing officer, the 37222  
signature of the officer or an authorized facsimile of the 37223  
signature, and the seal of the issuing office. 37224

(3) A certified copy of a vital record or of any part of a 37225  
vital record, issued in accordance with this section, shall be 37226  
considered for all purposes the same as the original and shall be 37227  
prima-facie evidence of the facts stated in it in all courts and 37228  
places. 37229

(4)(a) Information contained in the "information for medical 37230  
and health use only" section of a birth record shall not be 37231  
included as part of a certified copy of the birth record unless 37232  
the information specifically is requested by the individual to 37233  
whose birth the record attests, either of the individual's parents 37234  
or the individual's guardian, a lineal descendant, or an official 37235  
of the federal or state government or of a political subdivision 37236  
of the state charged by law with detecting or prosecuting crime. 37237

(b) Except as provided in division (A)(4)(a) of this section, 37238

neither the office of vital statistics nor a local registrar shall 37239  
disclose information contained in the "information for medical and 37240  
health use only" section of a birth record unless a court, for 37241  
good cause shown, orders disclosure of the information or the 37242  
state registrar specifically authorizes release of the information 37243  
for statistical or research purposes under conditions the state 37244  
registrar, subject to the approval of the director of health, 37245  
shall establish by rule. 37246

(B)(1) Unless the applicant specifically requests a certified 37247  
copy, the director, the state registrar, or a local registrar, on 37248  
receipt of a signed application for a birth record and the fee 37249  
specified in section 3705.24 of the Revised Code, may issue a 37250  
certification of birth, and the certification of birth shall 37251  
contain at least the name, sex, date of birth, registration date, 37252  
and place of birth of the person to whose birth the record attests 37253  
and shall attest that the person's birth has been registered. A 37254  
certification of birth shall be prima-facie evidence of the facts 37255  
stated in it in all courts and places. 37256

(2) The director or the state registrar, on the receipt of a 37257  
signed application for an heirloom certification of birth and the 37258  
fee specified in section 3705.24 of the Revised Code, may issue an 37259  
heirloom certification of birth. The director shall prescribe by 37260  
rule guidelines for the form of an heirloom certification of 37261  
birth, and the guidelines shall require the heirloom certification 37262  
of birth to contain at least the name, sex, date of birth, 37263  
registration date, and place of birth of the person to whose birth 37264  
the record attests and to attest that the person's birth has been 37265  
registered. An heirloom certification of birth shall be 37266  
prima-facie evidence of the facts stated in it in all courts and 37267  
places. 37268

(3) The director or the state registrar, on the receipt of an 37269  
application signed by either parent, shall issue a certificate 37270

recognizing the delivery of a stillborn infant. The director shall 37271  
prescribe guidelines by rule for the form of the certificate. The 37272  
guidelines shall require that the certificate contain at least the 37273  
name, sex, date of delivery, and place of delivery. The director 37274  
or the state registrar shall charge no fee for the certificate. A 37275  
certificate recognizing the delivery of a stillborn infant is not 37276  
proof of a live birth for purposes of federal, state, and local 37277  
taxes. 37278

(C) On evidence that a birth certificate was registered 37279  
through misrepresentation or fraud, the state registrar may 37280  
withhold the issuance of a certified copy of the birth record or a 37281  
certification of birth until a court makes a determination that no 37282  
misrepresentation or fraud occurred. 37283

~~(D) Except as provided in division (A)(4)(b) of this section,~~ 37284  
~~the state registrar and a local registrar, on request, shall~~ 37285  
~~provide uncertified copies of vital records in accordance with~~ 37286  
~~section 149.43 of the Revised Code.~~ 37287

**Sec. 3705.24.** (A) ~~Except as otherwise provided in this~~ 37288  
~~division or division (C) of this section, the fee for a certified~~ 37289  
~~copy of a vital record or for a certification of birth shall be~~ 37290  
~~seven dollars plus any fee required by section 3109.14 of the~~ 37291  
~~Revised Code. Except as provided in section 3705.241 of the~~ 37292  
~~Revised Code, the fee for a certified copy of a vital record or~~ 37293  
~~for a certification of birth issued by the office of vital~~ 37294  
~~statistics shall be an amount prescribed by the public health~~ 37295  
~~council plus any fee required by section 3109.14 of the Revised~~ 37296  
~~Code. The fee for a certified copy of a vital record or for a~~ 37297  
~~certification of birth issued by a health district shall be an~~ 37298  
~~amount prescribed in accordance with section 3709.09 of the~~ 37299  
~~Revised Code plus any fee required by section 3109.14 of the~~ 37300  
~~Revised Code. No certified copy of a vital record or certification~~ 37301

~~of birth shall be issued without payment of the fee unless~~ 37302  
~~otherwise specified by statute.~~ 37303

~~For a special search of the files and records to determine a~~ 37304  
~~date or place contained in a record on file, the office of vital~~ 37305  
~~statistics shall charge a fee of three dollars for each hour or~~ 37306  
~~fractional part of an hour required for the search.~~ 37307

(B)(1) The public health council shall, in accordance with 37308  
section 111.15 of the Revised Code, adopt rules prescribing fees 37309  
for the following services provided by the state office of vital 37310  
statistics: 37311

(a) Except as provided in division (A)(4) of this section: 37312

(i) A certified copy of a vital record or a certification of 37313  
birth; 37314

(ii) A search by the office of vital statistics of its files 37315  
and records pursuant to a request for information, regardless of 37316  
whether a copy of a record is provided; 37317

(iii) A copy of a record provided pursuant to a request; 37318

(b) Replacement of a birth certificate following an adoption, 37319  
legitimation, paternity determination or acknowledgement, or court 37320  
order; 37321

(c) Filing of a delayed registration of a vital record; 37322

(d) Amendment of a vital record that is requested later than 37323  
one year after the filing date of the vital record; 37324

(e) Any other documents or services for which the public 37325  
health council considers the charging of a fee appropriate. 37326

(2) Fees prescribed under division (A)(1)(a) of this section 37327  
shall not be less than seven dollars. 37328

(3) Fees prescribed under division (A)(1) of this section 37329  
shall be collected in addition to any fee required by section 37330

3109.14 of the Revised Code. 37331

(4) Fees prescribed under division (A) of this section shall 37332  
not apply to certifications issued under division (H) of this 37333  
section or copies provided under section 3705.241 of the Revised 37334  
Code. 37335

(B) In addition to the fees prescribed under division (A) of 37336  
this section or section 3709.09 of the Revised Code, the office of 37337  
vital statistics or the board of health of a city or general 37338  
health district shall charge a five-dollar fee for each certified 37339  
copy of a vital record and each certification of birth. This fee 37340  
shall be deposited in the general operations fund created under 37341  
section 3701.83 of the Revised Code and be used solely toward the 37342  
modernization and automation of the system of vital records in 37343  
this state. A board of health shall forward all fees collected 37344  
under this division to the department of health not later than 37345  
thirty days after the end of each calendar quarter. 37346

(C) Except as otherwise provided in division ~~(G)~~(H) of this 37347  
section, and except as provided in section 3705.241 of the Revised 37348  
Code, fees collected by the director of health under sections 37349  
3705.01 to 3705.29 of the Revised Code shall be paid into the 37350  
state treasury to the credit of the general operations fund 37351  
created by section 3701.83 of the Revised Code. ~~Money~~ Except as 37352  
provided in division (B) of this section, money generated by the 37353  
fees shall be used only for administration and enforcement of this 37354  
chapter and the rules adopted under it. Amounts submitted to the 37355  
department of health for copies of vital records or services in 37356  
excess of the fees imposed by this section shall be dealt with as 37357  
follows: 37358

(1) An overpayment of two dollars or less shall be retained 37359  
by the department and deposited in the state treasury to the 37360  
credit of the general operations fund created by section 3701.83 37361  
of the Revised Code. 37362

(2) An overpayment in excess of two dollars shall be returned 37363  
to the person who made the overpayment. 37364

~~(C)~~(D) If a local registrar is a salaried employee of a city 37365  
or a general health district, any fees the local registrar 37366  
receives pursuant to section 3705.23 of the Revised Code shall be 37367  
paid into the general fund of the city or the health fund of the 37368  
general health district. 37369

Each local registrar of vital statistics, or each health 37370  
district where the local registrar is a salaried employee of the 37371  
district, shall be entitled to a fee for each birth, fetal death, 37372  
death, or military service certificate properly and completely 37373  
made out and registered with the local registrar or district and 37374  
correctly copied and forwarded to the office of vital statistics 37375  
in accordance with the population of the primary registration 37376  
district at the last federal census. The fee for each birth, fetal 37377  
death, death, or military service certificate shall be: 37378

(1) In primary registration districts of over two hundred 37379  
fifty thousand, twenty cents; 37380

(2) In primary registration districts of over one hundred 37381  
twenty-five thousand and less than two hundred fifty thousand, 37382  
sixty cents; 37383

(3) In primary registration districts of over fifty thousand 37384  
and less than one hundred twenty-five thousand, eighty cents; 37385

(4) In primary registration districts of less than fifty 37386  
thousand, one dollar. 37387

~~(D)~~(E) The director of health shall annually certify to the 37388  
county treasurers of the several counties the number of birth, 37389  
fetal death, death, and military service certificates registered 37390  
from their respective counties with the names of the local 37391  
registrars and the amounts due each registrar and health district 37392  
at the rates fixed in this section. Such amounts shall be paid by 37393

the treasurer of the county in which the registration districts 37394  
are located. No fees shall be charged or collected by registrars 37395  
except as provided by this chapter and section 3109.14 of the 37396  
Revised Code. 37397

~~(E)~~(F) A probate judge shall be paid a fee of fifteen cents 37398  
for each certified abstract of marriage prepared and forwarded by 37399  
the probate judge to the department of health pursuant to section 37400  
3705.21 of the Revised Code. The fee shall be in addition to the 37401  
fee paid for a marriage license and shall be paid by the 37402  
applicants for the license. 37403

~~(F)~~(G) The clerk of a court of common pleas shall be paid a 37404  
fee of one dollar for each certificate of divorce, dissolution, 37405  
and annulment of marriage prepared and forwarded by the clerk to 37406  
the department pursuant to section 3705.21 of the Revised Code. 37407  
The fee for the certified abstract of divorce, dissolution, or 37408  
annulment of marriage shall be added to the court costs allowed in 37409  
these cases. 37410

~~(G)~~(H) The fee for an heirloom certification of birth issued 37411  
pursuant to division (B)(2) of section 3705.23 of the Revised Code 37412  
shall be an amount prescribed by rule by the director of health 37413  
plus any fee required by section 3109.14 of the Revised Code. In 37414  
setting the amount of the fee, the director shall establish a 37415  
surcharge in addition to an amount necessary to offset the expense 37416  
of processing heirloom certifications of birth. The fee prescribed 37417  
by the director of health pursuant to this division shall be 37418  
deposited into the state treasury to the credit of the heirloom 37419  
certification of birth fund which is hereby created. Money 37420  
credited to the fund shall be used by the office of vital 37421  
statistics to offset the expense of processing heirloom 37422  
certifications of birth. However, the money collected for the 37423  
surcharge, subject to the approval of the controlling board, shall 37424  
be used for the purposes specified by the family and children 37425

first council pursuant to section 121.37 of the Revised Code. 37426

**Sec. 3709.09.** (A) The board of health of a city or general 37427  
health district may, by rule, establish a uniform system of fees 37428  
to pay the costs of any services provided by the board. ~~Fees~~ 37429

The fee for issuance of a certified copy of a vital record or 37430  
a certification of birth shall not be less than the fee prescribed 37431  
for the same service under division (A)(1) of section 3705.24 of 37432  
the Revised Code and shall include the fees required by division 37433  
(B) of section 3705.24 and section 3109.14 of the Revised Code. 37434

Fees for services provided by the board for purposes 37435  
specified in sections 3701.344, 3711.05, 3730.03, 3733.04, 37436  
3733.25, and 3749.04 of the Revised Code shall be established in 37437  
accordance with rules adopted under division (B) of this section. 37438  
The district advisory council, in the case of a general health 37439  
district, and the legislative authority of the city, in the case 37440  
of a city health district, may disapprove any fee established by 37441  
the board of health under this division, and any such fee, as 37442  
disapproved, shall not be charged by the board of health. 37443

(B) The public health council shall adopt rules under section 37444  
111.15 of the Revised Code that establish fee categories and 37445  
uniform methodologies for use in calculating the costs of services 37446  
provided for purposes specified in sections 3701.344, 3711.05, 37447  
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code. In 37448  
adopting the rules, the public health council shall consider 37449  
recommendations it receives from advisory boards established 37450  
either by statute or the director of health for entities subject 37451  
to the fees. 37452

(C) At least thirty days prior to establishing a fee for a 37453  
service provided by the board for a purpose specified in section 37454  
3701.344, 3711.05, 3730.03, 3733.04, 3733.25, or 3749.04 of the 37455  
Revised Code, a board of health shall notify any entity that would 37456

be affected by the proposed fee of the amount of the proposed fee. 37457

**Sec. 3710.05.** (A) Except as otherwise provided in this 37458  
chapter, no person shall engage in any asbestos hazard abatement 37459  
activities in this state unless licensed or certified pursuant to 37460  
this chapter. 37461

(B) To apply for licensure as an asbestos abatement 37462  
contractor or certification as an asbestos hazard abatement 37463  
specialist, an asbestos hazard evaluation specialist, an asbestos 37464  
hazard abatement project designer, or an asbestos hazard abatement 37465  
air-monitoring technician, a person shall do all of the following: 37466

(1) Submit a completed application to the department of 37467  
health, on a form provided by the department; 37468

(2) Pay the requisite fee as provided in division (D) of this 37469  
section; 37470

(3) Submit any other information the public health council by 37471  
rule requires. 37472

(C) The application form for a business entity or public 37473  
entity applying for an asbestos hazard abatement contractor's 37474  
license shall include all of the following: 37475

(1) A description of the protective clothing and respirators 37476  
that the public entity will use to comply with rules adopted by 37477  
the public health council and that the business entity will use to 37478  
comply with requirements of the United States occupational safety 37479  
and health administration; 37480

(2) A description of procedures the business entity or public 37481  
entity will use for the selection, utilization, handling, removal, 37482  
and disposal of clothing to prevent contamination or 37483  
recontamination of the environment and to protect the public 37484  
health from the hazards associated with exposure to asbestos; 37485

(3) The name and address of each asbestos disposal site that 37486

the business entity or public entity might use during the year;	37487
(4) A description of the site decontamination procedures that the business entity or public entity will use;	37488
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	37490
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	37492
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	37494
(8) A description of the final clean-up procedures that the business entity or public entity will use;	37498
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	37500
(10) The federal tax identification number of the business entity or the public entity.	37502
(D) The fees to be charged to each public entity and business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:	37504
(1) <del>Five</del> <u>Seven</u> hundred <u>fifty</u> dollars for asbestos hazard abatement contractors;	37509
(2) <del>One Two</del> hundred <del>twenty-five</del> dollars for asbestos hazard abatement project designers;	37511
(3) <del>Twenty-five</del> <u>Fifty</u> dollars for asbestos hazard abatement workers;	37513
(4) <del>One Two</del> hundred <del>twenty-five</del> dollars for asbestos hazard	37515

abatement specialists;	37516
(5) <del>One</del> <u>Two</u> hundred <del>twenty-five</del> dollars for asbestos hazard evaluation specialists; and	37517 37518
(6) <del>Seven</del> <u>Nine</u> hundred <del>fifty</del> dollars for approval or renewal of asbestos hazard training providers.	37519 37520
(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the activity meet the requirements of this chapter.	37521 37522 37523 37524 37525 37526 37527 37528 37529
<b>Sec. 3710.07.</b> (A) Prior to engaging in any asbestos hazard abatement project, an asbestos hazard abatement contractor shall do all of the following:	37530 37531 37532
(1) Prepare a written respiratory protection program as defined by the public health council pursuant to rule, and make the program available to the department of health, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the department, and workers at the job site if the contractor is a business entity;	37533 37534 37535 37536 37537 37538 37539
(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator;	37540 37541 37542 37543
(3) Ensure that each of <del>his</del> <u>the contractor's</u> employees or agents who will come in contact with asbestos-containing materials	37544 37545

or will be responsible for an asbestos hazard abatement project 37546  
receives the appropriate certification or licensure required by 37547  
this chapter and the following training: 37548

(a) An initial course approved by the department pursuant to 37549  
section 3710.10 of the Revised Code, completed before engaging in 37550  
any asbestos hazard abatement project; and 37551

(b) An annual review course approved by the department 37552  
pursuant to section 3710.10 of the Revised Code. 37553

(B) After obtaining or renewing a license, an asbestos hazard 37554  
abatement contractor shall notify the department, on a form 37555  
approved by the director of health, at least ten days before 37556  
beginning each asbestos hazard abatement project conducted during 37557  
the term of ~~his~~ the contractor's license. 37558

(C) In addition to any other fee imposed under this chapter, 37559  
an asbestos hazard abatement contractor shall pay, at the time of 37560  
providing notice under division (B) of this section, the 37561  
department a fee of ~~twenty-five~~ sixty-five dollars for each 37562  
asbestos hazard abatement project conducted. 37563

**Sec. 3711.021.** For the purposes of this chapter, a maternity 37564  
hospital or lying-in hospital includes a limited maternity unit, 37565  
which is a unit in a hospital that contains no other maternity 37566  
unit, in which care is provided during all or part of the 37567  
maternity cycle and newborns receive care in a private room 37568  
serving all antepartum, labor, delivery, recovery, postpartum, and 37569  
nursery needs. 37570

The director of health may charge a maternity hospital or 37571  
lying-in hospital seeking an initial or renewal license under this 37572  
chapter a fee not exceeding the following: 37573

(A) ~~Three~~ Four thousand ~~eight hundred fifty~~ forty-two dollars 37574  
for a hospital in which not less than two thousand births occurred 37575

the previous calendar year; 37576

(B) Three thousand ~~three~~ five hundred ~~fifty~~ seventeen dollars 37577  
for a hospital in which not more than one thousand nine hundred 37578  
ninety-nine and not less than one thousand births occurred the 37579  
previous calendar year; 37580

(C) Two thousand ~~eight~~ nine hundred ~~fifty~~ ninety-two dollars 37581  
for a hospital in which not more than nine hundred ninety-nine and 37582  
not less than six hundred fifty births occurred the previous 37583  
calendar year; 37584

(D) Two thousand ~~three~~ four hundred ~~fifty~~ sixty-seven dollars 37585  
for a hospital in which not more than six hundred forty-nine and 37586  
not less than four hundred fifty births occurred the previous 37587  
calendar year; 37588

(E) One thousand ~~eight~~ nine hundred ~~fifty~~ forty-two dollars 37589  
for a hospital in which not more than four hundred forty-nine 37590  
births and not less than one hundred births occurred the previous 37591  
calendar year; 37592

(F) One thousand ~~three~~ four hundred ~~fifty~~ seventeen dollars 37593  
for a hospital in which not more than ninety-nine births occurred 37594  
the previous calendar year. 37595

The director shall deposit all fees collected under this 37596  
section into the general operations fund created under section 37597  
3701.83 of the Revised Code. Money generated by the fees shall be 37598  
used only for administration and enforcement of this chapter and 37599  
rules adopted under it. 37600

**Sec. 3717.42.** (A) The following are not food service 37601  
operations: 37602

(1) A retail food establishment licensed under this chapter, 37603  
including a retail food establishment that provides the services 37604  
of a food service operation pursuant to an endorsement issued 37605

under section 3717.24 of the Revised Code; 37606

(2) An entity exempt from the requirement to be licensed as a 37607  
retail food establishment under division (B) of section 3717.22 of 37608  
the Revised Code; 37609

(3) A business or that portion of a business that is 37610  
regulated by the federal government or the department of 37611  
agriculture as a food manufacturing or food processing business, 37612  
including a business or that portion of a business regulated by 37613  
the department of agriculture under Chapter 911., 913., 915., 37614  
917., 918., or 925. of the Revised Code. 37615

(B) All of the following are exempt from the requirement to 37616  
be licensed as a food service operation: 37617

(1) A private home in which individuals related by blood, 37618  
marriage, or law reside and in which the food that is prepared or 37619  
served is intended only for those individuals and their nonpaying 37620  
guests; 37621

(2) A private home operated as a bed-and-breakfast that 37622  
prepares and offers food to guests, if the home is owner-occupied, 37623  
the number of available guest bedrooms does not exceed six, 37624  
breakfast is the only meal offered, and the number of guests 37625  
served does not exceed sixteen; 37626

(3) A stand operated on the premises of a private home by one 37627  
or more children under the age of twelve, if the food served is 37628  
not potentially hazardous; 37629

(4) A residential facility that accommodates not more than 37630  
sixteen residents; is licensed, certified, registered, or 37631  
otherwise regulated by the federal government or by the state or a 37632  
political subdivision of the state; and prepares food for or 37633  
serves food to only the residents of the facility, the staff of 37634  
the facility, and any nonpaying guests of residents or staff; 37635

- (5) A church, school, fraternal or veterans' organization, 37636  
volunteer fire organization, or volunteer emergency medical 37637  
service organization preparing or serving food intended for 37638  
individual portion service on its premises for not more than seven 37639  
consecutive days or not more than fifty-two separate days during a 37640  
licensing period. This exemption extends to any individual or 37641  
group raising all of its funds during the time periods specified 37642  
in division (B)(5) of this section for the benefit of the church, 37643  
school, or organization by preparing or serving food intended for 37644  
individual portion service under the same conditions. 37645
- (6) A common carrier that prepares or serves food, if the 37646  
carrier is regulated by the federal government; 37647
- (7) A food service operation serving ~~five~~ thirteen or fewer 37648  
individuals daily; 37649
- (8) A type A or type B family day-care home, as defined in 37650  
section 5104.01 of the Revised Code, that prepares or serves food 37651  
for the children receiving day-care; 37652
- (9) A vending machine location where the only foods dispensed 37653  
are foods from one or both of the following categories: 37654
- (a) Prepackaged foods that are not potentially hazardous; 37655
- (b) Nuts, panned or wrapped bulk chewing gum, or panned or 37656  
wrapped bulk candies. 37657
- (10) A place servicing the vending machines at a vending 37658  
machine location described in division (B)(9) of this section; 37659
- (11) A commissary servicing vending machines that dispense 37660  
only milk, milk products, or frozen desserts that are under a 37661  
state or federal inspection and analysis program; 37662
- (12) A "controlled location vending machine location," which 37663  
means a vending machine location at which all of the following 37664  
apply: 37665

(a) The vending machines dispense only foods that are not potentially hazardous;	37666 37667
(b) The machines are designed to be filled and maintained in a sanitary manner by untrained persons;	37668 37669
(c) Minimal protection is necessary to ensure against contamination of food and equipment.	37670 37671
(13) A private home that prepares and offers food to guests, if the home is owner-occupied, meals are served on the premises of that home, the number of meals served does not exceed one hundred fifteen per week, and the home displays a notice in a place conspicuous to all of its guests informing them that the home is not required to be licensed as a food service operation;	37672 37673 37674 37675 37676 37677
(14) An individual who prepares full meals or meal components, such as pies or baked goods, in the individual's home to be served off the premises of that home, if the number of meals or meal components prepared for that purpose does not exceed twenty in a seven-day period.	37678 37679 37680 37681 37682
<b>Sec. 3721.02.</b> (A) The director of health shall license homes and establish procedures to be followed in inspecting and licensing homes. The director may inspect a home at any time. Each home shall be inspected by the director at least once prior to the issuance of a license and at least once every fifteen months thereafter. The state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal shall also inspect a home prior to issuance of a license, at least once every fifteen months thereafter, and at any other time requested by the director. A home does not have to be inspected prior to issuance of a license by the director, state fire marshal, or a fire department if ownership of the home is assigned or transferred to a different person and the home was licensed under this chapter immediately prior to the assignment or	37683 37684 37685 37686 37687 37688 37689 37690 37691 37692 37693 37694 37695 37696

transfer. The director may enter at any time, for the purposes of 37697  
investigation, any institution, residence, facility, or other 37698  
structure that has been reported to the director or that the 37699  
director has reasonable cause to believe is operating as a nursing 37700  
home, residential care facility, or home for the aging without a 37701  
valid license required by section 3721.05 of the Revised Code or, 37702  
in the case of a county home or district home, is operating 37703  
despite the revocation of its residential care facility license. 37704  
The director may delegate the director's authority and duties 37705  
under this chapter to any division, bureau, agency, or official of 37706  
the department of health. 37707

(B) A single facility may be licensed both as a nursing home 37708  
pursuant to this chapter and as an adult care facility pursuant to 37709  
Chapter 3722. of the Revised Code if the director determines that 37710  
the part or unit to be licensed as a nursing home can be 37711  
maintained separate and discrete from the part or unit to be 37712  
licensed as an adult care facility. 37713

(C) In determining the number of residents in a home for the 37714  
purpose of licensing, the director shall consider all the 37715  
individuals for whom the home provides accommodations as one group 37716  
unless one of the following is the case: 37717

(1) The home is a home for the aging, in which case all the 37718  
individuals in the part or unit licensed as a nursing home shall 37719  
be considered as one group, and all the individuals in the part or 37720  
unit licensed as a rest home shall be considered as another group. 37721

(2) The home is both a nursing home and an adult care 37722  
facility. In that case, all the individuals in the part or unit 37723  
licensed as a nursing home shall be considered as one group, and 37724  
all the individuals in the part or unit licensed as an adult care 37725  
facility shall be considered as another group. 37726

(3) The home maintains, in addition to a nursing home or 37727

residential care facility, a separate and discrete part or unit 37728  
that provides accommodations to individuals who do not require or 37729  
receive skilled nursing care and do not receive personal care 37730  
services from the home, in which case the individuals in the 37731  
separate and discrete part or unit shall not be considered in 37732  
determining the number of residents in the home if the separate 37733  
and discrete part or unit is in compliance with the Ohio basic 37734  
building code established by the board of building standards under 37735  
Chapters 3781. and 3791. of the Revised Code and the home permits 37736  
the director, on request, to inspect the separate and discrete 37737  
part or unit and speak with the individuals residing there, if 37738  
they consent, to determine whether the separate and discrete part 37739  
or unit meets the requirements of this division. 37740

(D) The director of health shall charge an application fee 37741  
and an annual renewal licensing and inspection fee of one hundred 37742  
five dollars for each fifty persons or part thereof of a home's 37743  
licensed capacity. All fees collected by the director for the 37744  
issuance or renewal of licenses shall be deposited into the state 37745  
treasury to the credit of the general operations fund created in 37746  
section 3701.83 of the Revised Code for use only in administering 37747  
and enforcing this chapter and rules adopted under it. 37748

(E)(1) Except as otherwise provided in this section, the 37749  
results of an inspection or investigation of a home that is 37750  
conducted under this section, including any statement of 37751  
deficiencies and all findings and deficiencies cited in the 37752  
statement on the basis of the inspection or investigation, shall 37753  
be used solely to determine the home's compliance with this 37754  
chapter or another chapter of the Revised Code in any action or 37755  
proceeding other than an action commenced under division (I) of 37756  
section 3721.17 of the Revised Code. Those results of an 37757  
inspection or investigation, that statement of deficiencies, and 37758  
the findings and deficiencies cited in that statement shall not be 37759

used in any court or in any action or proceeding that is pending 37760  
in any court and are not admissible in evidence in any action or 37761  
proceeding unless that action or proceeding is an appeal of an 37762  
action by the department of health under this chapter or is an 37763  
action by any department or agency of the state to enforce this 37764  
chapter or another chapter of the Revised Code. 37765

(2) Nothing in division (E)(1) of this section prohibits the 37766  
results of an inspection or investigation conducted under this 37767  
section from being used in a criminal investigation or 37768  
prosecution. 37769

**Sec. 3721.121.** (A) As used in this section: 37770

(1) "Adult day-care program" means a program operated 37771  
pursuant to rules adopted by the public health council under 37772  
section 3721.04 of the Revised Code and provided by and on the 37773  
same site as homes licensed under this chapter. 37774

(2) "Applicant" means a person who is under final 37775  
consideration for employment with a home or adult day-care program 37776  
in a full-time, part-time, or temporary position that involves 37777  
providing direct care to an older adult. "Applicant" does not 37778  
include a person who provides direct care as a volunteer without 37779  
receiving or expecting to receive any form of remuneration other 37780  
than reimbursement for actual expenses. 37781

(3) "Criminal records check" and "older adult" have the same 37782  
meanings as in section 109.572 of the Revised Code. 37783

(4) "Home" means a home as defined in section 3721.10 of the 37784  
Revised Code. 37785

(B)(1) Except as provided in division (I) of this section, 37786  
the chief administrator of a home or adult day-care program shall 37787  
request that the superintendent of the bureau of criminal 37788  
identification and investigation conduct a criminal records check 37789

with respect to each applicant. If an applicant for whom a 37790  
criminal records check request is required under this division 37791  
does not present proof of having been a resident of this state for 37792  
the five-year period immediately prior to the date the criminal 37793  
records check is requested or provide evidence that within that 37794  
five-year period the superintendent has requested information 37795  
about the applicant from the federal bureau of investigation in a 37796  
criminal records check, the chief administrator shall request that 37797  
the superintendent obtain information from the federal bureau of 37798  
investigation as part of the criminal records check of the 37799  
applicant. Even if an applicant for whom a criminal records check 37800  
request is required under this division presents proof of having 37801  
been a resident of this state for the five-year period, the chief 37802  
administrator may request that the superintendent include 37803  
information from the federal bureau of investigation in the 37804  
criminal records check. 37805

(2) A person required by division (B)(1) of this section to 37806  
request a criminal records check shall do both of the following: 37807

(a) Provide to each applicant for whom a criminal records 37808  
check request is required under that division a copy of the form 37809  
prescribed pursuant to division (C)(1) of section 109.572 of the 37810  
Revised Code and a standard fingerprint impression sheet 37811  
prescribed pursuant to division (C)(2) of that section, and obtain 37812  
the completed form and impression sheet from the applicant; 37813

(b) Forward the completed form and impression sheet to the 37814  
superintendent of the bureau of criminal identification and 37815  
investigation. 37816

(3) An applicant provided the form and fingerprint impression 37817  
sheet under division (B)(2)(a) of this section who fails to 37818  
complete the form or provide fingerprint impressions shall not be 37819  
employed in any position for which a criminal records check is 37820  
required by this section. 37821

(C)(1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C)(2) of this section, no home or adult day-care program shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(1)(a) of this section.

(2)(a) A home or an adult day-care program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a criminal records check regarding the individual, provided that the home or program shall request a criminal records check regarding the individual in accordance with division (B)(1) of this section not later than five business days after the individual begins conditional employment. In the circumstances described in division (I)(2) of this section, a home or adult day-care program may employ conditionally an applicant who has been referred to the home or adult day-care program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older

adults and for whom, pursuant to that division, a criminal records 37854  
check is not required under division (B) of this section. 37855

(b) A home or adult day-care program that employs an 37856  
individual conditionally under authority of division (C)(2)(a) of 37857  
this section shall terminate the individual's employment if the 37858  
results of the criminal records check requested under division (B) 37859  
of this section or described in division (I)(2) of this section, 37860  
other than the results of any request for information from the 37861  
federal bureau of investigation, are not obtained within the 37862  
period ending ~~sixty~~ thirty days after the date the request is 37863  
made. Regardless of when the results of the criminal records check 37864  
are obtained, if the results indicate that the individual has been 37865  
convicted of or pleaded guilty to any of the offenses listed or 37866  
described in division (C)(1) of this section, the home or program 37867  
shall terminate the individual's employment unless the home or 37868  
program chooses to employ the individual pursuant to division (F) 37869  
of this section. Termination of employment under this division 37870  
shall be considered just cause for discharge for purposes of 37871  
division (D)(2) of section 4141.29 of the Revised Code if the 37872  
individual makes any attempt to deceive the home or program about 37873  
the individual's criminal record. 37874

(D)(1) Each home or adult day-care program shall pay to the 37875  
bureau of criminal identification and investigation the fee 37876  
prescribed pursuant to division (C)(3) of section 109.572 of the 37877  
Revised Code for each criminal records check conducted pursuant to 37878  
a request made under division (B) of this section. 37879

(2) A home or adult day-care program may charge an applicant 37880  
a fee not exceeding the amount the home or program pays under 37881  
division (D)(1) of this section. A home or program may collect a 37882  
fee only if both of the following apply: 37883

(a) The home or program notifies the person at the time of 37884  
initial application for employment of the amount of the fee and 37885

that, unless the fee is paid, the person will not be considered 37886  
for employment; 37887

(b) The medical assistance program established under Chapter 37888  
5111. of the Revised Code does not reimburse the home or program 37889  
the fee it pays under division (D)(1) of this section. 37890

(E) The report of any criminal records check conducted 37891  
pursuant to a request made under this section is not a public 37892  
record for the purposes of section 149.43 of the Revised Code and 37893  
shall not be made available to any person other than the 37894  
following: 37895

(1) The individual who is the subject of the criminal records 37896  
check or the individual's representative; 37897

(2) The chief administrator of the home or program requesting 37898  
the criminal records check or the administrator's representative; 37899

(3) The administrator of any other facility, agency, or 37900  
program that provides direct care to older adults that is owned or 37901  
operated by the same entity that owns or operates the home or 37902  
program; 37903

(4) A court, hearing officer, or other necessary individual 37904  
involved in a case dealing with a denial of employment of the 37905  
applicant or dealing with employment or unemployment benefits of 37906  
the applicant; 37907

(5) Any person to whom the report is provided pursuant to, 37908  
and in accordance with, division (I)(1) or (2) of this section. 37909

(F) In accordance with section 3721.11 of the Revised Code, 37910  
the director of health shall adopt rules to implement this 37911  
section. The rules shall specify circumstances under which a home 37912  
or adult day-care program may employ a person who has been 37913  
convicted of or pleaded guilty to an offense listed or described 37914  
in division (C)(1) of this section but meets personal character 37915

standards set by the director. 37916

(G) The chief administrator of a home or adult day-care 37917  
program shall inform each individual, at the time of initial 37918  
application for a position that involves providing direct care to 37919  
an older adult, that the individual is required to provide a set 37920  
of fingerprint impressions and that a criminal records check is 37921  
required to be conducted if the individual comes under final 37922  
consideration for employment. 37923

(H) In a tort or other civil action for damages that is 37924  
brought as the result of an injury, death, or loss to person or 37925  
property caused by an individual who a home or adult day-care 37926  
program employs in a position that involves providing direct care 37927  
to older adults, all of the following shall apply: 37928

(1) If the home or program employed the individual in good 37929  
faith and reasonable reliance on the report of a criminal records 37930  
check requested under this section, the home or program shall not 37931  
be found negligent solely because of its reliance on the report, 37932  
even if the information in the report is determined later to have 37933  
been incomplete or inaccurate; 37934

(2) If the home or program employed the individual in good 37935  
faith on a conditional basis pursuant to division (C)(2) of this 37936  
section, the home or program shall not be found negligent solely 37937  
because it employed the individual prior to receiving the report 37938  
of a criminal records check requested under this section; 37939

(3) If the home or program in good faith employed the 37940  
individual according to the personal character standards 37941  
established in rules adopted under division (F) of this section, 37942  
the home or program shall not be found negligent solely because 37943  
the individual prior to being employed had been convicted of or 37944  
pleaded guilty to an offense listed or described in division 37945  
(C)(1) of this section. 37946

(I)(1) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home or adult day-care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment

service and that states that the employment service has requested 37979  
the superintendent to conduct a criminal records check regarding 37980  
the applicant, that the requested criminal records check will 37981  
include a determination of whether the applicant has been 37982  
convicted of or pleaded guilty to any offense listed or described 37983  
in division (C)(1) of this section, that, as of the date set forth 37984  
on the letter, the employment service had not received the results 37985  
of the criminal records check, and that, when the employment 37986  
service receives the results of the criminal records check, it 37987  
promptly will send a copy of the results to the home or adult-care 37988  
program. If a home or adult day-care program employs an applicant 37989  
conditionally in accordance with this division, the employment 37990  
service, upon its receipt of the results of the criminal records 37991  
check, promptly shall send a copy of the results to the home or 37992  
adult day-care program, and division (C)(2)(b) of this section 37993  
applies regarding the conditional employment. 37994

**Sec. 3722.151.** (A) As used in this section: 37995

(1) "Adult care facility" has the same meaning as in section 37996  
3722.01 of the Revised Code. 37997

(2) "Applicant" means a person who is under final 37998  
consideration for employment with an adult care facility in a 37999  
full-time, part-time, or temporary position that involves 38000  
providing direct care to an older adult. "Applicant" does not 38001  
include a person who provides direct care as a volunteer without 38002  
receiving or expecting to receive any form of remuneration other 38003  
than reimbursement for actual expenses. 38004

(3) "Criminal records check" and "older adult" have the same 38005  
meanings as in section 109.572 of the Revised Code. 38006

(B)(1) Except as provided in division (I) of this section, 38007  
the chief administrator of an adult care facility shall request 38008  
that the superintendent of the bureau of criminal identification 38009

and investigation conduct a criminal records check with respect to 38010  
each applicant. If an applicant for whom a criminal records check 38011  
request is required under this division does not present proof of 38012  
having been a resident of this state for the five-year period 38013  
immediately prior to the date the criminal records check is 38014  
requested or provide evidence that within that five-year period 38015  
the superintendent has requested information about the applicant 38016  
from the federal bureau of investigation in a criminal records 38017  
check, the chief administrator shall request that the 38018  
superintendent obtain information from the federal bureau of 38019  
investigation as part of the criminal records check of the 38020  
applicant. Even if an applicant for whom a criminal records check 38021  
request is required under this division presents proof of having 38022  
been a resident of this state for the five-year period, the chief 38023  
administrator may request that the superintendent include 38024  
information from the federal bureau of investigation in the 38025  
criminal records check. 38026

(2) A person required by division (B)(1) of this section to 38027  
request a criminal records check shall do both of the following: 38028

(a) Provide to each applicant for whom a criminal records 38029  
check request is required under that division a copy of the form 38030  
prescribed pursuant to division (C)(1) of section 109.572 of the 38031  
Revised Code and a standard fingerprint impression sheet 38032  
prescribed pursuant to division (C)(2) of that section, and obtain 38033  
the completed form and impression sheet from the applicant; 38034

(b) Forward the completed form and impression sheet to the 38035  
superintendent of the bureau of criminal identification and 38036  
investigation. 38037

(3) An applicant provided the form and fingerprint impression 38038  
sheet under division (B)(2)(a) of this section who fails to 38039  
complete the form or provide fingerprint impressions shall not be 38040  
employed in any position for which a criminal records check is 38041

required by this section. 38042

(C)(1) Except as provided in rules adopted by the public 38043  
health council in accordance with division (F) of this section and 38044  
subject to division (C)(2) of this section, no adult care facility 38045  
shall employ a person in a position that involves providing direct 38046  
care to an older adult if the person has been convicted of or 38047  
pleaded guilty to any of the following: 38048

(a) A violation of section 2903.01, 2903.02, 2903.03, 38049  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 38050  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 38051  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 38052  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 38053  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 38054  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 38055  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 38056  
2925.22, 2925.23, or 3716.11 of the Revised Code. 38057

(b) A violation of an existing or former law of this state, 38058  
any other state, or the United States that is substantially 38059  
equivalent to any of the offenses listed in division (C)(1)(a) of 38060  
this section. 38061

(2)(a) An adult care facility may employ conditionally an 38062  
applicant for whom a criminal records check request is required 38063  
under division (B) of this section prior to obtaining the results 38064  
of a criminal records check regarding the individual, provided 38065  
that the facility shall request a criminal records check regarding 38066  
the individual in accordance with division (B)(1) of this section 38067  
not later than five business days after the individual begins 38068  
conditional employment. In the circumstances described in division 38069  
(I)(2) of this section, an adult care facility may employ 38070  
conditionally an applicant who has been referred to the adult care 38071  
facility by an employment service that supplies full-time, 38072  
part-time, or temporary staff for positions involving the direct 38073

care of older adults and for whom, pursuant to that division, a 38074  
criminal records check is not required under division (B) of this 38075  
section. 38076

(b) An adult care facility that employs an individual 38077  
conditionally under authority of division (C)(2)(a) of this 38078  
section shall terminate the individual's employment if the results 38079  
of the criminal records check requested under division (B) of this 38080  
section or described in division (I)(2) of this section, other 38081  
than the results of any request for information from the federal 38082  
bureau of investigation, are not obtained within the period ending 38083  
~~sixty~~ thirty days after the date the request is made. Regardless 38084  
of when the results of the criminal records check are obtained, if 38085  
the results indicate that the individual has been convicted of or 38086  
pleaded guilty to any of the offenses listed or described in 38087  
division (C)(1) of this section, the facility shall terminate the 38088  
individual's employment unless the facility chooses to employ the 38089  
individual pursuant to division (F) of this section. Termination 38090  
of employment under this division shall be considered just cause 38091  
for discharge for purposes of division (D)(2) of section 4141.29 38092  
of the Revised Code if the individual makes any attempt to deceive 38093  
the facility about the individual's criminal record. 38094

(D)(1) Each adult care facility shall pay to the bureau of 38095  
criminal identification and investigation the fee prescribed 38096  
pursuant to division (C)(3) of section 109.572 of the Revised Code 38097  
for each criminal records check conducted pursuant to a request 38098  
made under division (B) of this section. 38099

(2) An adult care facility may charge an applicant a fee not 38100  
exceeding the amount the facility pays under division (D)(1) of 38101  
this section. A facility may collect a fee only if it notifies the 38102  
person at the time of initial application for employment of the 38103  
amount of the fee and that, unless the fee is paid, the person 38104  
will not be considered for employment. 38105

(E) The report of any criminal records check conducted 38106  
pursuant to a request made under this section is not a public 38107  
record for the purposes of section 149.43 of the Revised Code and 38108  
shall not be made available to any person other than the 38109  
following: 38110

(1) The individual who is the subject of the criminal records 38111  
check or the individual's representative; 38112

(2) The chief administrator of the facility requesting the 38113  
criminal records check or the administrator's representative; 38114

(3) The administrator of any other facility, agency, or 38115  
program that provides direct care to older adults that is owned or 38116  
operated by the same entity that owns or operates the adult care 38117  
facility; 38118

(4) A court, hearing officer, or other necessary individual 38119  
involved in a case dealing with a denial of employment of the 38120  
applicant or dealing with employment or unemployment benefits of 38121  
the applicant; 38122

(5) Any person to whom the report is provided pursuant to, 38123  
and in accordance with, division (I)(1) or (2) of this section. 38124

(F) The public health council shall adopt rules in accordance 38125  
with Chapter 119. of the Revised Code to implement this section. 38126  
The rules shall specify circumstances under which an adult care 38127  
facility may employ a person who has been convicted of or pleaded 38128  
guilty to an offense listed or described in division (C)(1) of 38129  
this section but meets personal character standards set by the 38130  
council. 38131

(G) The chief administrator of an adult care facility shall 38132  
inform each individual, at the time of initial application for a 38133  
position that involves providing direct care to an older adult, 38134  
that the individual is required to provide a set of fingerprint 38135  
impressions and that a criminal records check is required to be 38136

conducted if the individual comes under final consideration for 38137  
employment. 38138

(H) In a tort or other civil action for damages that is 38139  
brought as the result of an injury, death, or loss to person or 38140  
property caused by an individual who an adult care facility 38141  
employs in a position that involves providing direct care to older 38142  
adults, all of the following shall apply: 38143

(1) If the facility employed the individual in good faith and 38144  
reasonable reliance on the report of a criminal records check 38145  
requested under this section, the facility shall not be found 38146  
negligent solely because of its reliance on the report, even if 38147  
the information in the report is determined later to have been 38148  
incomplete or inaccurate; 38149

(2) If the facility employed the individual in good faith on 38150  
a conditional basis pursuant to division (C)(2) of this section, 38151  
the facility shall not be found negligent solely because it 38152  
employed the individual prior to receiving the report of a 38153  
criminal records check requested under this section; 38154

(3) If the facility in good faith employed the individual 38155  
according to the personal character standards established in rules 38156  
adopted under division (F) of this section, the facility shall not 38157  
be found negligent solely because the individual prior to being 38158  
employed had been convicted of or pleaded guilty to an offense 38159  
listed or described in division (C)(1) of this section. 38160

(I)(1) The chief administrator of an adult care facility is 38161  
not required to request that the superintendent of the bureau of 38162  
criminal identification and investigation conduct a criminal 38163  
records check of an applicant if the applicant has been referred 38164  
to the facility by an employment service that supplies full-time, 38165  
part-time, or temporary staff for positions involving the direct 38166  
care of older adults and both of the following apply: 38167

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the adult care facility chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of an adult care facility is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the facility by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment

service receives the results of the criminal records check, it 38200  
promptly will send a copy of the results to the adult care 38201  
facility. If an adult care facility employs an applicant 38202  
conditionally in accordance with this division, the employment 38203  
service, upon its receipt of the results of the criminal records 38204  
check, promptly shall send a copy of the results to the adult care 38205  
facility, and division (C)(2)(b) of this section applies regarding 38206  
the conditional employment. 38207

**Sec. 3733.43.** (A) Except as otherwise provided in this 38208  
division, prior to the fifteenth day of April in each year, every 38209  
person who intends to operate an agricultural labor camp shall 38210  
make application to the licensor for a license to operate such 38211  
camp, effective for the calendar year in which it is issued. The 38212  
licensor may accept an application on or after the fifteenth day 38213  
of April. The license fees specified in this division shall be 38214  
submitted to the licensor with the application for a license. No 38215  
agricultural labor camp shall be operated in this state without a 38216  
license. Any person operating an agricultural labor camp without a 38217  
current and valid agricultural labor camp license is not excepted 38218  
from compliance with sections 3733.41 to 3733.49 of the Revised 38219  
Code by holding a valid and current hotel license. Each person 38220  
proposing to open an agricultural labor camp shall submit with the 38221  
application for a license any plans required by any rule adopted 38222  
under section 3733.42 of the Revised Code. The annual license fee 38223  
is ~~twenty~~ seventy-five dollars, unless the application for a 38224  
license is made on or after the fifteenth day of April, in which 38225  
case the annual license fee is ~~forty one hundred~~ dollars. An 38226  
additional fee of ~~three~~ ten dollars per housing unit per year 38227  
shall be assessed to defray the costs of enforcing sections 38228  
3733.41 to 3733.49 of the Revised Code, unless the application for 38229  
a license is made on or after the fifteenth day of April, in which 38230  
case an additional fee of ~~six~~ fifteen dollars per housing unit 38231

shall be assessed. All fees collected under this division shall be 38232  
deposited in the state treasury to the credit of the general 38233  
operations fund created in section 3701.83 of the Revised Code and 38234  
shall be used for the administration and enforcement of sections 38235  
3733.41 to 3733.49 of the Revised Code and rules adopted 38236  
thereunder. 38237

(B) Any license under this section may be denied, suspended, 38238  
or revoked by the licensor for violation of sections 3733.41 to 38239  
3733.49 of the Revised Code or the rules adopted thereunder. 38240  
Unless there is an immediate serious public health hazard, no 38241  
denial, suspension, or revocation of a license shall be made 38242  
effective until the person operating the agricultural labor camp 38243  
has been given notice in writing of the specific violations and a 38244  
reasonable time to make corrections. When the licensor determines 38245  
that an immediate serious public health hazard exists, ~~he~~ the 38246  
licensor shall issue an order denying or suspending the license 38247  
without a prior hearing. 38248

(C) All proceedings under this section are subject to Chapter 38249  
119. of the Revised Code except as provided in section 3733.431 of 38250  
the Revised Code. 38251

(D) Every occupant of an agricultural labor camp shall keep 38252  
that part of the dwelling unit, and premises thereof, that ~~he~~ the 38253  
occupant occupies and controls in a clean and sanitary condition. 38254

**Sec. 3733.45.** (A) The licensor shall inspect all agricultural 38255  
labor camps and shall require compliance with sections 3733.41 to 38256  
3733.49 of the Revised Code and the rules adopted thereunder prior 38257  
to the issuance of a license. Upon receipt of a complaint from the 38258  
migrant agricultural ~~ombudsman~~ ombudsperson or upon the basis of a 38259  
licensor's own information that an agricultural labor camp is 38260  
operating without a license, the licensor shall inspect the camp. 38261  
If the camp is operating without a license, the licensor shall 38262

require the camp to comply with sections 3733.41 to 3733.49 of the Revised Code and the rules adopted under those sections. No license shall be issued unless results of water supply tests indicate that the water supply meets required standards or if any violations exist concerning sanitation, drainage, or habitability of housing units.

(B) The licensor shall, upon issuance of each license, distribute posters containing the toll-free telephone number of the migrant agricultural ~~ombudsman~~ ombudsperson established in section 3733.49 of the Revised Code and information in English and Spanish describing the purpose of the ~~ombudsman's~~ ombudsperson's office, as provided in that section. The licensor shall provide at least two posters to the licensee, one for ~~his~~ the licensee's personal use and at least one that shall be posted in a conspicuous place within the camp.

(C) The licensor may, upon proper identification to the operator or ~~his~~ the operator's agent, enter on any property or into any structure at any reasonable time for the purpose of making inspections required by this section.

The licensor shall make at least one inspection prior to licensing, ~~and at least two inspections during occupancy of the camps, at least one of which shall be an unannounced evening inspection conducted after five p.m. The licensor shall determine and record housing unit occupancy during each evening inspection.~~ The licensor shall make such other inspections as ~~he~~ the licensor considers necessary to enforce sections 3733.41 to 3733.49 of the Revised Code adequately.

(D) Any plans submitted to the licensor shall be in compliance with rules adopted pursuant to section 3733.42 of the Revised Code and shall be approved or disapproved within thirty days after they are filed.

~~(E) All designees of the licensor who conduct inspections in the evening in accordance with this section shall speak both English and Spanish fluently. At least one member of the permanent staff assigned to conduct inspections in accordance with this section shall speak both English and Spanish fluently.~~

~~(F)~~ The licensor shall issue an annual report that shall accurately reflect the results of that year's inspections, including, but not limited to, numbers of ~~pre and post occupancy~~ inspections, number of violations found, and action taken in regard to violations. The report shall also include an assessment of any problems found in that year and proposed solutions for them.

**Sec. 3734.02.** (A) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind rules having uniform application throughout the state governing solid waste facilities and the inspections of and issuance of permits and licenses for all solid waste facilities in order to ensure that the facilities will be located, maintained, and operated, and will undergo closure and post-closure care, in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, create a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 257.3-8, as amended. The rules may include, without limitation, financial assurance requirements for closure and post-closure care and corrective action and requirements for taking corrective action in the event of the surface or subsurface discharge or migration of explosive gases or leachate from a solid waste facility, or of ground water contamination resulting from the transfer or disposal of solid wastes at a facility, beyond the boundaries of any area within a facility that is operating or is undergoing closure or post-closure care where solid wastes were disposed of or are being disposed of. The rules shall not concern

or relate to personnel policies, salaries, wages, fringe benefits, 38326  
or other conditions of employment of employees of persons owning 38327  
or operating solid waste facilities. The director, in accordance 38328  
with Chapter 119. of the Revised Code, shall adopt and may amend, 38329  
suspend, or rescind rules governing the issuance, modification, 38330  
revocation, suspension, or denial of variances from the director's 38331  
solid waste rules, including, without limitation, rules adopted 38332  
under this chapter governing the management of scrap tires. 38333

Variances shall be issued, modified, revoked, suspended, or 38334  
rescinded in accordance with this division, rules adopted under 38335  
it, and Chapter 3745. of the Revised Code. The director may order 38336  
the person to whom a variance is issued to take such action within 38337  
such time as the director may determine to be appropriate and 38338  
reasonable to prevent the creation of a nuisance or a hazard to 38339  
the public health or safety or the environment. Applications for 38340  
variances shall contain such detail plans, specifications, and 38341  
information regarding objectives, procedures, controls, and other 38342  
pertinent data as the director may require. The director shall 38343  
grant a variance only if the applicant demonstrates to the 38344  
director's satisfaction that construction and operation of the 38345  
solid waste facility in the manner allowed by the variance and any 38346  
terms or conditions imposed as part of the variance will not 38347  
create a nuisance or a hazard to the public health or safety or 38348  
the environment. In granting any variance, the director shall 38349  
state the specific provision or provisions whose terms are to be 38350  
varied and also shall state specific terms or conditions imposed 38351  
upon the applicant in place of the provision or provisions. The 38352  
director may hold a public hearing on an application for a 38353  
variance or renewal of a variance at a location in the county 38354  
where the operations that are the subject of the application for 38355  
the variance are conducted. The director shall give not less than 38356  
twenty days' notice of the hearing to the applicant by certified 38357  
mail and shall publish at least one notice of the hearing in a 38358

newspaper with general circulation in the county where the hearing 38359  
is to be held. The director shall make available for public 38360  
inspection at the principal office of the environmental protection 38361  
agency a current list of pending applications for variances and a 38362  
current schedule of pending variance hearings. The director shall 38363  
make a complete stenographic record of testimony and other 38364  
evidence submitted at the hearing. Within ten days after the 38365  
hearing, the director shall make a written determination to issue, 38366  
renew, or deny the variance and shall enter the determination and 38367  
the basis for it into the record of the hearing. The director 38368  
shall issue, renew, or deny an application for a variance or 38369  
renewal of a variance within six months of the date upon which the 38370  
director receives a complete application with all pertinent 38371  
information and data required. No variance shall be issued, 38372  
revoked, modified, or denied until the director has considered the 38373  
relative interests of the applicant, other persons and property 38374  
affected by the variance, and the general public. Any variance 38375  
granted under this division shall be for a period specified by the 38376  
director and may be renewed from time to time on such terms and 38377  
for such periods as the director determines to be appropriate. No 38378  
application shall be denied and no variance shall be revoked or 38379  
modified without a written order stating the findings upon which 38380  
the denial, revocation, or modification is based. A copy of the 38381  
order shall be sent to the applicant or variance holder by 38382  
certified mail. 38383

(B) The director shall prescribe and furnish the forms 38384  
necessary to administer and enforce this chapter. The director may 38385  
cooperate with and enter into agreements with other state, local, 38386  
or federal agencies to carry out the purposes of this chapter. The 38387  
director may exercise all incidental powers necessary to carry out 38388  
the purposes of this chapter. 38389

The director may use moneys in the infectious waste 38390

management fund created in section 3734.021 of the Revised Code 38391  
exclusively for administering and enforcing the provisions of this 38392  
chapter governing the management of infectious wastes. Of each 38393  
registration and renewal fee collected under rules adopted under 38394  
division (A)(2)(a) of section 3734.021 or under section 3734.022 38395  
of the Revised Code, the director, within forty-five days of its 38396  
receipt, shall remit from the fund one-half of the fee received to 38397  
the board of health of the health district in which the registered 38398  
premises is located, or, in the instance of an infectious wastes 38399  
transporter, to the board of health of the health district in 38400  
which the transporter's principal place of business is located. 38401  
However, if the board of health having jurisdiction over a 38402  
registrant's premises or principal place of business is not on the 38403  
approved list under section 3734.08 of the Revised Code, the 38404  
director shall not make that payment to the board of health. 38405

(C) Except as provided in this division and divisions (N)(2) 38406  
and (3) of this section, no person shall establish a new solid 38407  
waste facility or infectious waste treatment facility, or modify 38408  
an existing solid waste facility or infectious waste treatment 38409  
facility, without submitting an application for a permit with 38410  
accompanying detail plans, specifications, and information 38411  
regarding the facility and method of operation and receiving a 38412  
permit issued by the director, except that no permit shall be 38413  
required under this division to install or operate a solid waste 38414  
facility for sewage sludge treatment or disposal when the 38415  
treatment or disposal is authorized by a current permit issued 38416  
under Chapter 3704. or 6111. of the Revised Code. 38417

No person shall continue to operate a solid waste facility 38418  
for which the director has denied a permit for which an 38419  
application was required under division (A)(3) of section 3734.05 38420  
of the Revised Code, or for which the director has disapproved 38421  
plans and specifications required to be filed by an order issued 38422

under division (A)(5) of that section, after the date prescribed 38423  
for commencement of closure of the facility in the order issued 38424  
under division (A)(6) of section 3734.05 of the Revised Code 38425  
denying the permit application or approval. 38426

On and after the effective date of the rules adopted under 38427  
division (A) of this section and division (D) of section 3734.12 38428  
of the Revised Code governing solid waste transfer facilities, no 38429  
person shall establish a new, or modify an existing, solid waste 38430  
transfer facility without first submitting an application for a 38431  
permit with accompanying engineering detail plans, specifications, 38432  
and information regarding the facility and its method of operation 38433  
to the director and receiving a permit issued by the director. 38434

No person shall establish a new compost facility or continue 38435  
to operate an existing compost facility that accepts exclusively 38436  
source separated yard wastes without submitting a completed 38437  
registration for the facility to the director in accordance with 38438  
rules adopted under divisions (A) and (N)(3) of this section. 38439

This division does not apply to an infectious waste treatment 38440  
facility that meets any of the following conditions: 38441

(1) Is owned or operated by the generator of the wastes and 38442  
exclusively treats, by methods, techniques, and practices 38443  
established by rules adopted under division (C)(1) or (3) of 38444  
section 3734.021 of the Revised Code, wastes that are generated at 38445  
any premises owned or operated by that generator regardless of 38446  
whether the wastes are generated on the premises where the 38447  
generator's treatment facility is located or, if the generator is 38448  
a hospital as defined in section 3727.01 of the Revised Code, 38449  
infectious wastes that are described in division (A)(1)(g), (h), 38450  
or (i) of section 3734.021 of the Revised Code; 38451

(2) Holds a license or renewal of a license to operate a 38452  
crematory facility issued under Chapter 4717. and a permit issued 38453

under Chapter 3704. of the Revised Code; 38454

(3) Treats or disposes of dead animals or parts thereof, or 38455  
the blood of animals, and is subject to any of the following: 38456

(a) Inspection under the "Federal Meat Inspection Act," 81 38457  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 38458

(b) Chapter 918. of the Revised Code; 38459

(c) Chapter 953. of the Revised Code. 38460

(D) Neither this chapter nor any rules adopted under it apply 38461  
to single-family residential premises; to infectious wastes 38462  
generated by individuals for purposes of their own care or 38463  
treatment that are disposed of with solid wastes from the 38464  
individual's residence; to the temporary storage of solid wastes, 38465  
other than scrap tires, prior to their collection for disposal; to 38466  
the storage of one hundred or fewer scrap tires unless they are 38467  
stored in such a manner that, in the judgment of the director or 38468  
the board of health of the health district in which the scrap 38469  
tires are stored, the storage causes a nuisance, a hazard to 38470  
public health or safety, or a fire hazard; or to the collection of 38471  
solid wastes, other than scrap tires, by a political subdivision 38472  
or a person holding a franchise or license from a political 38473  
subdivision of the state; to composting, as defined in section 38474  
1511.01 of the Revised Code, conducted in accordance with section 38475  
1511.022 of the Revised Code; or to any person who is licensed to 38476  
transport raw rendering material to a compost facility pursuant to 38477  
section 953.23 of the Revised Code. 38478

(E)(1) As used in this division and section 3734.18 of the 38479  
Revised Code: 38480

(a) "On-site facility" means a facility that stores, treats, 38481  
or disposes of hazardous waste that is generated on the premises 38482  
of the facility. 38483

(b) "Off-site facility" means a facility that stores, treats, 38484  
or disposes of hazardous waste that is generated off the premises 38485  
of the facility and includes such a facility that is also an 38486  
on-site facility. 38487

(c) "Satellite facility" means any of the following: 38488

(i) An on-site facility that also receives hazardous waste 38489  
from other premises owned by the same person who generates the 38490  
waste on the facility premises; 38491

(ii) An off-site facility operated so that all of the 38492  
hazardous waste it receives is generated on one or more premises 38493  
owned by the person who owns the facility; 38494

(iii) An on-site facility that also receives hazardous waste 38495  
that is transported uninterruptedly and directly to the facility 38496  
through a pipeline from a generator who is not the owner of the 38497  
facility. 38498

(2) Except as provided in division (E)(3) of this section, no 38499  
person shall establish or operate a hazardous waste facility, or 38500  
use a solid waste facility for the storage, treatment, or disposal 38501  
of any hazardous waste, without a hazardous waste facility 38502  
installation and operation permit ~~from the hazardous waste~~ 38503  
~~facility board~~ issued in accordance with section 3734.05 of the 38504  
Revised Code and subject to the payment of an application fee not 38505  
to exceed one thousand five hundred dollars, payable upon 38506  
application for a hazardous waste facility installation and 38507  
operation permit and upon application for a renewal permit issued 38508  
under division (H) of section 3734.05 of the Revised Code, to be 38509  
credited to the hazardous waste facility management fund created 38510  
in section 3734.18 of the Revised Code. The term of a hazardous 38511  
waste facility installation and operation permit shall not exceed 38512  
five years. 38513

In addition to the application fee, there is hereby levied an 38514

annual permit fee to be paid by the permit holder upon the			38515
anniversaries of the date of issuance of the hazardous waste			38516
facility installation and operation permit and of any subsequent			38517
renewal permits and to be credited to the hazardous waste facility			38518
management fund. Annual permit fees totaling forty thousand			38519
dollars or more for any one facility may be paid on a quarterly			38520
basis with the first quarterly payment each year being due on the			38521
anniversary of the date of issuance of the hazardous waste			38522
facility installation and operation permit and of any subsequent			38523
renewal permits. The annual permit fee shall be determined for			38524
each permit holder by the director in accordance with the			38525
following schedule:			38526
TYPE OF BASIC			38527
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	38528
Storage facility using:			38529
Containers	On-site, off-site, and		38530
	satellite	\$ 500	38531
Tanks	On-site, off-site, and		38532
	satellite	500	38533
Waste pile	On-site, off-site, and		38534
	satellite	3,000	38535
Surface impoundment	On-site and satellite	8,000	38536
	Off-site	10,000	38537
Disposal facility using:			38538
Deep well injection	On-site and satellite	15,000	38539
	Off-site	25,000	38540
Landfill	On-site and satellite	25,000	38541
	Off-site	40,000	38542
Land application	On-site and satellite	2,500	38543
	Off-site	5,000	38544
Surface impoundment	On-site and satellite	10,000	38545
	Off-site	20,000	38546
Treatment facility using:			38547

Tanks	On-site, off-site, and		38548
	satellite	700	38549
Surface impoundment	On-site and satellite	8,000	38550
	Off-site	10,000	38551
Incinerator	On-site and satellite	5,000	38552
	Off-site	<u>10,000</u>	38553
Other forms			38554
of treatment	On-site, off-site, and		38555
	satellite	1,000	38556

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility

installation and operation permit ~~from the board~~ does not apply to 38580  
either of the following: 38581

(a) A facility that is operating in accordance with a permit 38582  
renewal issued under division (H) of section 3734.05 of the 38583  
Revised Code, a revision issued under division (I) of that section 38584  
as it existed prior to August 20, 1996, or a modification issued 38585  
by the director under division (I) of that section on and after 38586  
August 20, 1996; 38587

(b) Except as provided in division (J) of section 3734.05 of 38588  
the Revised Code, a facility that will operate or is operating in 38589  
accordance with a permit by rule, or that is not subject to permit 38590  
requirements, under rules adopted by the director. In accordance 38591  
with Chapter 119. of the Revised Code, the director shall adopt, 38592  
and subsequently may amend, suspend, or rescind, rules for the 38593  
purposes of division (E)(3)(b) of this section. Any rules so 38594  
adopted shall be consistent with and equivalent to regulations 38595  
pertaining to interim status adopted under the "Resource 38596  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 38597  
6921, as amended, except as otherwise provided in this chapter. 38598

If a modification is requested or proposed for a facility 38599  
described in division (E)(3)(a) or (b) of this section, division 38600  
(I)~~(8)~~(7) of section 3734.05 of the Revised Code applies. 38601

(F) No person shall store, treat, or dispose of hazardous 38602  
waste identified or listed under this chapter and rules adopted 38603  
under it, regardless of whether generated on or off the premises 38604  
where the waste is stored, treated, or disposed of, or transport 38605  
or cause to be transported any hazardous waste identified or 38606  
listed under this chapter and rules adopted under it to any other 38607  
premises, except at or to any of the following: 38608

(1) A hazardous waste facility operating under a permit 38609  
issued in accordance with this chapter; 38610

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 Stat. 1052, 33 U.S.C.A. 1401, as amended;

(5) A hazardous waste facility as described in division (E)(3)(a) or (b) of this section.

(G) The director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter. Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

(H) No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the director, who shall establish the procedure for granting such authorization by rules adopted in accordance with Chapter 119. of the Revised Code.

A public utility that has main or distribution lines above or 38642  
below the land surface located on an easement or right-of-way 38643  
across land where a solid waste facility was operated may engage 38644  
in any such activity within the easement or right-of-way without 38645  
prior authorization from the director for purposes of performing 38646  
emergency repair or emergency replacement of its lines; of the 38647  
poles, towers, foundations, or other structures supporting or 38648  
sustaining any such lines; or of the appurtenances to those 38649  
structures, necessary to restore or maintain existing public 38650  
utility service. A public utility may enter upon any such easement 38651  
or right-of-way without prior authorization from the director for 38652  
purposes of performing necessary or routine maintenance of those 38653  
portions of its existing lines; of the existing poles, towers, 38654  
foundations, or other structures sustaining or supporting its 38655  
lines; or of the appurtenances to any such supporting or 38656  
sustaining structure, located on or above the land surface on any 38657  
such easement or right-of-way. Within twenty-four hours after 38658  
commencing any such emergency repair, replacement, or maintenance 38659  
work, the public utility shall notify the director or the 38660  
director's authorized representative of those activities and shall 38661  
provide such information regarding those activities as the 38662  
director or the director's representative may request. Upon 38663  
completion of the emergency repair, replacement, or maintenance 38664  
activities, the public utility shall restore any land of the solid 38665  
waste facility disturbed by those activities to the condition 38666  
existing prior to the commencement of those activities. 38667

(I) No owner or operator of a hazardous waste facility, in 38668  
the operation of the facility, shall cause, permit, or allow the 38669  
emission therefrom of any particulate matter, dust, fumes, gas, 38670  
mist, smoke, vapor, or odorous substance that, in the opinion of 38671  
the director, unreasonably interferes with the comfortable 38672  
enjoyment of life or property by persons living or working in the 38673  
vicinity of the facility, or that is injurious to public health. 38674

Any such action is hereby declared to be a public nuisance. 38675

(J) Notwithstanding any other provision of this chapter, in 38676  
the event the director finds an imminent and substantial danger to 38677  
public health or safety or the environment that creates an 38678  
emergency situation requiring the immediate treatment, storage, or 38679  
disposal of hazardous waste, the director may issue a temporary 38680  
emergency permit to allow the treatment, storage, or disposal of 38681  
the hazardous waste at a facility that is not otherwise authorized 38682  
by a hazardous waste facility installation and operation permit to 38683  
treat, store, or dispose of the waste. The emergency permit shall 38684  
not exceed ninety days in duration and shall not be renewed. The 38685  
director shall adopt, and may amend, suspend, or rescind, rules in 38686  
accordance with Chapter 119. of the Revised Code governing the 38687  
issuance, modification, revocation, and denial of emergency 38688  
permits. 38689

(K) No owner or operator of a sanitary landfill shall 38690  
knowingly accept for disposal, or dispose of, any infectious 38691  
wastes, other than those subject to division (A)(1)(c) of section 38692  
3734.021 of the Revised Code, that have not been treated to render 38693  
them noninfectious. For the purposes of this division, 38694  
certification by the owner or operator of the treatment facility 38695  
where the wastes were treated on the shipping paper required by 38696  
rules adopted under division (D)(2) of that section creates a 38697  
rebuttable presumption that the wastes have been so treated. 38698

(L) The director, in accordance with Chapter 119. of the 38699  
Revised Code, shall adopt, and may amend, suspend, or rescind, 38700  
rules having uniform application throughout the state establishing 38701  
a training and certification program that shall be required for 38702  
employees of boards of health who are responsible for enforcing 38703  
the solid waste and infectious waste provisions of this chapter 38704  
and rules adopted under them and for persons who are responsible 38705  
for the operation of solid waste facilities or infectious waste 38706

treatment facilities. The rules shall provide all of the 38707  
following, without limitation: 38708

(1) The program shall be administered by the director and 38709  
shall consist of a course on new solid waste and infectious waste 38710  
technologies, enforcement procedures, and rules; 38711

(2) The course shall be offered on an annual basis; 38712

(3) Those persons who are required to take the course under 38713  
division (L) of this section shall do so triennially; 38714

(4) Persons who successfully complete the course shall be 38715  
certified by the director; 38716

(5) Certification shall be required for all employees of 38717  
boards of health who are responsible for enforcing the solid waste 38718  
or infectious waste provisions of this chapter and rules adopted 38719  
under them and for all persons who are responsible for the 38720  
operation of solid waste facilities or infectious waste treatment 38721  
facilities; 38722

(6)(a) All employees of a board of health who, on the 38723  
effective date of the rules adopted under this division, are 38724  
responsible for enforcing the solid waste or infectious waste 38725  
provisions of this chapter and the rules adopted under them shall 38726  
complete the course and be certified by the director not later 38727  
than January 1, 1995; 38728

(b) All employees of a board of health who, after the 38729  
effective date of the rules adopted under division (L) of this 38730  
section, become responsible for enforcing the solid waste or 38731  
infectious waste provisions of this chapter and rules adopted 38732  
under them and who do not hold a current and valid certification 38733  
from the director at that time shall complete the course and be 38734  
certified by the director within two years after becoming 38735  
responsible for performing those activities. 38736

No person shall fail to obtain the certification required 38737  
under this division. 38738

(M) The director shall not issue a permit under section 38739  
3734.05 of the Revised Code to establish a solid waste facility, 38740  
or to modify a solid waste facility operating on December 21, 38741  
1988, in a manner that expands the disposal capacity or geographic 38742  
area covered by the facility, that is or is to be located within 38743  
the boundaries of a state park established or dedicated under 38744  
Chapter 1541. of the Revised Code, a state park purchase area 38745  
established under section 1541.02 of the Revised Code, any unit of 38746  
the national park system, or any property that lies within the 38747  
boundaries of a national park or recreation area, but that has not 38748  
been acquired or is not administered by the secretary of the 38749  
United States department of the interior, located in this state, 38750  
or any candidate area located in this state and identified for 38751  
potential inclusion in the national park system in the edition of 38752  
the "national park system plan" submitted under paragraph (b) of 38753  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 38754  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 38755  
application for the permit, unless the facility or proposed 38756  
facility is or is to be used exclusively for the disposal of solid 38757  
wastes generated within the park or recreation area and the 38758  
director determines that the facility or proposed facility will 38759  
not degrade any of the natural or cultural resources of the park 38760  
or recreation area. The director shall not issue a variance under 38761  
division (A) of this section and rules adopted under it, or issue 38762  
an exemption order under division (G) of this section, that would 38763  
authorize any such establishment or expansion of a solid waste 38764  
facility within the boundaries of any such park or recreation 38765  
area, state park purchase area, or candidate area, other than a 38766  
solid waste facility exclusively for the disposal of solid wastes 38767  
generated within the park or recreation area when the director 38768  
determines that the facility will not degrade any of the natural 38769

or cultural resources of the park or recreation area. 38770

(N)(1) The rules adopted under division (A) of this section, 38771  
other than those governing variances, do not apply to scrap tire 38772  
collection, storage, monocell, monofill, and recovery facilities. 38773  
Those facilities are subject to and governed by rules adopted 38774  
under sections 3734.70 to 3734.73 of the Revised Code, as 38775  
applicable. 38776

(2) Division (C) of this section does not apply to scrap tire 38777  
collection, storage, monocell, monofill, and recovery facilities. 38778  
The establishment and modification of those facilities are subject 38779  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 38780  
Code, as applicable. 38781

(3) The director may adopt, amend, suspend, or rescind rules 38782  
under division (A) of this section creating an alternative system 38783  
for authorizing the establishment, operation, or modification of a 38784  
solid waste compost facility in lieu of the requirement that a 38785  
person seeking to establish, operate, or modify a solid waste 38786  
compost facility apply for and receive a permit under division (C) 38787  
of this section and section 3734.05 of the Revised Code and a 38788  
license under division (A)(1) of that section. The rules may 38789  
include requirements governing, without limitation, the 38790  
classification of solid waste compost facilities, the submittal of 38791  
operating records for solid waste compost facilities, and the 38792  
creation of a registration or notification system in lieu of the 38793  
issuance of permits and licenses for solid waste compost 38794  
facilities. The rules shall specify the applicability of divisions 38795  
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 38796  
Code to a solid waste compost facility. 38797

**Sec. 3734.05.** (A)(1) Except as provided in divisions (A)(4), 38798  
(8), and (9) of this section, no person shall operate or maintain 38799  
a solid waste facility without a license issued under this 38800

division by the board of health of the health district in which 38801  
the facility is located or by the director of environmental 38802  
protection when the health district in which the facility is 38803  
located is not on the approved list under section 3734.08 of the 38804  
Revised Code. 38805

During the month of December, but before the first day of 38806  
January of the next year, every person proposing to continue to 38807  
operate an existing solid waste facility shall procure a license 38808  
under this division to operate the facility for that year from the 38809  
board of health of the health district in which the facility is 38810  
located or, if the health district is not on the approved list 38811  
under section 3734.08 of the Revised Code, from the director. The 38812  
application for such a license shall be submitted to the board of 38813  
health or to the director, as appropriate, on or before the last 38814  
day of September of the year preceding that for which the license 38815  
is sought. In addition to the application fee prescribed in 38816  
division (A)(2) of this section, a person who submits an 38817  
application after that date shall pay an additional ten per cent 38818  
of the amount of the application fee for each week that the 38819  
application is late. Late payment fees accompanying an application 38820  
submitted to the board of health shall be credited to the special 38821  
fund of the health district created in division (B) of section 38822  
3734.06 of the Revised Code, and late payment fees accompanying an 38823  
application submitted to the director shall be credited to the 38824  
general revenue fund. A person who has received a license, upon 38825  
sale or disposition of a solid waste facility, and upon consent of 38826  
the board of health and the director, may have the license 38827  
transferred to another person. The board of health or the director 38828  
may include such terms and conditions in a license or revision to 38829  
a license as are appropriate to ensure compliance with this 38830  
chapter and rules adopted under it. The terms and conditions may 38831  
establish the authorized maximum daily waste receipts for the 38832  
facility. Limitations on maximum daily waste receipts shall be 38833

specified in cubic yards of volume for the purpose of regulating 38834  
the design, construction, and operation of solid waste facilities. 38835  
Terms and conditions included in a license or revision to a 38836  
license by a board of health shall be consistent with, and pertain 38837  
only to the subjects addressed in, the rules adopted under 38838  
division (A) of section 3734.02 and division (D) of section 38839  
3734.12 of the Revised Code. 38840

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 38841  
(9) of this section, each person proposing to open a new solid 38842  
waste facility or to modify an existing solid waste facility shall 38843  
submit an application for a permit with accompanying detail plans 38844  
and specifications to the environmental protection agency for 38845  
required approval under the rules adopted by the director pursuant 38846  
to division (A) of section 3734.02 of the Revised Code and 38847  
applicable rules adopted under division (D) of section 3734.12 of 38848  
the Revised Code at least two hundred seventy days before proposed 38849  
operation of the facility and shall concurrently make application 38850  
for the issuance of a license under division (A)(1) of this 38851  
section with the board of health of the health district in which 38852  
the proposed facility is to be located. 38853

(b) On and after the effective date of the rules adopted 38854  
under division (A) of section 3734.02 of the Revised Code and 38855  
division (D) of section 3734.12 of the Revised Code governing 38856  
solid waste transfer facilities, each person proposing to open a 38857  
new solid waste transfer facility or to modify an existing solid 38858  
waste transfer facility shall submit an application for a permit 38859  
with accompanying engineering detail plans, specifications, and 38860  
information regarding the facility and its method of operation to 38861  
the environmental protection agency for required approval under 38862  
those rules at least two hundred seventy days before commencing 38863  
proposed operation of the facility and concurrently shall make 38864  
application for the issuance of a license under division (A)(1) of 38865

this section with the board of health of the health district in 38866  
which the facility is located or proposed. 38867

(c) Each application for a permit under division (A)(2)(a) or 38868  
(b) of this section shall be accompanied by a nonrefundable 38869  
application fee of four hundred dollars that shall be credited to 38870  
the general revenue fund. Each application for an annual license 38871  
under division (A)(1) or (2) of this section shall be accompanied 38872  
by a nonrefundable application fee of one hundred dollars. If the 38873  
application for an annual license is submitted to a board of 38874  
health on the approved list under section 3734.08 of the Revised 38875  
Code, the application fee shall be credited to the special fund of 38876  
the health district created in division (B) of section 3734.06 of 38877  
the Revised Code. If the application for an annual license is 38878  
submitted to the director, the application fee shall be credited 38879  
to the general revenue fund. If a permit or license is issued, the 38880  
amount of the application fee paid shall be deducted from the 38881  
amount of the permit fee due under division (Q) of section 3745.11 38882  
of the Revised Code or the amount of the license fee due under 38883  
division (A)(1), (2), (3), or (4) of section 3734.06 of the 38884  
Revised Code. 38885

(d) As used in divisions (A)(2)(d), (e), and (f) of this 38886  
section, "modify" means any of the following: 38887

(i) Any increase of more than ten per cent in the total 38888  
capacity of a solid waste facility; 38889

(ii) Any expansion of the limits of solid waste placement at 38890  
a solid waste facility; 38891

(iii) Any increase in the depth of excavation at a solid 38892  
waste facility; 38893

(iv) Any change in the technique of waste receipt or type of 38894  
waste received at a solid waste facility that may endanger human 38895  
health, as determined by the director by rules adopted in 38896

accordance with Chapter 119. of the Revised Code. 38897

Not later than thirty-five days after submitting an 38898  
application under division (A)(2)(a) or (b) of this section for a 38899  
permit to open a new or modify an existing solid waste facility, 38900  
the applicant, in conjunction with an officer or employee of the 38901  
environmental protection agency, shall hold a public meeting on 38902  
the application within the county in which the new or modified 38903  
solid waste facility is or is proposed to be located or within a 38904  
contiguous county. Not less than thirty days before holding the 38905  
public meeting on the application, the applicant shall publish 38906  
notice of the meeting in each newspaper of general circulation 38907  
that is published in the county in which the facility is or is 38908  
proposed to be located. If no newspaper of general circulation is 38909  
published in the county, the applicant shall publish the notice in 38910  
a newspaper of general circulation in the county. The notice shall 38911  
contain the date, time, and location of the public meeting and a 38912  
general description of the proposed new or modified facility. Not 38913  
later than five days after publishing the notice, the applicant 38914  
shall send by certified mail a copy of the notice and the date the 38915  
notice was published to the director and the legislative authority 38916  
of each municipal corporation, township, and county, and to the 38917  
chief executive officer of each municipal corporation, in which 38918  
the facility is or is proposed to be located. At the public 38919  
meeting, the applicant shall provide information and describe the 38920  
application and respond to comments or questions concerning the 38921  
application, and the officer or employee of the agency shall 38922  
describe the permit application process. At the public meeting, 38923  
any person may submit written or oral comments on or objections to 38924  
the application. Not more than thirty days after the public 38925  
meeting, the applicant shall provide the director with a copy of a 38926  
transcript of the full meeting, copies of any exhibits, displays, 38927  
or other materials presented by the applicant at the meeting, and 38928  
the original copy of any written comments submitted at the 38929

meeting. 38930

(e) Except as provided in division (A)(2)(f) of this section, 38931  
prior to taking an action, other than a proposed or final denial, 38932  
upon an application submitted under division (A)(2)(a) of this 38933  
section for a permit to open a new or modify an existing solid 38934  
waste facility, the director shall hold a public information 38935  
session and a public hearing on the application within the county 38936  
in which the new or modified solid waste facility is or is 38937  
proposed to be located or within a contiguous county. If the 38938  
application is for a permit to open a new solid waste facility, 38939  
the director shall hold the hearing not less than fourteen days 38940  
after the information session. If the application is for a permit 38941  
to modify an existing solid waste facility, the director may hold 38942  
both the information session and the hearing on the same day 38943  
unless any individual affected by the application requests in 38944  
writing that the information session and the hearing not be held 38945  
on the same day, in which case the director shall hold the hearing 38946  
not less than fourteen days after the information session. The 38947  
director shall publish notice of the public information session or 38948  
public hearing not less than thirty days before holding the 38949  
information session or hearing, as applicable. The notice shall be 38950  
published in each newspaper of general circulation that is 38951  
published in the county in which the facility is or is proposed to 38952  
be located. If no newspaper of general circulation is published in 38953  
the county, the director shall publish the notice in a newspaper 38954  
of general circulation in the county. The notice shall contain the 38955  
date, time, and location of the information session or hearing, as 38956  
applicable, and a general description of the proposed new or 38957  
modified facility. At the public information session, an officer 38958  
or employee of the environmental protection agency shall describe 38959  
the status of the permit application and be available to respond 38960  
to comments or questions concerning the application. At the public 38961  
hearing, any person may submit written or oral comments on or 38962

objections to the approval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the information session and public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the information session and hearing.

(f) The solid waste management policy committee of a county or joint solid waste management district may adopt a resolution requesting expeditious consideration of a specific application submitted under division (A)(2)(a) of this section for a permit to modify an existing solid waste facility within the district. The resolution shall make the finding that expedited consideration of the application without the public information session and public hearing under division (A)(2)(e) of this section is in the public interest and will not endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code. Upon receiving such a resolution, the director, at the director's discretion, may issue a final action upon the application without holding a public information session or public hearing pursuant to division (A)(2)(e) of this section.

(3) Except as provided in division (A)(10) of this section, and unless the owner or operator of any solid waste facility, other than a solid waste transfer facility or a compost facility that accepts exclusively source separated yard wastes, that commenced operation on or before July 1, 1968, has obtained an exemption from the requirements of division (A)(3) of this section in accordance with division (G) of section 3734.02 of the Revised Code, the owner or operator shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and

its method of operation for approval under rules adopted under	38995
division (A) of section 3734.02 of the Revised Code and applicable	38996
rules adopted under division (D) of section 3734.12 of the Revised	38997
Code in accordance with the following schedule:	38998
(a) Not later than September 24, 1988, if the facility is	38999
located in the city of Garfield Heights or Parma in Cuyahoga	39000
county;	39001
(b) Not later than December 24, 1988, if the facility is	39002
located in Delaware, Greene, Guernsey, Hamilton, Madison,	39003
Mahoning, Ottawa, or Vinton county;	39004
(c) Not later than March 24, 1989, if the facility is located	39005
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or	39006
Washington county, or is located in the city of Brooklyn or	39007
Cuyahoga Heights in Cuyahoga county;	39008
(d) Not later than June 24, 1989, if the facility is located	39009
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or	39010
Summit county or is located in Cuyahoga county outside the cities	39011
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights;	39012
(e) Not later than September 24, 1989, if the facility is	39013
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross	39014
county;	39015
(f) Not later than December 24, 1989, if the facility is	39016
located in a county not listed in divisions (A)(3)(a) to (e) of	39017
this section;	39018
(g) Notwithstanding divisions (A)(3)(a) to (f) of this	39019
section, not later than December 31, 1990, if the facility is a	39020
solid waste facility owned by a generator of solid wastes when the	39021
solid waste facility exclusively disposes of solid wastes	39022
generated at one or more premises owned by the generator	39023
regardless of whether the facility is located on a premises where	39024
the wastes are generated and if the facility disposes of more than	39025

one hundred thousand tons of solid wastes per year, provided that 39026  
any such facility shall be subject to division (A)(5) of this 39027  
section. 39028

(4) Except as provided in divisions (A)(8), (9), and (10) of 39029  
this section, unless the owner or operator of any solid waste 39030  
facility for which a permit was issued after July 1, 1968, but 39031  
before January 1, 1980, has obtained an exemption from the 39032  
requirements of division (A)(4) of this section under division (G) 39033  
of section 3734.02 of the Revised Code, the owner or operator 39034  
shall submit to the director an application for a permit with 39035  
accompanying engineering detail plans, specifications, and 39036  
information regarding the facility and its method of operation for 39037  
approval under those rules. 39038

(5) The director may issue an order in accordance with 39039  
Chapter 3745. of the Revised Code to the owner or operator of a 39040  
solid waste facility requiring the person to submit to the 39041  
director updated engineering detail plans, specifications, and 39042  
information regarding the facility and its method of operation for 39043  
approval under rules adopted under division (A) of section 3734.02 39044  
of the Revised Code and applicable rules adopted under division 39045  
(D) of section 3734.12 of the Revised Code if, in the director's 39046  
judgment, conditions at the facility constitute a substantial 39047  
threat to public health or safety or are causing or contributing 39048  
to or threatening to cause or contribute to air or water pollution 39049  
or soil contamination. Any person who receives such an order shall 39050  
submit the updated engineering detail plans, specifications, and 39051  
information to the director within one hundred eighty days after 39052  
the effective date of the order. 39053

(6) The director shall act upon an application submitted 39054  
under division (A)(3) or (4) of this section and any updated 39055  
engineering plans, specifications, and information submitted under 39056  
division (A)(5) of this section within one hundred eighty days 39057

after receiving them. If the director denies any such permit 39058  
application, the order denying the application or disapproving the 39059  
plans shall include the requirements that the owner or operator 39060  
submit a plan for closure and post-closure care of the facility to 39061  
the director for approval within six months after issuance of the 39062  
order, cease accepting solid wastes for disposal or transfer at 39063  
the facility, and commence closure of the facility not later than 39064  
one year after issuance of the order. If the director determines 39065  
that closure of the facility within that one-year period would 39066  
result in the unavailability of sufficient solid waste management 39067  
facility capacity within the county or joint solid waste 39068  
management district in which the facility is located to dispose of 39069  
or transfer the solid waste generated within the district, the 39070  
director in the order of denial or disapproval may postpone 39071  
commencement of closure of the facility for such period of time as 39072  
the director finds necessary for the board of county commissioners 39073  
or directors of the district to secure access to or for there to 39074  
be constructed within the district sufficient solid waste 39075  
management facility capacity to meet the needs of the district, 39076  
provided that the director shall certify in the director's order 39077  
that postponing the date for commencement of closure will not 39078  
endanger ground water or any property surrounding the facility, 39079  
allow methane gas migration to occur, or cause or contribute to 39080  
any other type of environmental damage. 39081

If an emergency need for disposal capacity that may affect 39082  
public health and safety exists as a result of closure of a 39083  
facility under division (A)(6) of this section, the director may 39084  
issue an order designating another solid waste facility to accept 39085  
the wastes that would have been disposed of at the facility to be 39086  
closed. 39087

(7) If the director determines that standards more stringent 39088  
than those applicable in rules adopted under division (A) of 39089

section 3734.02 of the Revised Code and division (D) of section 39090  
3734.12 of the Revised Code, or standards pertaining to subjects 39091  
not specifically addressed by those rules, are necessary to ensure 39092  
that a solid waste facility constructed at the proposed location 39093  
will not cause a nuisance, cause or contribute to water pollution, 39094  
or endanger public health or safety, the director may issue a 39095  
permit for the facility with such terms and conditions as the 39096  
director finds necessary to protect public health and safety and 39097  
the environment. If a permit is issued, the director shall state 39098  
in the order issuing it the specific findings supporting each such 39099  
term or condition. 39100

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 39101  
not apply to a solid waste compost facility that accepts 39102  
exclusively source separated yard wastes and that is registered 39103  
under division (C) of section 3734.02 of the Revised Code or, 39104  
unless otherwise provided in rules adopted under division (N)(3) 39105  
of section 3734.02 of the Revised Code, to a solid waste compost 39106  
facility if the director has adopted rules establishing an 39107  
alternative system for authorizing the establishment, operation, 39108  
or modification of a solid waste compost facility under that 39109  
division. 39110

(9) Divisions (A)(1) to (7) of this section do not apply to 39111  
scrap tire collection, storage, monocell, monofill, and recovery 39112  
facilities. The approval of plans and specifications, as 39113  
applicable, and the issuance of registration certificates, 39114  
permits, and licenses for those facilities are subject to sections 39115  
3734.75 to 3734.78 of the Revised Code, as applicable, and section 39116  
3734.81 of the Revised Code. 39117

(10) Divisions (A)(3) and (4) of this section do not apply to 39118  
a solid waste incinerator that was placed into operation on or 39119  
before October 12, 1994, and that is not authorized to accept and 39120  
treat infectious wastes pursuant to division (B) of this section. 39121

(B)(1) Each person who is engaged in the business of treating 39122  
infectious wastes for profit at a treatment facility located off 39123  
the premises where the wastes are generated that is in operation 39124  
on August 10, 1988, and who proposes to continue operating the 39125  
facility shall submit to the board of health of the health 39126  
district in which the facility is located an application for a 39127  
license to operate the facility. 39128

Thereafter, no person shall operate or maintain an infectious 39129  
waste treatment facility without a license issued by the board of 39130  
health of the health district in which the facility is located or 39131  
by the director when the health district in which the facility is 39132  
located is not on the approved list under section 3734.08 of the 39133  
Revised Code. 39134

(2)(a) During the month of December, but before the first day 39135  
of January of the next year, every person proposing to continue to 39136  
operate an existing infectious waste treatment facility shall 39137  
procure a license to operate the facility for that year from the 39138  
board of health of the health district in which the facility is 39139  
located or, if the health district is not on the approved list 39140  
under section 3734.08 of the Revised Code, from the director. The 39141  
application for such a license shall be submitted to the board of 39142  
health or to the director, as appropriate, on or before the last 39143  
day of September of the year preceding that for which the license 39144  
is sought. In addition to the application fee prescribed in 39145  
division (B)(2)(c) of this section, a person who submits an 39146  
application after that date shall pay an additional ten per cent 39147  
of the amount of the application fee for each week that the 39148  
application is late. Late payment fees accompanying an application 39149  
submitted to the board of health shall be credited to the special 39150  
infectious waste fund of the health district created in division 39151  
(C) of section 3734.06 of the Revised Code, and late payment fees 39152  
accompanying an application submitted to the director shall be 39153

credited to the general revenue fund. A person who has received a 39154  
license, upon sale or disposition of an infectious waste treatment 39155  
facility and upon consent of the board of health and the director, 39156  
may have the license transferred to another person. The board of 39157  
health or the director may include such terms and conditions in a 39158  
license or revision to a license as are appropriate to ensure 39159  
compliance with the infectious waste provisions of this chapter 39160  
and rules adopted under them. 39161

(b) Each person proposing to open a new infectious waste 39162  
treatment facility or to modify an existing infectious waste 39163  
treatment facility shall submit an application for a permit with 39164  
accompanying detail plans and specifications to the environmental 39165  
protection agency for required approval under the rules adopted by 39166  
the director pursuant to section 3734.021 of the Revised Code two 39167  
hundred seventy days before proposed operation of the facility and 39168  
concurrently shall make application for a license with the board 39169  
of health of the health district in which the facility is or is 39170  
proposed to be located. Not later than ninety days after receiving 39171  
a completed application under division (B)(2)(b) of this section 39172  
for a permit to open a new infectious waste treatment facility or 39173  
modify an existing infectious waste treatment facility to expand 39174  
its treatment capacity, or receiving a completed application under 39175  
division (A)(2)(a) of this section for a permit to open a new 39176  
solid waste incineration facility, or modify an existing solid 39177  
waste incineration facility to also treat infectious wastes or to 39178  
increase its infectious waste treatment capacity, that pertains to 39179  
a facility for which a notation authorizing infectious waste 39180  
treatment is included or proposed to be included in the solid 39181  
waste incineration facility's license pursuant to division (B)(3) 39182  
of this section, the director shall hold a public hearing on the 39183  
application within the county in which the new or modified 39184  
infectious waste or solid waste facility is or is proposed to be 39185  
located or within a contiguous county. Not less than thirty days 39186

before holding the public hearing on the application, the director shall publish notice of the hearing in each newspaper that has general circulation and that is published in the county in which the facility is or is proposed to be located. If there is no newspaper that has general circulation and that is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public hearing and a general description of the proposed new or modified facility. At the public hearing, any person may submit written or oral comments on or objections to the approval or disapproval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the hearing.

(c) Each application for a permit under division (B)(2)(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (B)(2)(a) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the

license fee due under division (C) of section 3734.06 of the Revised Code. 39220  
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(d) The owner or operator of any infectious waste treatment facility that commenced operation on or before July 1, 1968, shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code in accordance with the following schedule: 39222  
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(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county; 39229  
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(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county; 39232  
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(iii) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Brooklyn, Cuyahoga Heights, and Parma; 39236  
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(iv) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county; 39240  
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(v) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (B)(2)(d)(i) to (iv) of this section. 39243  
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The owner or operator of an infectious waste treatment facility required to submit a permit application under division (B)(2)(d) of this section is not required to pay any permit application fee under division (B)(2)(c) of this section, or permit fee under division (Q) of section 3745.11 of the Revised 39246  
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Code, with respect thereto unless the owner or operator also 39251  
proposes to modify the facility. 39252

(e) The director may issue an order in accordance with 39253  
Chapter 3745. of the Revised Code to the owner or operator of an 39254  
infectious waste treatment facility requiring the person to submit 39255  
to the director updated engineering detail plans, specifications, 39256  
and information regarding the facility and its method of operation 39257  
for approval under rules adopted under section 3734.021 of the 39258  
Revised Code if, in the director's judgment, conditions at the 39259  
facility constitute a substantial threat to public health or 39260  
safety or are causing or contributing to or threatening to cause 39261  
or contribute to air or water pollution or soil contamination. Any 39262  
person who receives such an order shall submit the updated 39263  
engineering detail plans, specifications, and information to the 39264  
director within one hundred eighty days after the effective date 39265  
of the order. 39266

(f) The director shall act upon an application submitted 39267  
under division (B)(2)(d) of this section and any updated 39268  
engineering plans, specifications, and information submitted under 39269  
division (B)(2)(e) of this section within one hundred eighty days 39270  
after receiving them. If the director denies any such permit 39271  
application or disapproves any such updated engineering plans, 39272  
specifications, and information, the director shall include in the 39273  
order denying the application or disapproving the plans the 39274  
requirement that the owner or operator cease accepting infectious 39275  
wastes for treatment at the facility. 39276

(3) Division (B) of this section does not apply to an 39277  
infectious waste treatment facility that meets any of the 39278  
following conditions: 39279

(a) Is owned or operated by the generator of the wastes and 39280  
exclusively treats, by methods, techniques, and practices 39281  
established by rules adopted under division (C)(1) or (3) of 39282

section 3734.021 of the Revised Code, wastes that are generated at 39283  
any premises owned or operated by that generator regardless of 39284  
whether the wastes are generated on the same premises where the 39285  
generator's treatment facility is located or, if the generator is 39286  
a hospital as defined in section 3727.01 of the Revised Code, 39287  
infectious wastes that are described in division (A)(1)(g), (h), 39288  
or (i) of section 3734.021 of the Revised Code; 39289

(b) Holds a license or renewal of a license to operate a 39290  
crematory facility issued under Chapter 4717. and a permit issued 39291  
under Chapter 3704. of the Revised Code; 39292

(c) Treats or disposes of dead animals or parts thereof, or 39293  
the blood of animals, and is subject to any of the following: 39294

(i) Inspection under the "Federal Meat Inspection Act," 81 39295  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 39296

(ii) Chapter 918. of the Revised Code; 39297

(iii) Chapter 953. of the Revised Code. 39298

Nothing in division (B) of this section requires a facility 39299  
that holds a license issued under division (A) of this section as 39300  
a solid waste facility and that also treats infectious wastes by 39301  
the same method, technique, or process to obtain a license under 39302  
division (B) of this section as an infectious waste treatment 39303  
facility. However, the solid waste facility license for the 39304  
facility shall include the notation that the facility also treats 39305  
infectious wastes. 39306

On and after the effective date of the amendments to the 39307  
rules adopted under division (C)(2) of section 3734.021 of the 39308  
Revised Code that are required by Section 6 of Substitute House 39309  
Bill No. 98 of the 120th General Assembly, the director shall not 39310  
issue a permit to open a new solid waste incineration facility 39311  
unless the proposed facility complies with the requirements for 39312  
the location of new infectious waste incineration facilities 39313

established in the required amendments to those rules. 39314

(C) Except for a facility or activity described in division 39315  
(E)(3) of section 3734.02 of the Revised Code, a person who 39316  
proposes to establish or operate a hazardous waste facility shall 39317  
submit ~~an~~ a complete application for a hazardous waste facility 39318  
installation and operation permit and accompanying detail plans, 39319  
specifications, and such information as the director may require 39320  
to the environmental protection agency, ~~except as provided in~~ 39321  
~~division (E)(2) of this section,~~ at least one hundred eighty days 39322  
before the proposed beginning of operation of the facility. The 39323  
applicant shall notify by certified mail the legislative authority 39324  
of each municipal corporation, township, and county in which the 39325  
facility is proposed to be located of the submission of the 39326  
application within ten days after the submission or at such 39327  
earlier time as the director may establish by rule. If the 39328  
application is for a proposed new hazardous waste disposal or 39329  
thermal treatment facility, the applicant also shall give actual 39330  
notice of the general design and purpose of the facility to the 39331  
legislative authority of each municipal corporation, township, and 39332  
county in which the facility is proposed to be located at least 39333  
ninety days before the permit application is submitted to the 39334  
environmental protection agency. 39335

In accordance with rules adopted under section 3734.12 of the 39336  
Revised Code, prior to the submission of a complete application 39337  
for a hazardous waste facility installation and operation permit, 39338  
the applicant shall hold at least one meeting in the township or 39339  
municipal corporation in which the facility is proposed to be 39340  
located, whichever is geographically closer to the proposed 39341  
location of the facility. The meeting shall be open to the public 39342  
and shall be held to inform the community of the proposed 39343  
hazardous waste management activities and to solicit questions 39344  
from the community concerning the activities. 39345

~~(D)(1) There is hereby created the hazardous waste facility board, composed of the director of environmental protection who shall serve as chairperson, the director of natural resources, and the chairperson of the Ohio water development authority, or their respective designees, and one chemical engineer and one geologist who each shall be employed by a state university as defined in section 3345.011 of the Revised Code. The chemical engineer and geologist each shall be appointed by the governor, with the advice and consent of the senate, for a term of two years. The chemical engineer and geologist each shall receive as compensation five thousand dollars per year, plus expenses necessarily incurred in the performance of their duties.~~

~~The board shall not issue any final order without the consent of at least three members.~~

~~(2) The hazardous waste facility board shall do both of the following:~~

~~(a) Pursuant to Chapter 119. of the Revised Code, adopt rules governing procedure to be followed in hearings before the board:~~

~~(b) Except as provided in section 3734.123 of the Revised Code, approve or disapprove applications for a hazardous waste facility installation and operation permit for new facilities and applications for modifications to existing permits for which the board has jurisdiction as provided in division (I)(3) of this section.~~

~~(3) Except as provided in section 3734.123 of the Revised Code, upon receipt of the completed application for a hazardous waste facility installation and operation permit and a preliminary determination by the staff of the environmental protection agency that the application appears to comply with agency rules and to meet the performance standards set forth in divisions (D), (I), and (J) of section 3734.12 of the Revised Code, the director shall~~

~~transmit the application to the board, which shall do all of the following:~~ 39377  
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~~(a) Promptly fix a date for a public hearing on the application, not fewer than sixty nor more than ninety days after receipt of the completed application. At the public hearing, any person may submit written or oral comments or objections to the approval or disapproval of the application. A representative of the applicant who has knowledge of the location, construction, operation, closure, and post-closure care, if applicable, of the facility shall attend the public hearing in order to respond to comments or questions concerning the facility directed to the representative by the presiding officer.~~ 39379  
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~~(b) Give public notice of the date of the public hearing and a summary of the application in a newspaper having general circulation in the county in which the facility is proposed to be located. The notice shall contain, at a minimum, the date, time, and location of the public hearing and shall include the location and street address of, or the nearest intersection to, the proposed facility, a description of the proposed facility, and the location where copies of the application, a short statement by the applicant of the anticipated environmental impact of the facility, and a map of the facility are available for inspection.~~ 39389  
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~~(c) Promptly fix a date for an adjudication hearing, not fewer than ninety nor more than one hundred twenty days after receipt of the completed application, at which hearing the board shall hear and decide all disputed issues between the parties respecting the approval or disapproval of the application.~~ 39399  
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~~(4) The parties to any adjudication hearing before the board upon a completed application shall be the following:~~ 39404  
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~~(a) The applicant;~~ 39406

~~(b) The staff of the environmental protection agency;~~ 39407

~~(c) The board of county commissioners of the county, the board of township trustees of the township, and the chief executive officer of the municipal corporation in which the facility is proposed to be located;~~ 39408  
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~~(d) Any other person who would be aggrieved or adversely affected by the proposed facility and who files a petition to intervene in the adjudication hearing not later than thirty days after the date of publication of the notice required in division (D)(3)(b) of this section if the petition is granted by the board for good cause shown. The board may allow intervention by other aggrieved or adversely affected persons up to fifteen days prior to the date of the adjudication hearing for good cause shown when the intervention would not be unduly burdensome to or cause a delay in the permitting process.~~ 39412  
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~~(5) The hazardous waste facility board shall conduct any adjudication hearing upon disputed issues in accordance with Chapter 119. of the Revised Code and the rules of the board governing the procedure of such hearings. Each party may call and examine witnesses and submit other evidence respecting the disputed issues presented by an application. A written record shall be made of the hearing and of all testimony and evidence submitted to the board upon receipt of a complete application for a hazardous waste facility installation and operation permit under division (C) of this section, the director shall consider the application and accompanying information to determine whether the application complies with agency rules and the requirements of division (D)(2) of this section. After making a determination, the director shall issue either a draft permit or a notice of intent to deny the permit. The director, in accordance with rules adopted under section 3734.12 of the Revised Code or with rules adopted to implement Chapter 3745. of the Revised Code, shall provide public notice of the application and the draft permit or the notice of~~ 39422  
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intent to deny the permit, provide an opportunity for public 39440  
comments, and, if significant interest is shown, schedule a public 39441  
meeting in the county in which the facility is proposed to be 39442  
located and give public notice of the date, time, and location of 39443  
the public meeting in a newspaper of general circulation in that 39444  
county. 39445

~~(6)~~(2) The ~~board~~ director shall not approve an application 39446  
for a hazardous waste facility installation and operation permit 39447  
or an application for a modification under division (I)(3) of this 39448  
section unless ~~it~~ the director finds and determines as follows: 39449

(a) The nature and volume of the waste to be treated, stored, 39450  
or disposed of at the facility; 39451

(b) That the facility complies with the director's hazardous 39452  
waste standards adopted pursuant to section 3734.12 of the Revised 39453  
Code; 39454

(c) That the facility represents the minimum adverse 39455  
environmental impact, considering the state of available 39456  
technology and the nature and economics of various alternatives, 39457  
and other pertinent considerations; 39458

(d) That the facility represents the minimum risk of all of 39459  
the following: 39460

~~(i) Contamination of ground and surface waters;~~ 39461

~~(ii)~~ Fires or explosions from treatment, storage, or disposal 39462  
methods; 39463

~~(iii) Accident~~ (ii) Release of hazardous waste during 39464  
transportation of hazardous waste to or from the facility; 39465

~~(iv) Impact~~ (iii) Adverse impact on the public health and 39466  
safety; 39467

~~(v) Air pollution;~~ 39468

~~(vi) Soil contamination.~~ 39469

(e) That the facility will comply with this chapter and 39470  
Chapters 3704., ~~3734.~~, and 6111. of the Revised Code and all rules 39471  
and standards adopted under ~~those chapters~~ them; 39472

(f) That if the owner of the facility, the operator of the 39473  
facility, or any other person in a position with the facility from 39474  
which the person may influence the installation and operation of 39475  
the facility has been involved in any prior activity involving 39476  
transportation, treatment, storage, or disposal of hazardous 39477  
waste, that person has a history of compliance with this chapter 39478  
and Chapters 3704., ~~3734.~~, and 6111. of the Revised Code and all 39479  
rules and standards adopted under ~~those chapters~~ them, the 39480  
"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 39481  
42 U.S.C.A. 6921, as amended, and all regulations adopted under 39482  
it, and similar laws and rules of other states if any such prior 39483  
operation was located in another state that demonstrates 39484  
sufficient reliability, expertise, and competency to operate a 39485  
hazardous waste facility under the applicable provisions of this 39486  
chapter and Chapters 3704., ~~3734.~~, and 6111. of the Revised Code, 39487  
the applicable rules and standards adopted under ~~those chapters~~ 39488  
them, and terms and conditions of a hazardous waste facility 39489  
installation and operation permit, given the potential for harm to 39490  
the public health and safety and the environment that could result 39491  
from the irresponsible operation of the facility~~+~~. For off-site 39492  
facilities, as defined in section 3734.41 of the Revised Code, the 39493  
director may use the investigative reports of the attorney general 39494  
prepared pursuant to section 3734.42 of the Revised Code as a 39495  
basis for making a finding and determination under division 39496  
(D)(2)(f) of this section. 39497

(g) That the active areas within a new hazardous waste 39498  
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 39499  
(e), as amended, or organic waste that is toxic and is listed 39500  
under 40 C.F.R. 261, as amended, is being stored, treated, or 39501

disposed of and where the aggregate of the storage design capacity 39502  
and the disposal design capacity of all hazardous waste in those 39503  
areas is greater than two hundred fifty thousand gallons, are not 39504  
located or operated within any of the following: 39505

(i) Two thousand feet of any residence, school, hospital, 39506  
jail, or prison; 39507

(ii) Any naturally occurring wetland; 39508

(iii) Any flood hazard area if the applicant cannot show that 39509  
the facility will be designed, constructed, operated, and 39510  
maintained to prevent washout by a one-hundred-year flood ~~or that~~ 39511  
~~procedures will be in effect to remove the waste before flood~~ 39512  
~~waters can reach it.~~ 39513

Division (D)~~(6)~~(2)(g) of this section does not apply to the 39514  
facility of any applicant who demonstrates to the ~~board~~ director 39515  
that the limitations specified in that division are not necessary 39516  
because of the nature or volume of the waste and the manner of 39517  
management applied, the facility will impose no substantial danger 39518  
to the health and safety of persons occupying the structures 39519  
listed in division (D)~~(6)~~(2)(g)(i) of this section, and the 39520  
facility is to be located or operated in an area where the 39521  
proposed hazardous waste activities will not be incompatible with 39522  
existing land uses in the area. 39523

(h) That the facility will not be located within the 39524  
boundaries of a state park established or dedicated under Chapter 39525  
1541. of the Revised Code, a state park purchase area established 39526  
under section 1541.02 of the Revised Code, any unit of the 39527  
national park system, or any property that lies within the 39528  
boundaries of a national park or recreation area, but that has not 39529  
been acquired or is not administered by the secretary of the 39530  
United States department of the interior, located in this state, 39531  
or any candidate area located in this state identified for 39532

potential inclusion in the national park system in the edition of 39533  
the "national park system plan" submitted under paragraph (b) of 39534  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 39535  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 39536  
application for the permit, unless the facility will be used 39537  
exclusively for the storage of hazardous waste generated within 39538  
the park or recreation area in conjunction with the operation of 39539  
the park or recreation area. Division (D)~~(6)~~(2)(h) of this section 39540  
does not apply to the facility of any applicant for modification 39541  
of a permit unless the modification application proposes to 39542  
increase the land area included in the facility or to increase the 39543  
quantity of hazardous waste that will be treated, stored, or 39544  
disposed of at the facility. 39545

~~In rendering a decision upon an application for a hazardous 39546  
waste facility installation and operation permit, the board shall 39547  
issue a written order and opinion, which shall include the 39548  
specific findings of fact and conclusions of law that support the 39549  
board's approval or disapproval of the application. 39550~~

(3) Not later than one hundred eighty days after the end of 39551  
the public comment period, the director, without prior hearing, 39552  
shall issue or deny the permit in accordance with Chapter 3745. of 39553  
the Revised Code. If the ~~board~~ director approves an application 39554  
for a hazardous waste facility installation and operation permit, 39555  
~~as a part of its written order, it~~ the director shall issue the 39556  
permit, upon such terms and conditions as the ~~board~~ director finds 39557  
are necessary to ensure the construction and operation of the 39558  
hazardous waste facility in accordance with the standards of this 39559  
section. 39560

~~(7) Any party adversely affected by an order of the hazardous 39561  
waste facility board may appeal the order and decision of the 39562  
board to the court of appeals of Franklin county. An appellant 39563  
shall file with the board a notice of appeal, which shall 39564~~

~~designate the order appealed from. A copy of the notice also shall  
be filed by the appellant with the court, and a copy shall be sent  
by certified mail to each party to the adjudication hearing before  
the board. Such notices shall be filed and mailed within thirty  
days after the date upon which the appellant received notice from  
the board by certified mail of the making of the order appealed  
from. No appeal bond shall be required to make an appeal  
effective.~~ 39565  
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~~The filing of a notice of appeal shall not operate  
automatically as a suspension of the order of the board. If it  
appears to the court that an unjust hardship to the appellant will  
result from the execution of the board's order pending  
determination of the appeal, the court may grant a suspension of  
the order and fix its terms.~~ 39573  
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~~Within twenty days after receipt of the notice of appeal, the  
board shall prepare and file in the court the complete record of  
proceedings out of which the appeal arises, including any  
transcript of the testimony and any other evidence that has been  
submitted before the board. The expense of preparing and  
transcribing the record shall be taxed as a part of the costs of  
the appeal. The appellant, other than the state or a political  
subdivision, an agency of either, or any officer of the appellant  
acting in the officer's representative capacity, shall provide  
security for costs satisfactory to the court considering the  
respective interests of the parties and the public interest. Upon  
demand by a party, the board shall furnish, at the cost of the  
party requesting it, a copy of the record. If the complete record  
is not filed within the time provided for in this section, any  
party may apply to the court to have the case docketed, and the  
court shall order the record filed.~~ 39579  
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~~In hearing the appeal, the court is confined to the record as  
certified to it by the board. The court may grant a request for~~ 39595  
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~~the admission of additional evidence when satisfied that the  
additional evidence is newly discovered and could not with  
reasonable diligence have been ascertained prior to the hearing  
before the board.~~

~~The court shall affirm the order complained of in the appeal  
if it finds, upon consideration of the entire record and such  
additional evidence as the court has admitted, that the order is  
supported by reliable, probative, and substantial evidence and is  
in accordance with law. In the absence of such findings, it shall  
reverse, vacate, or modify the order or make such other ruling as  
is supported by reliable, probative, and substantial evidence and  
is in accordance with law. The judgment of the court shall be  
final and conclusive unless reversed, vacated, or modified on  
appeal. Such appeals may be taken by any party to the appeal  
pursuant to the Rules of Practice of the Supreme Court and, to the  
extent not in conflict with those rules, Chapter 2505. of the  
Revised Code.~~

~~(E)(1) Upon receipt of a completed application, the board  
shall issue a hazardous waste facility installation and operation  
permit for a hazardous waste facility subject to the requirements  
of divisions (D)(6) and (7) of this section and all applicable  
federal regulations if the facility for which the permit is  
requested satisfies all of the following:~~

~~(a) Was in operation immediately prior to October 9, 1980;~~

~~(b) Was in substantial compliance with applicable statutes  
and rules in effect immediately prior to October 9, 1980, as  
determined by the director;~~

~~(c) Demonstrates to the board that its operations after  
October 9, 1980, comply with applicable performance standards  
adopted by the director pursuant to division (D) of section  
3734.12 of the Revised Code;~~

<del>(d) Submits a completed application for a permit under</del>	39628
<del>division (C) of this section within six months after October 9,</del>	39629
<del>1980.</del>	39630
<del>The board shall act on the application within twelve months</del>	39631
<del>after October 9, 1980.</del>	39632
<del>(2) A hazardous waste facility that was in operation</del>	39633
<del>immediately prior to October 9, 1980, may continue to operate</del>	39634
<del>after that date if it does all of the following:</del>	39635
<del>(a) Complies with performance standards adopted by the</del>	39636
<del>director pursuant to division (D) of section 3734.12 of the</del>	39637
<del>Revised Code;</del>	39638
<del>(b) Submits a completed application for a hazardous waste</del>	39639
<del>installation and operation permit under division (C) of this</del>	39640
<del>section within six months after October 9, 1980;</del>	39641
<del>(c) Obtains the permit under division (D) of this section</del>	39642
<del>within twelve months after October 9, 1980.</del>	39643
<del>(3) No political subdivision of this state shall require any</del>	39644
<del>additional zoning or other approval, consent, permit, certificate,</del>	39645
<del>or condition for the construction or operation of a hazardous</del>	39646
<del>waste facility authorized by a hazardous waste facility</del>	39647
<del>installation and operation permit issued pursuant to this chapter,</del>	39648
<del>nor shall any political subdivision adopt or enforce any law,</del>	39649
<del>ordinance, or rule that in any way alters, impairs, or limits the</del>	39650
<del>authority granted in the permit.</del>	39651
<del>(4) After the issuance of a hazardous waste facility</del>	39652
<del>installation and operation permit by the board, each hazardous</del>	39653
<del>waste facility shall be subject to the rules and supervision of</del>	39654
<del>the director during the period of its operation, closure, and</del>	39655
<del>post closure care, if applicable.</del>	39656
<del>(F) Upon approval of the board in accordance with divisions</del>	39657

~~(D) and (E) of this section, the board~~ The director may issue a 39658  
single hazardous waste facility installation and operation permit 39659  
to a person who operates two or more adjoining facilities where 39660  
hazardous waste is stored, treated, or disposed of if the 39661  
application includes detail plans, specifications, and information 39662  
on all facilities. For the purposes of this section, "adjoining" 39663  
means sharing a common boundary, separated only by a public road, 39664  
or in such proximity that the director determines that the 39665  
issuance of a single permit will not create a hazard to the public 39666  
health or safety or the environment. 39667

(G) No person shall falsify or fail to keep or submit any 39668  
plans, specifications, data, reports, records, manifests, or other 39669  
information required to be kept or submitted to the director ~~or to~~ 39670  
~~the hazardous waste facility board~~ by this chapter or the rules 39671  
adopted under it. 39672

(H)(1) Each person who holds an installation and operation 39673  
permit issued under this section and who wishes to obtain a permit 39674  
renewal shall submit a completed application for an installation 39675  
and operation permit renewal and any necessary accompanying 39676  
general plans, detail plans, specifications, and such information 39677  
as the director may require to the director no later than one 39678  
hundred eighty days prior to the expiration date of the existing 39679  
permit or upon a later date prior to the expiration of the 39680  
existing permit if the permittee can demonstrate good cause for 39681  
the late submittal. The director shall consider the application 39682  
and accompanying information, inspection reports of the facility, 39683  
results of performance tests, a report regarding the facility's 39684  
compliance or noncompliance with the terms and conditions of its 39685  
permit and rules adopted by the director under this chapter, and 39686  
such other information as is relevant to the operation of the 39687  
facility and shall issue a draft renewal permit or a notice of 39688  
intent to deny the renewal permit. The director, in accordance 39689

with rules adopted under this section or with rules adopted to 39690  
implement Chapter 3745. of the Revised Code, shall give public 39691  
notice of the application and draft renewal permit or notice of 39692  
intent to deny the renewal permit, provide for the opportunity for 39693  
public comments within a specified time period, schedule a public 39694  
meeting in the county in which the facility is located if 39695  
significant interest is shown, and give public notice of the 39696  
public meeting. 39697

(2) Within sixty days after the public meeting or close of 39698  
the public comment period, the director, without prior hearing, 39699  
shall issue or deny the renewal permit in accordance with Chapter 39700  
3745. of the Revised Code. The director shall not issue a renewal 39701  
permit unless the director determines that the facility under the 39702  
existing permit has a history of compliance with this chapter, 39703  
rules adopted under it, the existing permit, or orders entered to 39704  
enforce such requirements that demonstrates sufficient 39705  
reliability, expertise, and competency to operate the facility 39706  
henceforth under this chapter, rules adopted under it, and the 39707  
renewal permit. If the director approves an application for a 39708  
renewal permit, the director shall issue the permit subject to the 39709  
payment of the annual permit fee required under division (E) of 39710  
section 3734.02 of the Revised Code and upon such terms and 39711  
conditions as the director finds are reasonable to ensure that 39712  
continued operation, maintenance, closure, and post-closure care 39713  
of the hazardous waste facility are in accordance with the rules 39714  
adopted under section 3734.12 of the Revised Code. 39715

(3) An installation and operation permit renewal application 39716  
submitted to the director that also contains or would constitute 39717  
an application for a modification shall be acted upon by the 39718  
director in accordance with division (I) of this section in the 39719  
same manner as an application for a modification. In approving or 39720  
disapproving the renewal portion of a permit renewal application 39721

containing an application for a modification, the director shall 39722  
apply the criteria established under division (H)(2) of this 39723  
section. 39724

(4) An application for renewal or modification of a permit 39725  
that does not contain an application for a modification as 39726  
described in divisions (I)(3)(a) to (d) of this section shall not 39727  
be subject to division (D)(2) of this section. 39728

(I)(1) As used in this section, "modification" means a change 39729  
or alteration to a hazardous waste facility or its operations that 39730  
is inconsistent with or not authorized by its existing permit or 39731  
authorization to operate. Modifications shall be classified as 39732  
Class 1, 2, or 3 modifications in accordance with rules adopted 39733  
under division (K) of this section. Modifications classified as 39734  
Class 3 modifications, in accordance with rules adopted under that 39735  
division, shall be further classified by the director as either 39736  
Class 3 modifications that are to be approved or disapproved by 39737  
the ~~hazardous waste facility board as described in~~ director under 39738  
divisions (I)(3)(a) to (d) of this section or as Class 3 39739  
modifications that are to be approved or disapproved by the 39740  
director under division (I)(5) of this section. Not later than 39741  
thirty days after receiving a request for a modification under 39742  
division (I)(4) of this section that is not listed in Appendix I 39743  
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 39744  
section, the director shall classify the modification and shall 39745  
notify the owner or operator of the facility requesting the 39746  
modification of the classification. Notwithstanding any other law 39747  
to the contrary, any modification that involves the transfer of a 39748  
hazardous waste facility installation and operation permit to a 39749  
new owner or operator shall be classified as a Class 3 39750  
modification. 39751

(2) Except as provided in section 3734.123 of the Revised 39752  
Code, a hazardous waste facility installation and operation permit 39753

may be modified at the request of the director or upon the written request of the permittee only if any of the following applies:

(a) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit;

(b) New information or data justify permit conditions in addition to or different from those in the existing permit;

(c) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit;

(d) The permittee proposes to transfer the permit to another person.

(3) The director ~~has jurisdiction to~~ shall approve or disapprove ~~applications~~ an application for ~~Class 1 modifications, Class 2 modifications, and Class 3 modifications not otherwise described in divisions (I)(3)(a) to (d) of this section. The hazardous waste facility board has jurisdiction to approve or disapprove applications for any~~ a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications:

(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit;

(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the

Revised Code, that results in an increase in a facility's storage 39785  
capacity of more than twenty-five per cent over the capacity 39786  
authorized by the facility's permit, an increase in a facility's 39787  
treatment rate of more than twenty-five per cent over the rate so 39788  
authorized, or an increase in a facility's disposal capacity over 39789  
the capacity so authorized. The authorized disposal capacity for a 39790  
facility shall be calculated from the approved design plans for 39791  
the disposal units at that facility. In no case during a five-year 39792  
period shall a facility's storage capacity or treatment rate be 39793  
modified to increase by more than twenty-five per cent in the 39794  
aggregate without ~~board~~ the director's approval in accordance with 39795  
division (D)(2) of this section. Notwithstanding any provision of 39796  
division (I) of this section to the contrary, a request for 39797  
modification of a facility's annual total waste receipt limit 39798  
shall be classified and approved or disapproved by the director 39799  
under division (I)(5) of this section. 39800

(c) Authority to add any of the following categories of 39801  
regulated activities not previously authorized at a facility by 39802  
the facility's permit: storage at a facility not previously 39803  
authorized to store hazardous waste, treatment at a facility not 39804  
previously authorized to treat hazardous waste, or disposal at a 39805  
facility not previously authorized to dispose of hazardous waste; 39806  
or authority to add a category of hazardous waste management unit 39807  
not previously authorized at the facility by the facility's 39808  
permit. Notwithstanding any provision of division (I) of this 39809  
section to the contrary, a request for authority to add or to 39810  
modify an activity or a hazardous waste management unit for the 39811  
purposes of performing a corrective action shall be classified and 39812  
approved or disapproved by the director under division (I)(5) of 39813  
this section. 39814

(d) Authority to treat, store, or dispose of waste types 39815  
listed or characterized as reactive or explosive, in rules adopted 39816

under section 3734.12 of the Revised Code, or any acute hazardous 39817  
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 39818  
previously authorized to treat, store, or dispose of those types 39819  
of wastes by the facility's permit unless the requested authority 39820  
is limited to wastes that no longer exhibit characteristics 39821  
meeting the criteria for listing or characterization as reactive 39822  
or explosive wastes, or for listing as acute hazardous waste, but 39823  
still are required to carry those waste codes as established in 39824  
rules adopted under section 3734.12 of the Revised Code because of 39825  
the requirements established in 40 C.F.R. 261(a) and (e), as 39826  
amended, that is, the "mixture," "derived-from," or "contained-in" 39827  
regulations. 39828

(4) A written request for a modification from the permittee 39829  
shall be submitted to the director and shall contain such 39830  
information as is necessary to support the request. ~~The director~~ 39831  
~~shall transmit to the board requests for Class 3 modifications~~ 39832  
~~described in divisions (I)(3)(a) to (d) of this section within two~~ 39833  
~~hundred forty days after receiving the requests.~~ Requests for 39834  
modifications shall be acted upon by the director ~~or the board, as~~ 39835  
~~appropriate,~~ in accordance with this section and rules adopted 39836  
under it. 39837

(5) Class 1 modification applications that require prior 39838  
approval of the director, as determined in accordance with rules 39839  
adopted under division (K) of this section, Class 2 modification 39840  
applications, and Class 3 modification applications that are not 39841  
described in divisions (I)(3)(a) to (d) of this section shall be 39842  
approved or disapproved by the director in accordance with rules 39843  
adopted under division (K) of this section. The board of county 39844  
commissioners of the county, the board of township trustees of the 39845  
township, and the city manager or mayor of the municipal 39846  
corporation in which a hazardous waste facility is located shall 39847  
receive notification of any application for a modification for 39848

that facility and shall be considered as interested persons with 39849  
respect to the director's consideration of the application. 39850

For those modification applications for a transfer of a 39851  
permit to a new owner or operator of a facility, the director also 39852  
shall determine that, if the transferee owner or operator has been 39853  
involved in any prior activity involving the transportation, 39854  
treatment, storage, or disposal of hazardous waste, the transferee 39855  
owner or operator has a history of compliance with this chapter 39856  
and Chapters 3704. and 6111. of the Revised Code and all rules and 39857  
standards adopted under them, the "Resource Conservation and 39858  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 39859  
amended, and all regulations adopted under it, and similar laws 39860  
and rules of another state if the transferee owner or operator 39861  
owns or operates a facility in that state, that demonstrates 39862  
sufficient reliability, expertise, and competency to operate a 39863  
hazardous waste facility under this chapter and Chapters 3704. and 39864  
6111. of the Revised Code, all rules and standards adopted under 39865  
them, and terms and conditions of a hazardous waste facility 39866  
installation and operation permit, given the potential for harm to 39867  
the public health and safety and the environment that could result 39868  
from the irresponsible operation of the facility. A permit may be 39869  
transferred to a new owner or operator only pursuant to a Class 3 39870  
permit modification. 39871

As used in division (I)(5) of this section: 39872

(a) "Owner" means the person who owns a majority or 39873  
controlling interest in a facility. 39874

(b) "Operator" means the person who is responsible for the 39875  
overall operation of a facility. 39876

The director shall approve or disapprove an application for a 39877  
Class 1 modification that requires the director's approval within 39878  
sixty days after receiving the request for modification. The 39879

director shall approve or disapprove an application for a Class 2 39880  
modification within three hundred days after receiving the request 39881  
for modification. The director shall approve or disapprove an 39882  
application for a Class 3 modification ~~that is not described in~~ 39883  
~~divisions (I)(3)(a) to (d) of this section~~ within three hundred 39884  
sixty-five days after receiving the request for modification. 39885

(6) The approval or disapproval by the director of a Class 1 39886  
modification application is not a final action that is appealable 39887  
under Chapter 3745. of the Revised Code. The approval or 39888  
disapproval by the director of a Class 2 modification or a Class 3 39889  
modification ~~that is not described in divisions (I)(3)(a) to (d)~~ 39890  
~~of this section~~ is a final action that is appealable under that 39891  
chapter. In approving or disapproving a request for a 39892  
modification, the director shall consider all comments pertaining 39893  
to the request that are received during the public comment period 39894  
and the public meetings. The administrative record for appeal of a 39895  
final action by the director in approving or disapproving a 39896  
request for a modification shall include all comments received 39897  
during the public comment period relating to the request for 39898  
modification, written materials submitted at the public meetings 39899  
relating to the request, and any other documents related to the 39900  
director's action. 39901

~~(7) The hazardous waste facility board shall approve or~~ 39902  
~~disapprove an application for a Class 3 modification transmitted~~ 39903  
~~to it under division (I)(4) of this section, or that portion of a~~ 39904  
~~permit renewal application that constitutes a Class 3 modification~~ 39905  
~~application so transmitted, of a hazardous waste facility~~ 39906  
~~installation and operation permit in accordance with division (D)~~ 39907  
~~of this section. No other request for a modification shall be~~ 39908  
~~subject to division (D)(6) of this section. No aspect of a~~ 39909  
~~permitted facility or its operations that is not being modified as~~ 39910  
~~described in division (I)(3)(a), (b), (c), or (d) of this section~~ 39911

~~shall be subject to review by the board under division (D) of this section.~~ 39912  
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~~(8)~~ Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E)(3)(a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I)(1) to ~~(7)~~(6) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit. 39914  
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(J)(1) Except as provided in division (J)(2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J)(1)(a) or (b) of this section, within one hundred eighty days after the director has requested the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal. 39923  
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(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section. 39934  
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(b) If the owner or operator has a hazardous waste facility 39943

installation and operation permit for hazardous waste treatment, 39944  
storage, or disposal activities at the facility other than those 39945  
authorized by the permit by rule, the owner or operator shall 39946  
submit to the director a request for modification in accordance 39947  
with division (I) of this section. Notwithstanding any other 39948  
provision of law to the contrary, the director shall approve or 39949  
disapprove the modification application in accordance with ~~rules~~ 39950  
~~adopted under~~ division (K)(I)(5) of this section. 39951

(2) The owner or operator of a boiler or industrial furnace 39952  
that is conducting thermal treatment activities in accordance with 39953  
a permit by rule under rules adopted by the director under 39954  
division (E)(3)(b) of section 3734.02 of the Revised Code shall 39955  
submit a hazardous waste facility installation and operation 39956  
permit application if the owner or operator does not have such a 39957  
permit for any hazardous waste treatment, storage, or disposal 39958  
activities at the facility or, if the owner or operator has such a 39959  
permit for hazardous waste treatment, storage, or disposal 39960  
activities at the facility other than thermal treatment activities 39961  
authorized by the permit by rule, a modification application to 39962  
add those activities authorized by the permit by rule, whichever 39963  
is applicable, within one hundred eighty days after the director 39964  
has requested the submission of the application or upon a later 39965  
date if the owner or operator demonstrates to the director good 39966  
cause for the late submittal. The application shall be accompanied 39967  
by information necessary to support the request. The ~~hazardous~~ 39968  
~~waste facility board~~ director shall approve or disapprove ~~the an~~ 39969  
application for a hazardous waste facility installation and 39970  
operation permit in accordance with division (D) of this section 39971  
and approve or disapprove an application for a modification in 39972  
accordance with division (I)(3) of this section, except that the 39973  
~~board~~ director shall not disapprove an application for the thermal 39974  
treatment activities on the basis of the criteria set forth in 39975  
division (D)~~(6)~~(2)(g) or (h) of this section. 39976

(3) As used in division (J) of this section:	39977
(a) "Modification application" means a request for a modification submitted in accordance with division (I) of this section.	39978 39979 39980
(b) "Thermal treatment," "boiler," and "industrial furnace" have the same meanings as in rules adopted under section 3734.12 of the Revised Code.	39981 39982 39983
(K) The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code in order to implement divisions (H) and (I) of this section. Except when in actual conflict with this section, rules governing the classification of and procedures for the modification of hazardous waste facility installation and operation permits shall be substantively and procedurally identical to the regulations governing hazardous waste facility permitting and permit modifications adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.	39984 39985 39986 39987 39988 39989 39990 39991 39992 39993 39994
<b>Sec. 3734.12.</b> The director of environmental protection shall adopt and may amend, suspend, and rescind rules in accordance with Chapter 119. of the Revised Code, which shall be consistent with and equivalent to the regulations adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except for rules adopted under divisions (D) and (F) of this section governing solid waste facilities and except as otherwise provided in this chapter, doing all of the following:	39995 39996 39997 39998 39999 40000 40001 40002
(A) Adopting the criteria and procedures established under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, for identifying hazardous waste. The director shall prepare, revise when appropriate, and publish a list of substances or categories of substances	40003 40004 40005 40006 40007

identified to be hazardous using the criteria specified in 40 40008  
C.F.R. 261, as amended, which shall be composed of at least those 40009  
substances identified as hazardous pursuant to section 3001(B) of 40010  
that act. The director shall not list any waste that the 40011  
administrator of the United States environmental protection agency 40012  
delisted or excluded by an amendment to the federal regulations, 40013  
any waste that the administrator declined to list by publishing a 40014  
denial of a rulemaking petition or by withdrawal of a proposed 40015  
listing in the United States federal register after May 18, 1980, 40016  
or any waste oil or polychlorinated biphenyl not listed by the 40017  
administrator. 40018

(B) Establishing standards for generators of hazardous waste 40019  
necessary to protect human health or safety or the environment in 40020  
accordance with this chapter, including, but not limited to, 40021  
requirements respecting all of the following: 40022

(1) Record-keeping practices that accurately identify the 40023  
quantities of hazardous waste generated, the constituents that are 40024  
significant in quantity or in potential harm to human health or 40025  
safety or the environment, and the disposition of the waste; 40026

(2) Labeling of containers used for storage, transportation, 40027  
or disposal of hazardous waste to identify the waste accurately; 40028

(3) Use of appropriate containers for hazardous waste; 40029

(4) Providing information on the general chemical composition 40030  
of hazardous waste to persons transporting, treating, storing, or 40031  
disposing of the waste; 40032

(5) A manifest system requiring a manifest consistent with 40033  
that prescribed under the "Resource Conservation and Recovery Act 40034  
of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended, requiring a 40035  
manifest for any hazardous waste transported off the premises 40036  
where generated and assuring that all hazardous waste that is 40037  
transported off the premises where generated is designated for 40038

treatment, storage, or disposal in facilities for which a permit	40039
has been issued or in the other facilities specified in division	40040
(F) of section 3734.02 of the Revised Code;	40041
(6) Submission of such reports to the director as the	40042
director determines necessary;	40043
(7) Establishment of quality control and testing procedures	40044
that ensure compliance with the rules adopted under this section;	40045
(8) Obtainment of a United States environmental protection	40046
agency identification number.	40047
(C) Establishing standards for transporters of hazardous	40048
waste necessary to protect human health or safety or the	40049
environment in accordance with this chapter, including, but not	40050
limited to, requirements respecting all of the following:	40051
(1) Record-keeping concerning hazardous waste transported,	40052
including source and delivery points;	40053
(2) Submission of such reports to the director as the	40054
director determines necessary;	40055
(3) Transportation of only properly labeled waste;	40056
(4) Compliance with the manifest system required by division	40057
(B) of this section;	40058
(5) Transportation of hazardous waste only to the treatment,	40059
storage, or disposal facility that the shipper designates on the	40060
manifest to be a facility holding a permit or another facility	40061
specified in division (F) of section 3734.02 of the Revised Code;	40062
(6) Contingency plans to minimize unanticipated damage from	40063
transportation of hazardous waste;	40064
(7) Financial responsibility, including, but not limited to,	40065
provisions requiring a financial mechanism to cover the costs of	40066
spill cleanup and liability for sudden accidental occurrences that	40067
result in damage to persons, property, or the environment;	40068

(8) Obtainment of a United States environmental protection agency identification number.	40069 40070
In the case of any hazardous waste that is subject to the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, the rules shall be consistent with that act and regulations adopted under it.	40071 40072 40073 40074
(D) Establishing performance standards for owners and operators of hazardous waste facilities and owners and operators of solid waste facilities, necessary to protect human health or safety or the environment in accordance with this chapter, including, but not limited to, requirements respecting all of the following:	40075 40076 40077 40078 40079 40080
(1) Maintaining records of all hazardous waste that is treated, stored, or disposed of and of the manner in which the waste was treated, stored, or disposed of or records of all solid wastes transferred or disposed of and of the manner in which the wastes were disposed of;	40081 40082 40083 40084 40085
(2) Submission of such reports to the director as the director determines necessary;	40086 40087
(3) Reporting, monitoring, inspection, and, except with respect to solid waste facilities, compliance with the manifest system referred to in division (B) of this section;	40088 40089 40090
(4) Treatment, storage, or disposal of all hazardous waste received by methods, techniques, and practices approved by the director and disposal or transfer of all solid wastes received by methods, techniques, and practices approved by the director;	40091 40092 40093 40094
(5) Location, design, and construction of hazardous waste facilities and location, design, and construction of solid waste facilities;	40095 40096 40097
(6) Contingency plans for effective action to minimize	40098

unanticipated damage from treatment, storage, or disposal of hazardous waste and the disposal or transfer of solid wastes; 40099  
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(7) Ownership, continuity of operation, training for personnel, and financial responsibility, including the filing of closure and post-closure financial assurance, if applicable. No private entity shall be precluded by reason of these requirements from the ownership or operation of facilities providing hazardous waste treatment, storage, or disposal services if the entity can provide assurances of financial responsibility and continuity of operation consistent with the degree and duration of risks associated with the treatment, storage, or disposal of specified hazardous waste. 40101  
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(8) Closure and post-closure care of a hazardous waste facility where hazardous waste will no longer be treated, stored, or disposed of and of a solid waste facility where solid wastes will no longer be disposed of or transferred; 40111  
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(9) Establishment of quality control and testing procedures that ensure compliance with the rules adopted under this section; 40115  
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(10) Obtainment of a United States environmental protection agency identification number for each hazardous waste treatment, storage, or disposal facility; 40117  
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(11) Trial burns and land treatment demonstrations. 40120

The rules adopted under divisions (D) and (F) of this section pertaining to solid waste facilities do not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. Those facilities are subject to and governed by rules adopted under sections 3734.70 to 3734.73 of the Revised Code, as applicable. 40121  
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(E) Governing the issuance, modification, revocation, suspension, withdrawal, and denial of installation and operation permits, draft permits, and transportation certificates of 40127  
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registration; 40130

(F) Specifying information required to be included in 40131  
applications for hazardous waste facility installation and 40132  
operation permits and solid waste permits, including, but not 40133  
limited to, detail plans, specifications, and information 40134  
respecting all of the following: 40135

(1) The composition, quantities, and concentrations of 40136  
hazardous waste and solid wastes to be stored, treated, 40137  
transported, or disposed of and such other information as the 40138  
director may require regarding the method of operation; 40139

(2) The facility to which the waste will be transported or 40140  
where it will be stored, treated, or disposed of; 40141

(3) The closure and post-closure care of a facility where 40142  
hazardous waste will no longer be treated, stored, or disposed of 40143  
and of a solid waste facility where solid wastes will no longer be 40144  
disposed of or transferred. 40145

(G) Establishing procedures ensuring that all information 40146  
entitled to protection as trade secrets disclosed to the director 40147  
or the director's authorized representative is not disclosed 40148  
without the consent of the owner, except that such information may 40149  
be disclosed, upon request, to authorized representatives of the 40150  
United States environmental protection agency, or as required by 40151  
law. As used in this section, "trade secrets" means any formula, 40152  
plan, pattern, process, tool, mechanism, compound, procedure, 40153  
production date, or compilation of information that is not 40154  
patented, that is known only to certain individuals within a 40155  
commercial concern who are using it to fabricate, produce, or 40156  
compound an article, trade, or service having commercial value, 40157  
and that gives its user an opportunity to obtain a business 40158  
advantage over competitors who do not know or use it. 40159

(H) Prohibiting the disposal of specified hazardous wastes in 40160

this state if the director has determined both of the following: 40161

(1) The potential impacts on human health or safety or the 40162  
environment are such that disposal of those wastes should not be 40163  
allowed. 40164

(2) A technically feasible and environmentally sound 40165  
alternative is reasonably available, either within or outside this 40166  
state, for processing, recycling, fixation of, neutralization of, 40167  
or other treatment of those wastes. Such reasonable availability 40168  
shall not be determined without a consideration of the costs to 40169  
the generator of implementing the alternatives. 40170

The director shall adopt, and may amend, suspend, or rescind, 40171  
rules to specify hazardous wastes that shall not be disposed of in 40172  
accordance with this division. Nothing in this division, either 40173  
prior to or after adoption of those rules, shall preclude the 40174  
director ~~or the hazardous waste facility board created in section~~ 40175  
~~3734.05 of the Revised Code~~ from prohibiting the disposal of 40176  
specified hazardous wastes at particular facilities under the 40177  
terms or conditions of a permit or ~~preclude the director from~~ 40178  
~~prohibiting that disposal~~ by order. 40179

(I)(1)(a) Governing the following that may be more stringent 40180  
than the regulations adopted under the "Resource Conservation and 40181  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 40182  
amended, when the director determines that such more stringent 40183  
rules are reasonable in order to protect human health or safety or 40184  
the environment: 40185

(i) Specific wastes that the director determines, because of 40186  
their physical, chemical, or biological characteristics, are so 40187  
extremely hazardous that the storage, treatment, or disposal of 40188  
the wastes in compliance with those regulations would present an 40189  
imminent danger to human health or safety or the environment; 40190

(ii) The use of only properly designed, operated, and 40191

approved transfer facilities;	40192
(iii) Preventing illegitimate activities relating to the reuse, recycling, or reclaiming of hazardous waste, including record-keeping, reporting, and manifest requirements.	40193 40194 40195
(b) In adopting such more stringent rules, the director shall give consideration to and base the rules on evidence concerning factors including, but not limited to, the following insofar as pertinent:	40196 40197 40198 40199
(i) Geography of the state;	40200
(ii) Geology of the state;	40201
(iii) Hydrogeology of the state;	40202
(iv) Climate of the state;	40203
(v) Engineering and technical feasibility;	40204
(vi) Availability of alternative technologies or methods of storage, treatment, or disposal.	40205 40206
(2) The director may require from generators and transporters of hazardous waste and from owners or operators of treatment, storage, or disposal facilities, the submission of reports in addition to those required under regulations adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, to the extent that such reports contain information that the generator, transporter, or facility owner or operator is required to obtain in order to comply with the regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, or to the extent that such reports are required by the director to meet the requirements of division (B)(7), (D)(9), or (H) of this section or section 3734.121 of the Revised Code.	40207 40208 40209 40210 40211 40212 40213 40214 40215 40216 40217 40218 40219 40220
(J) Governing the storage, treatment, or disposal of	40221

hazardous waste in, and the permitting, design, construction, 40222  
operation, monitoring, inspection, closure, and post-closure care 40223  
of, hazardous waste underground injection wells, surface 40224  
impoundments, waste piles other than those composed of materials 40225  
removed from the ground as part of coal or mineral extraction or 40226  
cleaning processes, land treatment facilities, thermal treatment 40227  
facilities, and landfills that may be more stringent than the 40228  
regulations adopted under the "Resource Conservation and Recovery 40229  
Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, 40230  
whenever the director reasonably determines that federal 40231  
regulations will not adequately protect the public health or 40232  
safety or the environment of this state with respect to the 40233  
subject matter of the more stringent rules. Such more stringent 40234  
rules shall be developed to achieve a degree of protection, as 40235  
determined by the director, consistent with the degree of hazard 40236  
potentially posed by the various wastes or categories of wastes to 40237  
be treated, stored, or disposed of and the types of facilities at 40238  
which they are to be treated, stored, or disposed of. In adopting 40239  
such more stringent rules, the director shall give consideration 40240  
to and base the rules on evidence concerning factors including, 40241  
but not limited to, the following insofar as pertinent: 40242

- (1) Geography of the state; 40243
- (2) Geology of the state; 40244
- (3) Hydrogeology of the state; 40245
- (4) Climate of the state; 40246
- (5) Engineering and technical feasibility; 40247
- (6) Availability of alternative technologies or methods of 40248  
storage, treatment, or disposal. 40249

(K) Establishing performance standards and other requirements 40250  
necessary to protect public health and the environment from 40251  
hazards associated with used oil, including, without limitation, 40252

standards and requirements respecting all of the following:	40253
(1) Material that is subject to regulation as used oil;	40254
(2) Generation of used oil;	40255
(3) Used oil collection centers and aggregation points;	40256
(4) Transportation of used oil;	40257
(5) Processing and re-refining of used oil;	40258
(6) Burning of used oil;	40259
(7) Marketing of used oil;	40260
(8) Disposal of used oil;	40261
(9) Use of used oil as a dust suppressant.	40262
<b>Sec. 3734.123.</b> (A) As used in this section and section	40263
3734.124 of the Revised Code, "commercial hazardous waste	40264
incinerator" means an enclosed device that treats hazardous waste	40265
by means of controlled flame combustion and that accepts for	40266
treatment hazardous waste that is generated off the premises on	40267
which the device is located by any person other than the one who	40268
owns or operates the device or one who controls, is controlled by,	40269
or is under common control with the person who owns or operates	40270
the device. "Commercial hazardous waste incinerator" does not	40271
include any "boiler" or "industrial furnace" as those terms are	40272
defined in rules adopted under section 3734.12 of the Revised	40273
Code.	40274
(B) Not sooner than three years after April 15, 1993, and	40275
triennially thereafter, the director of environmental protection	40276
shall prepare, publish, and issue as a final action an assessment	40277
of commercial hazardous waste incinerator capacity in this state.	40278
However, after the issuance as a final action of a determination	40279
under division (A) of section 3734.124 of the Revised Code that	40280
terminates the restrictions established in division (C) of this	40281

section, the director shall cease preparing, publishing, and 40282  
issuing the periodic assessments required under this division. The 40283  
assessment shall determine the amount of commercial hazardous 40284  
waste incinerator capacity needed to manage the hazardous waste 40285  
expected to be generated in this state and imported into this 40286  
state for incineration at commercial hazardous waste incinerators 40287  
during the next succeeding twenty calendar years. The assessment 40288  
shall include at least all of the following: 40289

(1) A determination of the aggregate treatment capacity 40290  
authorized at commercial hazardous waste incinerators located in 40291  
this state; 40292

(2) A determination of the quantity of hazardous waste 40293  
generated in this state that is being treated at commercial 40294  
hazardous waste incinerators located in this state and projections 40295  
of the quantity of hazardous waste generated in this state that 40296  
will be treated at those facilities; 40297

(3) A determination of the quantity of hazardous waste 40298  
generated outside this state that is being treated at commercial 40299  
hazardous waste incinerators located in this state and projections 40300  
of the quantity of hazardous waste generated outside this state 40301  
that will be treated at those facilities; 40302

(4) A determination of the quantity of hazardous waste 40303  
generated in this state that is being treated at commercial 40304  
hazardous waste incinerators located outside this state, and 40305  
projections of the quantity of hazardous waste generated in this 40306  
state that will be treated at those facilities; 40307

(5) The amount of commercial hazardous waste incinerator 40308  
capacity that the director reasonably anticipates will be needed 40309  
during the first three years of the planning period to treat 40310  
hazardous waste generated from the remediation of sites in this 40311  
state that are on the national priority list required under the 40312

"Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended; as a result of corrective actions implemented under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended; and as a result of clean-up activities conducted at sites listed on the master sites list prepared by the environmental protection agency;

(6) Based upon available data, provided that the data are reliable and are compatible with the data base of the environmental protection agency, an identification of any hazardous waste first listed as a hazardous waste in regulations adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, on or after April 15, 1993, and of any hazardous waste that has been proposed for such listing by publication of a notice in the federal register on or before December 1 of the year immediately preceding the triennial assessment;

(7) An analysis of other factors that may result in capacity changes over the period addressed by the assessment.

(C) Except as otherwise provided in section 3734.124 of the Revised Code, none of the following shall occur on or after April 15, 1993:

(1) The director shall not do any of the following:

~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05 of the Revised Code, as applicable, transmit to the hazardous waste facility board created in that section any application for a~~  
Issue any hazardous waste facility installation and operation permit under division (D) of section 3734.05 of the Revised Code  
for the establishment of a new commercial hazardous waste incinerator, or any request for a modification, as described in ~~divisions (I)(3)(a) to (d) of section 3734.05 of the Revised Code,~~

~~of an existing commercial hazardous waste incinerator to increase 40344  
either the treatment capacity of the incinerator or the quantity 40345  
of hazardous waste authorized to be treated by it, for which the 40346  
staff of the environmental protection agency has made a 40347  
preliminary determination as to whether the application or request 40348  
appears to comply with the rules and standards set forth under 40349  
divisions (D), (I), and (J) of section 3734.12 of the Revised 40350  
Code; 40351~~

~~(b) Issue issue any modified hazardous waste facility 40352  
installation and operation permit under division (I)~~(5)~~ of that 40353  
section 3734.05 of the Revised Code that would authorize an 40354  
increase in either the treatment capacity of a commercial 40355  
hazardous waste incinerator or the quantity of hazardous waste 40356  
authorized to be treated by it; 40357~~

~~(e)(b) Issue any permit pursuant to rules adopted under 40358  
division (F) of section 3704.03 of the Revised Code, division (J) 40359  
of section 6111.03 of the Revised Code, or the solid waste 40360  
provisions of this chapter and rules adopted under those 40361  
provisions, that is necessary for the establishment, modification, 40362  
or operation of any appurtenant facility or equipment that is 40363  
necessary for the operation of a new commercial hazardous waste 40364  
incinerator, or the modification of such an existing incinerator 40365  
to increase either the treatment capacity of the incinerator or 40366  
the quantity of hazardous waste that is authorized to be treated 40367  
by it. Upon determining that an application for any permit 40368  
pertains to the establishment, modification, or operation of any 40369  
appurtenant facility or equipment, the director shall cease 40370  
reviewing the application and return the application and 40371  
accompanying materials to the applicant along with a written 40372  
notice that division (C)(1)~~(e)~~(b) of this section precludes the 40373  
director from reviewing and acting upon the application. 40374~~

~~(d)(c) Issue any exemption order under division (G) of 40375~~

section 3734.02 of the Revised Code exempting the establishment of 40376  
a new commercial hazardous waste incinerator; the modification of 40377  
an existing facility to increase either the treatment capacity of 40378  
the incinerator or the quantity of hazardous waste that is 40379  
authorized to be treated by it; or the establishment, 40380  
modification, or operation of any facility or equipment 40381  
appurtenant to a new or modified commercial hazardous waste 40382  
incinerator, from divisions (C)(1)(a), or (b), ~~or (c)~~ or (C)(2) ~~or~~ 40383  
~~(3)~~ of this section. 40384

(2) ~~The staff of the environmental protection agency shall~~ 40385  
~~not take any action under division (D)(3) of section 3734.05 of~~ 40386  
~~the Revised Code to review, or to make a preliminary determination~~ 40387  
~~of compliance with the rules and standards set forth in divisions~~ 40388  
~~(D), (I), and (J) of section 3734.12 of the Revised Code~~ 40389  
~~regarding, any~~ If the director determines that an application for 40390  
a hazardous waste facility installation and operation permit 40391  
submitted under division (D)~~(3)~~ of section 3734.05 of the Revised 40392  
Code ~~that~~ pertains to the establishment of a new commercial 40393  
hazardous waste incinerator, or ~~any~~ a request for a modification 40394  
of an existing incinerator submitted under division (I)~~(4)~~ of that 40395  
section ~~to modify an existing incinerator~~ pertains to an increase 40396  
of either the treatment capacity of the incinerator or the 40397  
quantity of hazardous waste that is authorized to be treated by 40398  
it. ~~Upon determining that an application or request submitted~~ 40399  
~~under those divisions pertains to the establishment of a new~~ 40400  
~~commercial hazardous waste incinerator or the modification of an~~ 40401  
~~existing incinerator, the staff of the agency~~ director shall cease 40402  
reviewing the application or request and shall return it and the 40403  
accompanying materials to the applicant along with a written 40404  
notice that division (C)(2) of this section precludes the ~~staff~~ 40405  
~~from reviewing or making any preliminary determination of~~ 40406  
~~compliance regarding~~ review of the application or request. 40407

~~(3) The hazardous waste facility board created in section 3734.05 of the Revised Code shall not do either of the following:~~ 40408  
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~~(a) Approve any application for a hazardous waste facility installation and operation permit, or issue any permit, under divisions (D) and (F) of section 3734.05 of the Revised Code that authorizes the establishment and operation of a new commercial hazardous waste incinerator;~~ 40410  
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~~(b) Approve any request to modify an existing commercial hazardous waste incinerator under divisions (D) and (I)(7) of section 3734.05 of the Revised Code that authorizes an increase in either the treatment capacity of the incinerator or the quantity of hazardous waste authorized to be treated by it.~~ 40415  
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**Sec. 3734.124.** (A) Promptly after issuing a periodic assessment under division (B) of section 3734.123 of the Revised Code, the director of environmental protection shall make a determination as to whether it is necessary or appropriate to continue the restrictions established in division (C) of section 3734.123 of the Revised Code during the period of time between the issuance of the assessment and the issuance of the next succeeding periodic assessment or as to whether it is necessary or appropriate to terminate the restrictions. The director shall consider all of the following when making a determination under this division: 40420  
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(1) The findings of the assessment; 40431

(2) The findings of an evaluation conducted by the director, in consultation with the chairperson of the state emergency response commission created in section 3750.02 of the Revised Code, regarding the capability of this state to respond to the types and frequencies of releases of hazardous waste that are likely to occur at commercial hazardous waste incinerators; 40432  
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(3) The effect that a new commercial hazardous waste incinerator may have on ambient air quality in this state;	40438 40439
(4) The findings of a review of relevant information regarding the impacts of commercial hazardous waste incinerators on human health and the environment, such as health studies and risk assessments;	40440 40441 40442 40443
(5) The findings of a review of the operational records of commercial hazardous waste incinerators operating in this state;	40444 40445
(6) The findings of any review of relevant information concerning the following:	40446 40447
(a) The cost of and access to commercial hazardous waste incinerator capacity;	40448 40449
(b) The length of time and the regulatory review process necessary to fully permit a commercial hazardous waste incinerator;	40450 40451 40452
(c) Access to long-term capital investment to fund the building of a commercial hazardous waste incinerator in this state;	40453 40454 40455
(d) Efforts by generators of hazardous waste accepted by commercial hazardous waste incinerators to reduce the amount of hazardous waste that they generate.	40456 40457 40458
(7) Regulatory and legislative concerns that may include, without limitation, the provisions of paragraphs (a) and (b) of 40 C.F.R. 271.4, as they existed on April 15, 1993.	40459 40460 40461
If, after considering all of the information and concerns that the director is required to consider under divisions (A)(1) to (7) of this section, the director determines that it is necessary or appropriate to terminate the restrictions established in division (C) of section 3734.123 of the Revised Code in order to protect human health or safety or the environment, the director	40462 40463 40464 40465 40466 40467

shall issue as a final action a written determination to that 40468  
effect. If the director determines that it is necessary or 40469  
appropriate for those purposes to continue the restrictions until 40470  
the issuance of the next succeeding periodic assessment under 40471  
division (B) of section 3734.123 of the Revised Code, the director 40472  
shall issue as a final action a written determination to that 40473  
effect. After the issuance as a final action of a determination 40474  
under this division that it is necessary or appropriate to 40475  
terminate the restrictions established in division (C) of section 40476  
3734.123 of the Revised Code, the director shall cease making the 40477  
periodic determinations required under this division. 40478

(B) Beginning three years after April 15, 1993, but only on 40479  
and after the date of issuance as final actions of an assessment 40480  
under division (B) of section 3734.123 of the Revised Code and a 40481  
determination under division (A) of this section that it is 40482  
necessary or appropriate to terminate the restrictions established 40483  
in division (C) of section 3734.123 of the Revised Code, ~~any of~~ 40484  
~~the following may occur:~~ 40485

~~(1) The the director may do any of the following:~~ 40486

~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05 40487  
of the Revised Code, as applicable, transmit to the hazardous 40488  
waste facility board created in that section an application for a 40489  
hazardous waste facility installation and operation permit that 40490  
pertains to the establishment of a new commercial hazardous waste 40491  
incinerator, or a request for a modification, as described in 40492  
divisions (I)(3)(a) to (d) of section 3734.05 of the Revised Code, 40493  
of a commercial hazardous waste incinerator to increase either the 40494  
treatment capacity of the incinerator or the quantity of hazardous 40495  
waste authorized to be treated by it, for which the staff of the 40496  
environmental protection agency has made a preliminary 40497  
determination as to whether the application or request appears to 40498  
comply with the rules and standards set forth under divisions (D), 40499~~

~~(I), and (K) of section 3734.05 of the Revised Code;~~ 40500

~~(b) To the extent otherwise authorized in division (I)(5) of section 3734.05 of the Revised Code, issue a modified hazardous waste facility installation and operation permit under that division that authorizes an increase in either the treatment capacity of a commercial hazardous waste incinerator or the quantity of hazardous waste authorized to be treated by it;~~ 40501  
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~~(e)(1) To the extent otherwise authorized thereunder, issue any permit pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code, division (J) of section 6111.03 of the Revised Code, or the solid waste provisions of this chapter and rules adopted under those provisions, that is necessary for the establishment, modification, or operation of any appurtenant facility or equipment that is necessary for the operation of a new commercial hazardous waste incinerator, or for the modification of an existing incinerator to increase either the treatment capacity of the incinerator or the quantity of hazardous waste authorized to be treated by it;~~ 40507  
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~~(d)(2) To the extent otherwise authorized in division (G) of section 3734.02 of the Revised Code, issue an order exempting the establishment of a new commercial hazardous waste incinerator; the modification of an existing incinerator to increase either the treatment capacity of the incinerator or the quantity of hazardous waste that is authorized to be treated by it; or the establishment, modification, or operation of any facility or equipment appurtenant to a new or modified commercial hazardous waste incinerator, from division (C)(1)(a), or (b), ~~or (e) or (C)(2) or (3)~~ of section 3734.123 of the Revised Code;~~ 40518  
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~~(2) The staff of the environmental protection agency may do both of the following:~~ 40528  
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~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05~~ 40530

~~of the Revised Code, review an application for a hazardous waste facility installation and operation permit to establish a new commercial hazardous waste incinerator or a request to modify an existing incinerator to increase either the treatment capacity of the incinerator or the quantity of hazardous waste authorized to be treated by it;~~

~~(b) Pursuant to division (D)(3) or (I)(4) of section 3734.05 of the Revised Code, make a preliminary determination as to whether an application for a hazardous waste facility permit to install and operate a new commercial hazardous waste incinerator or a request to modify an existing incinerator to increase either the treatment capacity of the incinerator or the quantity of hazardous waste authorized to be treated by it appears to comply with the rules and performance standards set forth under divisions (D), (I), and (J) of section 3734.12 of the Revised Code.~~

~~(3) The hazardous waste facility board may do both of the following:~~

~~(a) Approve or disapprove an application for a hazardous waste facility installation and operation permit, and issue a permit, under ~~divisions~~ division (D) and ~~(F)~~ of section 3734.05 of the Revised Code for a new commercial hazardous waste incinerator;~~

~~(b) Under divisions (D) and (I)(7) of that section, approve~~  
(4) Approve or disapprove under division (I) of section 3734.05 of the Revised Code a request to modify the permit of an existing commercial hazardous waste incinerator to increase either the treatment capacity of the incinerator or the quantity of hazardous waste authorized to be treated by it.

**Sec. 3734.18.** (A) There are hereby levied fees on the disposal of hazardous waste to be collected according to the following schedule at each disposal facility to which ~~the hazardous waste facility board has issued~~ a hazardous waste

facility installation and operation permit or ~~the director of~~ 40562  
~~environmental protection has issued a renewal of a permit pursuant~~ 40563  
~~to section 3734.05 of the Revised Code~~ has been issued under this 40564  
chapter: 40565

(1) For disposal facilities that are off-site facilities as 40566  
defined in division (E) of section 3734.02 of the Revised Code, 40567  
fees shall be levied at the rate of four dollars and fifty cents 40568  
per ton for hazardous waste disposed of by deep well injection and 40569  
nine dollars per ton for hazardous waste disposed of by land 40570  
application or landfilling. The owner or operator of the facility, 40571  
as a trustee for the state, shall collect the fees and forward 40572  
them to the director in accordance with rules adopted under this 40573  
section. 40574

(2) For disposal facilities that are on-site or satellite 40575  
facilities, as defined in division (E) of section 3734.02 of the 40576  
Revised Code, fees shall be levied at the rate of two dollars per 40577  
ton for hazardous waste disposed of by deep well injection and 40578  
four dollars per ton for hazardous waste disposed of by land 40579  
application or landfilling. The maximum annual disposal fee for an 40580  
on-site disposal facility that disposes of one hundred thousand 40581  
tons or less of hazardous waste in a year is twenty-five thousand 40582  
dollars. The maximum annual disposal fee for an on-site facility 40583  
that disposes of more than one hundred thousand tons of hazardous 40584  
waste in a year by land application or landfilling is fifty 40585  
thousand dollars, and the maximum annual fee for an on-site 40586  
facility that disposes of more than one hundred thousand tons of 40587  
hazardous waste in a year by deep well injection is one hundred 40588  
thousand dollars. The maximum annual disposal fee for a satellite 40589  
facility that disposes of one hundred thousand tons or less of 40590  
hazardous waste in a year is thirty-seven thousand five hundred 40591  
dollars, and the maximum annual disposal fee for a satellite 40592  
facility that disposes of more than one hundred thousand tons of 40593

hazardous waste in a year is seventy-five thousand dollars, except 40594  
that a satellite facility defined under division (E)(3)(b) of 40595  
section 3734.02 of the Revised Code that receives hazardous waste 40596  
from a single generation site is subject to the same maximum 40597  
annual disposal fees as an on-site disposal facility. The owner or 40598  
operator shall pay the fee to the director each year upon the 40599  
anniversary of the date of issuance of the owner's or operator's 40600  
installation and operation permit during the term of that permit 40601  
and any renewal permit issued under division (H) of section 40602  
3734.05 of the Revised Code. If payment is late, the owner or 40603  
operator shall pay an additional ten per cent of the amount of the 40604  
fee for each month that it is late. 40605

(B) There are hereby levied fees at the rate of two dollars 40606  
per ton on hazardous waste that is treated at treatment facilities 40607  
that are not on-site or satellite facilities, as defined in 40608  
division (E) of section 3734.02 of the Revised Code, to which ~~the~~ 40609  
~~hazardous waste facility board has issued~~ a hazardous waste 40610  
facility installation and operation permit or ~~the director~~ renewal 40611  
of a permit has been issued ~~a renewal permit under this chapter,~~ 40612  
or that are not subject to the hazardous waste facility 40613  
installation and operation permit requirements under rules adopted 40614  
by the director. 40615

(C) There are hereby levied additional fees on the treatment 40616  
and disposal of hazardous waste at the rate of ten per cent of the 40617  
applicable fees prescribed in division (A) or (B) of this section 40618  
for the purposes of paying the costs of municipal corporations and 40619  
counties for conducting reviews of applications for hazardous 40620  
waste facility installation and operation permits for proposed new 40621  
or modified hazardous waste landfills within their boundaries, 40622  
emergency response actions with respect to releases of hazardous 40623  
waste from hazardous waste facilities within their boundaries, 40624  
monitoring the operation of such hazardous waste facilities, and 40625

local waste management planning programs. The owner or operator of 40626  
a facility located within a municipal corporation, as a trustee 40627  
for the municipal corporation, shall collect the fees levied by 40628  
this division and forward them to the treasurer of the municipal 40629  
corporation or such officer as, by virtue of the charter, has the 40630  
duties of the treasurer in accordance with rules adopted under 40631  
this section. The owner or operator of a facility located in an 40632  
unincorporated area, as a trustee of the county in which the 40633  
facility is located, shall collect the fees levied by this 40634  
division and forward them to the county treasurer of that county 40635  
in accordance with rules adopted under this section. The owner or 40636  
operator shall pay the fees levied by this division to the 40637  
treasurer or such other officer of the municipal corporation or to 40638  
the county treasurer each year upon the anniversary of the date of 40639  
issuance of the owner's or operator's installation and operation 40640  
permit during the term of that permit and any renewal permit 40641  
issued under division (H) of section 3734.05 of the Revised Code. 40642  
If payment is late, the owner or operator shall pay an additional 40643  
ten per cent of the amount of the fee for each month that the 40644  
payment is late. 40645

Moneys received by a municipal corporation under this 40646  
division shall be paid into a special fund of the municipal 40647  
corporation and used exclusively for the purposes of conducting 40648  
reviews of applications for hazardous waste facility installation 40649  
and operation permits for new or modified hazardous waste 40650  
landfills located or proposed within the municipal corporation, 40651  
conducting emergency response actions with respect to releases of 40652  
hazardous waste from facilities located within the municipal 40653  
corporation, monitoring operation of such hazardous waste 40654  
facilities, and conducting waste management planning programs 40655  
within the municipal corporation through employees of the 40656  
municipal corporation or pursuant to contracts entered into with 40657  
persons or political subdivisions. Moneys received by a board of 40658

county commissioners under this division shall be paid into a 40659  
special fund of the county and used exclusively for those purposes 40660  
within the unincorporated area of the county through employees of 40661  
the county or pursuant to contracts entered into with persons or 40662  
political subdivisions. 40663

(D) As used in this section, "treatment" or "treated" does 40664  
not include any method, technique, or process designed to recover 40665  
energy or material resources from the waste or to render the waste 40666  
amenable for recovery. The fees levied by division (B) of this 40667  
section do not apply to hazardous waste that is treated and 40668  
disposed of on the same premises or by the same person. 40669

(E) The director, by rules adopted in accordance with 40670  
Chapters 119. and 3745. of the Revised Code, shall prescribe any 40671  
dates not specified in this section and procedures for collecting 40672  
and forwarding the fees prescribed by this section and may 40673  
prescribe other requirements that are necessary to carry out this 40674  
section. 40675

The director shall deposit the moneys collected under 40676  
divisions (A) and (B) of this section into one or more minority 40677  
banks, as "minority bank" is defined in division (F)(1) of section 40678  
135.04 of the Revised Code, to the credit of the hazardous waste 40679  
facility management fund, which is hereby created in the state 40680  
treasury, except that the director shall deposit to the credit of 40681  
the underground injection control fund created in section 6111.046 40682  
of the Revised Code moneys in excess of fifty thousand dollars 40683  
that are collected during a fiscal year under division (A)(2) of 40684  
this section from the fee levied on the disposal of hazardous 40685  
waste by deep well injection at an on-site disposal facility that 40686  
disposes of more than one hundred thousand tons of hazardous waste 40687  
in a year. 40688

The environmental protection agency ~~and the hazardous waste~~ 40689  
~~facility board~~ may use moneys in the hazardous waste facility 40690

management fund for administration of the hazardous waste program 40691  
established under this chapter and, in accordance with this 40692  
section, may request approval by the controlling board for that 40693  
use on an annual basis. In addition, the agency may use and pledge 40694  
moneys in that fund for repayment of and for interest on any loans 40695  
made by the Ohio water development authority to the agency for the 40696  
hazardous waste program established under this chapter without the 40697  
necessity of requesting approval by the controlling board, which 40698  
use and pledge shall have priority over any other use of the 40699  
moneys in the fund. 40700

Until September 28, 1996, the director also may use moneys in 40701  
the fund to pay the start-up costs of administering Chapter 3746. 40702  
of the Revised Code. 40703

If moneys in the fund that the agency uses in accordance with 40704  
this chapter are reimbursed by grants or other moneys from the 40705  
United States government, the grants or other moneys shall be 40706  
placed in the fund. 40707

Before the agency makes any expenditure from the fund other 40708  
than for repayment of and interest on any loan made by the Ohio 40709  
water development authority to the agency in accordance with this 40710  
section, the controlling board shall approve the expenditure. 40711

**Sec. 3734.28.** All moneys collected under sections 3734.122, 40712  
3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised 40713  
Code and natural resource damages collected by the state under the 40714  
"Comprehensive Environmental Response, Compensation, and Liability 40715  
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, shall 40716  
be paid into the state treasury to the credit of the hazardous 40717  
waste clean-up fund, which is hereby created. The environmental 40718  
protection agency shall use the moneys in the fund for the 40719  
purposes set forth in division (D) of section 3734.122, sections 40720  
3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, 40721

and, through ~~June 30, 2003~~ October 15, 2005, divisions (A)(1) and 40722  
(2) of section 3745.12 and Chapter 3746. of the Revised Code, 40723  
including any related enforcement expenses. In addition, the 40724  
agency shall use the moneys in the fund to pay the state's 40725  
long-term operation and maintenance costs or matching share for 40726  
actions taken under the "Comprehensive Environmental Response, 40727  
Compensation, and Liability Act of 1980," as amended. If those 40728  
moneys are reimbursed by grants or other moneys from the United 40729  
States or any other person, the moneys shall be placed in the fund 40730  
and not in the general revenue fund. 40731

**Sec. 3734.42.** (A)(1) Except as otherwise provided in division 40732  
(E)(2) of this section, every applicant for a permit other than a 40733  
permit modification or renewal shall file a disclosure statement, 40734  
on a form developed by the attorney general, with the director of 40735  
environmental protection and the attorney general at the same time 40736  
the applicant files an application for a permit other than a 40737  
permit modification or renewal with the director. 40738

40739  
(2) Any individual required to be listed in the disclosure 40740  
statement shall be fingerprinted for identification and 40741  
investigation purposes in accordance with procedures established 40742  
by the attorney general. An individual required to be 40743  
fingerprinted under this section shall not be required to be 40744  
fingerprinted more than once under this section. 40745

(3) The attorney general, within one hundred eighty days 40746  
after receipt of the disclosure statement from an applicant for a 40747  
permit, shall prepare and transmit to the director an 40748  
investigative report on the applicant, based in part upon the 40749  
disclosure statement, except that this deadline may be extended 40750  
for a reasonable period of time, for good cause, by the director 40751  
or the attorney general. In preparing this report, the attorney 40752

general may request and receive criminal history information from 40753  
the federal bureau of investigation and any other law enforcement 40754  
agency or organization. The attorney general may provide such 40755  
confidentiality regarding the information received from a law 40756  
enforcement agency as may be imposed by that agency as a condition 40757  
for providing that information to the attorney general. 40758

(4) The review of the application by the director ~~or the~~ 40759  
~~hazardous waste facility board~~ shall include a review of the 40760  
disclosure statement and investigative report. 40761

(B) All applicants and permittees shall provide any 40762  
assistance or information requested by the director or the 40763  
attorney general and shall cooperate in any inquiry or 40764  
investigation conducted by the attorney general and any inquiry, 40765  
investigation, or hearing conducted by the director ~~or the~~ 40766  
~~hazardous waste facility board~~. If, upon issuance of a formal 40767  
request to answer any inquiry or produce information, evidence, or 40768  
testimony, any applicant or permittee, any officer, director, or 40769  
partner of any business concern, or any key employee of the 40770  
applicant or permittee refuses to comply, the permit of the 40771  
applicant or permittee may be denied or revoked by the director ~~or~~ 40772  
~~the board~~. 40773

(C) The attorney general may charge and collect such fees 40774  
from applicants and permittees as are necessary to cover the costs 40775  
of administering and enforcing the investigative procedures 40776  
authorized in sections 3734.41 to 3734.47 of the Revised Code. The 40777  
attorney general shall transmit moneys collected under this 40778  
division to the treasurer of state to be credited to the solid and 40779  
hazardous waste background investigations fund, which is hereby 40780  
created in the state treasury. Moneys in the fund shall be used 40781  
solely for paying the attorney general's costs of administering 40782  
and enforcing the investigative procedures authorized in sections 40783  
3734.41 to 3734.47 of the Revised Code. 40784

(D) Annually on the anniversary date of the submission to the 40785  
director by the attorney general of the investigative report for a 40786  
specific facility, or annually on another date assigned by the 40787  
attorney general, the appropriate applicant, permittee, or 40788  
prospective owner shall submit to the attorney general, on a form 40789  
provided by the attorney general, any and all information required 40790  
to be included in a disclosure statement that has changed or been 40791  
added in the immediately preceding year. If, in the immediately 40792  
preceding year, there have been no changes in or additions to the 40793  
information required to be included in a disclosure statement, the 40794  
appropriate applicant, permittee, or prospective owner shall 40795  
submit to the attorney general an affidavit stating that there 40796  
have been no changes in or additions to that information during 40797  
that time period. 40798

Notwithstanding the requirement for an annual submission of 40799  
information, the following information shall be submitted within 40800  
the periods specified: 40801

(1) Information required to be included in the disclosure 40802  
statement for any new officer, director, partner, or key employee, 40803  
to be submitted within ninety days from the addition of the 40804  
officer, director, partner, or key employee; 40805

(2) Information required to be included in a disclosure 40806  
statement for any new business concern, to be submitted within 40807  
ninety days from the addition of the new business concern; 40808

(3) Information regarding any new criminal conviction, to be 40809  
submitted within ninety days from the judgment entry of 40810  
conviction. 40811

The failure to provide such information may constitute the 40812  
basis for the revocation or denial of renewal of any permit or 40813  
license issued in accordance with this chapter, provided that 40814  
prior to any such denial or revocation, the director shall notify 40815

the applicant or permittee of the director's intention to do so 40816  
and give the applicant or permittee fourteen days from the date of 40817  
the notice to explain why the information was not provided. The 40818  
director shall consider this information when determining whether 40819  
to revoke or deny the permit or license. 40820

Nothing in this division affects the rights of the director 40821  
or the attorney general granted under sections 3734.40 to 3734.47 40822  
of the Revised Code to request information from a person at any 40823  
other time. 40824

(E)(1) Except as otherwise provided in division (E)(2) of 40825  
this section, every permittee who is not otherwise required to 40826  
file a disclosure statement shall file a disclosure statement 40827  
within five years after June 24, 1988, pursuant to a schedule for 40828  
submissions of disclosure statements developed by the attorney 40829  
general. The schedule shall provide all permittees and holders of 40830  
a license with at least one hundred eighty days' notice prior to 40831  
the date upon which the statement is to be submitted. All other 40832  
terms of the schedule shall be established at the discretion of 40833  
the attorney general and shall not be subject to judicial review. 40834

(2) An applicant for a permit for an off-site solid waste 40835  
facility that is a scrap tire storage, monocell, monofill, or 40836  
recovery facility issued under section 3734.76, 3734.77, or 40837  
3734.78 of the Revised Code, as applicable, shall file a 40838  
disclosure statement within five years after October 29, 1993, 40839  
pursuant to a schedule for submissions of disclosure statements 40840  
developed by the attorney general. The schedule shall provide all 40841  
such applicants with at least one hundred eighty days' notice 40842  
prior to the date upon which the statement shall be submitted. All 40843  
other terms of the schedule shall be established at the discretion 40844  
of the attorney general and shall not be subject to judicial 40845  
review. 40846

Beginning five years after October 29, 1993, an applicant for 40847

such a permit shall file a disclosure statement in accordance with 40848  
division (A)(1) of this section. 40849

(3) When a permittee submits a disclosure statement at the 40850  
time it submits an application for a renewal or modification of 40851  
its permit, the attorney general shall remove the permittee from 40852  
the submission schedule established pursuant to division (E)(1) or 40853  
(2) of this section. 40854

(4) After receiving a disclosure statement under division 40855  
(E)(1) or (2) of this section, the attorney general shall prepare 40856  
an investigative report and transmit it to the director. The 40857  
director shall review the disclosure statement and investigative 40858  
report to determine whether the statement or report contains 40859  
information that if submitted with a permit application would 40860  
require a denial of the permit pursuant to section 3734.44 of the 40861  
Revised Code. If the director determines that the statement or 40862  
report contains such information, the director may revoke any 40863  
previously issued permit pursuant to section 3734.45 of the 40864  
Revised Code, or the director shall deny any application for a 40865  
renewal of a permit or license. When the renewal of the license is 40866  
being performed by a board of health, the director shall instruct 40867  
the board of health about those circumstances under which the 40868  
renewal is required to be denied by this section. 40869

(F)(1) Whenever there is a change in ownership of any 40870  
off-site solid waste facility, including incinerators, any 40871  
transfer facility, any off-site infectious waste treatment 40872  
facility, or any off-site hazardous waste treatment, storage, or 40873  
disposal facility, the prospective owner shall file a disclosure 40874  
statement with the attorney general and the director at least one 40875  
hundred eighty days prior to the proposed change in ownership. 40876  
Upon receipt of the disclosure statement, the attorney general 40877  
shall prepare an investigative report and transmit it to the 40878  
director. The director shall review the disclosure statement and 40879

investigative report to determine whether the statement or report 40880  
contains information that if submitted with a permit application 40881  
would require a denial of the permit pursuant to section 3734.44 40882  
of the Revised Code. If the director determines that the statement 40883  
or report contains such information, the director shall disapprove 40884  
the change in ownership. 40885

(2) If the parties to a change in ownership decide to proceed 40886  
with the change prior to the action of the director on the 40887  
disclosure statement and investigative report, the parties shall 40888  
include in all contracts or other documents reflecting the change 40889  
in ownership language expressly making the change in ownership 40890  
subject to the approval of the director and expressly negating the 40891  
change if it is disapproved by the director pursuant to division 40892  
(F)(1) of this section. 40893

(3) As used in this section, "change in ownership" includes 40894  
any change in the names, other than those of officers, directors, 40895  
partners, or key employees, contained in the disclosure statement. 40896

**Sec. 3734.44.** Notwithstanding the provisions of any law to 40897  
the contrary, no permit or license shall be issued or renewed by 40898  
the director of environmental protection, ~~the hazardous waste~~ 40899  
~~facility board,~~ or a board of health: 40900

(A) Unless the director, ~~the hazardous waste facility board,~~ 40901  
or the board of health finds that the applicant, in any prior 40902  
performance record in the transportation, transfer, treatment, 40903  
storage, or disposal of solid wastes, infectious wastes, or 40904  
hazardous waste, has exhibited sufficient reliability, expertise, 40905  
and competency to operate the solid waste, infectious waste, or 40906  
hazardous waste facility, given the potential for harm to human 40907  
health and the environment that could result from the 40908  
irresponsible operation of the facility, or, if no prior record 40909  
exists, that the applicant is likely to exhibit that reliability, 40910

expertise, and competence;	40911
(B) If any individual or business concern required to be	40912
listed in the disclosure statement or shown to have a beneficial	40913
interest in the business of the applicant or the permittee, other	40914
than an equity interest or debt liability, by the investigation	40915
thereof, has been convicted of any of the following crimes under	40916
the laws of this state or equivalent laws of any other	40917
jurisdiction:	40918
(1) Murder;	40919
(2) Kidnapping;	40920
(3) Gambling;	40921
(4) Robbery;	40922
(5) Bribery;	40923
(6) Extortion;	40924
(7) Criminal usury;	40925
(8) Arson;	40926
(9) Burglary;	40927
(10) Theft and related crimes;	40928
(11) Forgery and fraudulent practices;	40929
(12) Fraud in the offering, sale, or purchase of securities;	40930
(13) Alteration of motor vehicle identification numbers;	40931
(14) Unlawful manufacture, purchase, use, or transfer of	40932
firearms;	40933
(15) Unlawful possession or use of destructive devices or	40934
explosives;	40935
(16) Violation of section 2925.03, 2925.04, 2925.05, 2925.06,	40936
2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code,	40937
unless the violation is for possession of less than one hundred	40938

grams of marihuana, less than five grams of marihuana resin or 40939  
extraction or preparation of marihuana resin, or less than one 40940  
gram of marihuana resin in a liquid concentrate, liquid extract, 40941  
or liquid distillate form; 40942

(17) Engaging in a pattern of corrupt activity under section 40943  
2923.32 of the Revised Code; 40944

(18) Violation of criminal provisions of Chapter 1331. of the 40945  
Revised Code; 40946

(19) Any violation of the criminal provisions of any federal 40947  
or state environmental protection laws, rules, or regulations that 40948  
is committed knowingly or recklessly, as defined in section 40949  
2901.22 of the Revised Code; 40950

(20) Violation of Chapter 2909. of the Revised Code; 40951

(21) Any offense specified in Chapter 2921. of the Revised 40952  
Code. 40953

(C) Notwithstanding division (B) of this section, no 40954  
applicant shall be denied the issuance or renewal of a permit or 40955  
license on the basis of a conviction of any individual or business 40956  
concern required to be listed in the disclosure statement or shown 40957  
to have a beneficial interest in the business of the applicant or 40958  
the permittee, other than an equity interest or debt liability, by 40959  
the investigation thereof for any of the offenses enumerated in 40960  
that division as disqualification criteria if that applicant has 40961  
affirmatively demonstrated rehabilitation of the individual or 40962  
business concern by a preponderance of the evidence. If any such 40963  
individual was convicted of any of the offenses so enumerated that 40964  
are felonies, a permit shall be denied unless five years have 40965  
elapsed since the individual was fully discharged from 40966  
imprisonment and parole for the offense, from a post-release 40967  
control sanction imposed under section 2967.28 of the Revised Code 40968  
for the offense, or imprisonment, probation, and parole for an 40969

offense that was committed prior to the effective date of this 40970  
amendment. In determining whether an applicant has affirmatively 40971  
demonstrated rehabilitation, the director, ~~the hazardous waste~~ 40972  
~~facility board~~, or the board of health shall request a 40973  
recommendation on the matter from the attorney general and shall 40974  
consider and base the determination on the following factors: 40975

(1) The nature and responsibilities of the position a 40976  
convicted individual would hold; 40977

(2) The nature and seriousness of the offense; 40978

(3) The circumstances under which the offense occurred; 40979

(4) The date of the offense; 40980

(5) The age of the individual when the offense was committed; 40981

(6) Whether the offense was an isolated or repeated incident; 40982

(7) Any social conditions that may have contributed to the 40983  
offense; 40984

(8) Any evidence of rehabilitation, including good conduct in 40985  
prison or in the community, counseling or psychiatric treatment 40986  
received, acquisition of additional academic or vocational 40987  
schooling, successful participation in correctional work release 40988  
programs, or the recommendation of persons who have or have had 40989  
the applicant under their supervision; 40990

(9) In the instance of an applicant that is a business 40991  
concern, rehabilitation shall be established if the applicant has 40992  
implemented formal management controls to minimize and prevent the 40993  
occurrence of violations and activities that will or may result in 40994  
permit or license denial or revocation or if the applicant has 40995  
formalized those controls as a result of a revocation or denial of 40996  
a permit or license. Those controls may include, but are not 40997  
limited to, instituting environmental auditing programs to help 40998  
ensure the adequacy of internal systems to achieve, maintain, and 40999

monitor compliance with applicable environmental laws and 41000  
standards or instituting an antitrust compliance auditing program 41001  
to help ensure full compliance with applicable antitrust laws. The 41002  
business concern shall prove by a preponderance of the evidence 41003  
that the management controls are effective in preventing the 41004  
violations that are the subject of concern. 41005

(D) Unless the director, ~~the hazardous waste facility board,~~ 41006  
or the board of health finds that the applicant has a history of 41007  
compliance with environmental laws in this state and other 41008  
jurisdictions and is presently in substantial compliance with, or 41009  
on a legally enforceable schedule that will result in compliance 41010  
with, environmental laws in this state and other jurisdictions. i 41011

(E) With respect to the approval of a permit, if the director 41012  
~~or the hazardous waste facility board~~ determines that current 41013  
prosecutions or pending charges in any jurisdiction for any of the 41014  
offenses enumerated in division (B) of this section against any 41015  
individual or business concern required to be listed in the 41016  
disclosure statement or shown by the investigation to have a 41017  
beneficial interest in the business of the applicant other than an 41018  
equity interest or debt liability are of such magnitude that they 41019  
prevent making the finding required under division (A) of this 41020  
section, provided that at the request of the applicant or the 41021  
individual or business concern charged, the director ~~or the~~ 41022  
~~hazardous waste facility board~~ shall defer decision upon the 41023  
application during the pendency of the charge. 41024

**Sec. 3734.46.** Notwithstanding the disqualification of the 41025  
applicant or permittee pursuant to this chapter, the director of 41026  
environmental protection, ~~hazardous waste facility board,~~ or the 41027  
board of health may issue or renew a permit or license if the 41028  
applicant or permittee severs the interest of or affiliation with 41029  
the individual or business concern that would otherwise cause that 41030

disqualification or may issue or renew a license on a temporary 41031  
basis for a period not to exceed six months if the director or the 41032  
board of health determines that the issuance or renewal of the 41033  
permit or license is necessitated by the public interest. 41034

**Sec. 3734.57.** (A) For the purposes of paying the state's 41035  
long-term operation costs or matching share for actions taken 41036  
under the "Comprehensive Environmental Response, Compensation, and 41037  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 41038  
amended; paying the costs of measures for proper clean-up of sites 41039  
where polychlorinated biphenyls and substances, equipment, and 41040  
devices containing or contaminated with polychlorinated biphenyls 41041  
have been stored or disposed of; paying the costs of conducting 41042  
surveys or investigations of solid waste facilities or other 41043  
locations where it is believed that significant quantities of 41044  
hazardous waste were disposed of and for conducting enforcement 41045  
actions arising from the findings of such surveys or 41046  
investigations; paying the costs of acquiring and cleaning up, or 41047  
providing financial assistance for cleaning up, any hazardous 41048  
waste facility or solid waste facility containing significant 41049  
quantities of hazardous waste, that constitutes an imminent and 41050  
substantial threat to public health or safety or the environment; 41051  
and, from July 1, ~~2001~~ 2003, through June 30, ~~2004~~ 2006, for the 41052  
purposes of paying the costs of administering and enforcing the 41053  
laws pertaining to solid wastes, infectious wastes, and 41054  
construction and demolition debris, including, without limitation, 41055  
ground water evaluations related to solid wastes, infectious 41056  
wastes, and construction and demolition debris, under this chapter 41057  
and Chapter 3714. of the Revised Code and any rules adopted under 41058  
them, and paying a share of the administrative costs of the 41059  
environmental protection agency pursuant to section 3745.014 of 41060  
the Revised Code, the following fees are hereby levied on the 41061  
disposal of solid wastes in this state: 41062

(1) One dollar per ton on and after July 1, 1993; 41063

(2) An additional ~~seventy-five cents~~ one dollar per ton on 41064  
and after July 1, ~~2001~~ 2003, through June 30, ~~2004~~ 2006. 41065

The owner or operator of a solid waste disposal facility 41066  
shall collect the fees levied under this division as a trustee for 41067  
the state and shall prepare and file with the director of 41068  
environmental protection monthly returns indicating the total 41069  
tonnage of solid wastes received for disposal at the gate of the 41070  
facility and the total amount of the fees collected under this 41071  
division. Not later than thirty days after the last day of the 41072  
month to which such a return applies, the owner or operator shall 41073  
mail to the director the return for that month together with the 41074  
fees collected during that month as indicated on the return. The 41075  
owner or operator may request an extension of not more than thirty 41076  
days for filing the return and remitting the fees, provided that 41077  
the owner or operator has submitted such a request in writing to 41078  
the director together with a detailed description of why the 41079  
extension is requested, the director has received the request not 41080  
later than the day on which the return is required to be filed, 41081  
and the director has approved the request. If the fees are not 41082  
remitted within sixty days after the last day of the month during 41083  
which they were collected, the owner or operator shall pay an 41084  
additional fifty per cent of the amount of the fees for each month 41085  
that they are late. 41086

One-half of the moneys remitted to the director under 41087  
division (A)(1) of this section shall be credited to the hazardous 41088  
waste facility management fund created in section 3734.18 of the 41089  
Revised Code, and one-half shall be credited to the hazardous 41090  
waste clean-up fund created in section 3734.28 of the Revised 41091  
Code. The moneys remitted to the director under division (A)(2) of 41092  
this section shall be credited to the solid waste fund, which is 41093  
hereby created in the state treasury. The environmental protection 41094

agency shall use moneys in the solid waste fund only to pay the 41095  
costs of administering and enforcing the laws pertaining to solid 41096  
wastes, infectious wastes, and construction and demolition debris, 41097  
including, without limitation, ground water evaluations related to 41098  
solid wastes, infectious wastes, and construction and demolition 41099  
debris, under this chapter and Chapter 3714. of the Revised Code 41100  
and rules adopted under them and to pay a share of the 41101  
administrative costs of the environmental protection agency 41102  
pursuant to section 3745.014 of the Revised Code. 41103

The fees levied under this division and divisions (B) and (C) 41104  
of this section are in addition to all other applicable fees and 41105  
taxes and shall be added to any other fee or amount specified in a 41106  
contract that is charged by the owner or operator of a solid waste 41107  
disposal facility or to any other fee or amount that is specified 41108  
in a contract entered into on or after March 4, 1992, and that is 41109  
charged by a transporter of solid wastes. 41110

(B) For the purpose of preparing, revising, and implementing 41111  
the solid waste management plan of the county or joint solid waste 41112  
management district, including, without limitation, the 41113  
development and implementation of solid waste recycling or 41114  
reduction programs; providing financial assistance to boards of 41115  
health within the district, if solid waste facilities are located 41116  
within the district, for the enforcement of this chapter and rules 41117  
adopted and orders and terms and conditions of permits, licenses, 41118  
and variances issued under it, other than the hazardous waste 41119  
provisions of this chapter and rules adopted and orders and terms 41120  
and conditions of permits issued under those provisions; providing 41121  
financial assistance to the county to defray the added costs of 41122  
maintaining roads and other public facilities and of providing 41123  
emergency and other public services resulting from the location 41124  
and operation of a solid waste facility within the county under 41125  
the district's approved solid waste management plan; paying the 41126

costs incurred by boards of health for collecting and analyzing 41127  
water samples from public or private wells on lands adjacent to 41128  
solid waste facilities that are contained in the approved or 41129  
amended plan of the district; paying the costs of developing and 41130  
implementing a program for the inspection of solid wastes 41131  
generated outside the boundaries of this state that are disposed 41132  
of at solid waste facilities included in the district's approved 41133  
solid waste management plan or amended plan; providing financial 41134  
assistance to boards of health within the district for enforcing 41135  
laws prohibiting open dumping; providing financial assistance to 41136  
local law enforcement agencies within the district for enforcing 41137  
laws and ordinances prohibiting littering; providing financial 41138  
assistance to boards of health of health districts within the 41139  
district that are on the approved list under section 3734.08 of 41140  
the Revised Code for the training and certification required for 41141  
their employees responsible for solid waste enforcement by rules 41142  
adopted under division (L) of section 3734.02 of the Revised Code; 41143  
providing financial assistance to individual municipal 41144  
corporations and townships within the district to defray their 41145  
added costs of maintaining roads and other public facilities and 41146  
of providing emergency and other public services resulting from 41147  
the location and operation within their boundaries of a 41148  
composting, energy or resource recovery, incineration, or 41149  
recycling facility that either is owned by the district or is 41150  
furnishing solid waste management facility or recycling services 41151  
to the district pursuant to a contract or agreement with the board 41152  
of county commissioners or directors of the district; and payment 41153  
of any expenses that are agreed to, awarded, or ordered to be paid 41154  
under section 3734.35 of the Revised Code and of any 41155  
administrative costs incurred pursuant to that section, the solid 41156  
waste management policy committee of a county or joint solid waste 41157  
management district may levy fees upon the following activities: 41158

(1) The disposal at a solid waste disposal facility located 41159

in the district of solid wastes generated within the district; 41160

(2) The disposal at a solid waste disposal facility within 41161  
the district of solid wastes generated outside the boundaries of 41162  
the district, but inside this state; 41163

(3) The disposal at a solid waste disposal facility within 41164  
the district of solid wastes generated outside the boundaries of 41165  
this state. 41166

If any such fees are levied prior to January 1, 1994, fees 41167  
levied under division (B)(1) of this section always shall be equal 41168  
to one-half of the fees levied under division (B)(2) of this 41169  
section, and fees levied under division (B)(3) of this section, 41170  
which shall be in addition to fees levied under division (B)(2) of 41171  
this section, always shall be equal to fees levied under division 41172  
(B)(1) of this section, except as otherwise provided in this 41173  
division. The solid waste management plan of the county or joint 41174  
district approved under section 3734.521 or 3734.55 of the Revised 41175  
Code and any amendments to it, or the resolution adopted under 41176  
this division, as appropriate, shall establish the rates of the 41177  
fees levied under divisions (B)(1), (2), and (3) of this section, 41178  
if any, and shall specify whether the fees are levied on the basis 41179  
of tons or cubic yards as the unit of measurement. Although the 41180  
fees under divisions (A)(1) and (2) of this section are levied on 41181  
the basis of tons as the unit of measurement, the solid waste 41182  
management plan of the district and any amendments to it or the 41183  
solid waste management policy committee in its resolution levying 41184  
fees under this division may direct that the fees levied under 41185  
those divisions be levied on the basis of cubic yards as the unit 41186  
of measurement based upon a conversion factor of three cubic yards 41187  
per ton generally or one cubic yard per ton for baled wastes if 41188  
the fees under divisions (B)(1) to (3) of this section are being 41189  
levied on the basis of cubic yards as the unit of measurement 41190  
under the plan, amended plan, or resolution. 41191

On and after January 1, 1994, the fee levied under division 41192  
(B)(1) of this section shall be not less than one dollar per ton 41193  
nor more than two dollars per ton, the fee levied under division 41194  
(B)(2) of this section shall be not less than two dollars per ton 41195  
nor more than four dollars per ton, and the fee levied under 41196  
division (B)(3) of this section shall be not more than the fee 41197  
levied under division (B)(1) of this section, except as otherwise 41198  
provided in this division and notwithstanding any schedule of 41199  
those fees established in the solid waste management plan of a 41200  
county or joint district approved under section 3734.55 of the 41201  
Revised Code or a resolution adopted and ratified under this 41202  
division that is in effect on that date. If the fee that a 41203  
district is levying under division (B)(1) of this section on that 41204  
date under its approved plan or such a resolution is less than one 41205  
dollar per ton, the fee shall be one dollar per ton on and after 41206  
January 1, 1994, and if the fee that a district is so levying 41207  
under that division exceeds two dollars per ton, the fee shall be 41208  
two dollars per ton on and after that date. If the fee that a 41209  
district is so levying under division (B)(2) of this section is 41210  
less than two dollars per ton, the fee shall be two dollars per 41211  
ton on and after that date, and if the fee that the district is so 41212  
levying under that division exceeds four dollars per ton, the fee 41213  
shall be four dollars per ton on and after that date. On that 41214  
date, the fee levied by a district under division (B)(3) of this 41215  
section shall be equal to the fee levied under division (B)(1) of 41216  
this section. Except as otherwise provided in this division, the 41217  
fees established by the operation of this amendment shall remain 41218  
in effect until the district's resolution levying fees under this 41219  
division is amended or repealed in accordance with this division 41220  
to amend or abolish the schedule of fees, the schedule of fees is 41221  
amended or abolished in an amended plan of the district approved 41222  
under section 3734.521 or division (A) or (D) of section 3734.56 41223  
of the Revised Code, or the schedule of fees is amended or 41224

abolished through an amendment to the district's plan under 41225  
division (E) of section 3734.56 of the Revised Code; the 41226  
notification of the amendment or abolishment of the fees has been 41227  
given in accordance with this division; and collection of the 41228  
amended fees so established commences, or collection of the fees 41229  
ceases, in accordance with this division. 41230

The solid waste management policy committee of a district 41231  
levying fees under divisions (B)(1) to (3) of this section on 41232  
October 29, 1993, under its solid waste management plan approved 41233  
under section 3734.55 of the Revised Code or a resolution adopted 41234  
and ratified under this division that are within the ranges of 41235  
rates prescribed by this amendment, by adoption of a resolution 41236  
not later than December 1, 1993, and without the necessity for 41237  
ratification of the resolution under this division, may amend 41238  
those fees within the prescribed ranges, provided that the 41239  
estimated revenues from the amended fees will not substantially 41240  
exceed the estimated revenues set forth in the district's budget 41241  
for calendar year 1994. Not later than seven days after the 41242  
adoption of such a resolution, the committee shall notify by 41243  
certified mail the owner or operator of each solid waste disposal 41244  
facility that is required to collect the fees of the adoption of 41245  
the resolution and of the amount of the amended fees. Collection 41246  
of the amended fees shall take effect on the first day of the 41247  
first month following the month in which the notification is sent 41248  
to the owner or operator. The fees established in such a 41249  
resolution shall remain in effect until the district's resolution 41250  
levying fees that was adopted and ratified under this division is 41251  
amended or repealed, and the amendment or repeal of the resolution 41252  
is ratified, in accordance with this division, to amend or abolish 41253  
the fees, the schedule of fees is amended or abolished in an 41254  
amended plan of the district approved under section 3734.521 or 41255  
division (A) or (D) of section 3734.56 of the Revised Code, or the 41256  
schedule of fees is amended or abolished through an amendment to 41257

the district's plan under division (E) of section 3734.56 of the Revised Code; the notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.

Prior to the approval of the solid waste management plan of the district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to

the board of county commissioners of each county forming the 41291  
district and to the legislative authority of each municipal 41292  
corporation and township under the jurisdiction of the district. 41293  
Within sixty days after the delivery of a copy of the resolution 41294  
adopting the proposed revised fees by the policy committee, each 41295  
such board and legislative authority, by ordinance or resolution, 41296  
shall approve or disapprove the revised fees and deliver a copy of 41297  
the ordinance or resolution to the committee. If any such board or 41298  
legislative authority fails to adopt and deliver to the policy 41299  
committee an ordinance or resolution approving or disapproving the 41300  
revised fees within sixty days after the policy committee 41301  
delivered its resolution adopting the proposed revised fees, it 41302  
shall be conclusively presumed that the board or legislative 41303  
authority has approved the proposed revised fees. 41304

In the case of a county district or a joint district formed 41305  
by two or three counties, the committee shall declare the proposed 41306  
revised fees to be ratified as the fee schedule of the district 41307  
upon determining that the board of county commissioners of each 41308  
county forming the district has approved the proposed revised fees 41309  
and that the legislative authorities of a combination of municipal 41310  
corporations and townships with a combined population within the 41311  
district comprising at least sixty per cent of the total 41312  
population of the district have approved the proposed revised 41313  
fees, provided that in the case of a county district, that 41314  
combination shall include the municipal corporation having the 41315  
largest population within the boundaries of the district, and 41316  
provided further that in the case of a joint district formed by 41317  
two or three counties, that combination shall include for each 41318  
county forming the joint district the municipal corporation having 41319  
the largest population within the boundaries of both the county in 41320  
which the municipal corporation is located and the joint district. 41321  
In the case of a joint district formed by four or more counties, 41322  
the committee shall declare the proposed revised fees to be 41323

ratified as the fee schedule of the joint district upon 41324  
determining that the boards of county commissioners of a majority 41325  
of the counties forming the district have approved the proposed 41326  
revised fees; that, in each of a majority of the counties forming 41327  
the joint district, the proposed revised fees have been approved 41328  
by the municipal corporation having the largest population within 41329  
the county and the joint district; and that the legislative 41330  
authorities of a combination of municipal corporations and 41331  
townships with a combined population within the joint district 41332  
comprising at least sixty per cent of the total population of the 41333  
joint district have approved the proposed revised fees. 41334

For the purposes of this division, only the population of the 41335  
unincorporated area of a township shall be considered. For the 41336  
purpose of determining the largest municipal corporation within 41337  
each county under this division, a municipal corporation that is 41338  
located in more than one solid waste management district, but that 41339  
is under the jurisdiction of one county or joint solid waste 41340  
management district in accordance with division (A) of section 41341  
3734.52 of the Revised Code shall be considered to be within the 41342  
boundaries of the county in which a majority of the population of 41343  
the municipal corporation resides. 41344

The committee may amend the schedule of fees levied pursuant 41345  
to a resolution or amended resolution adopted and ratified under 41346  
this division by adopting a resolution establishing the proposed 41347  
amount of the amended fees. The committee may abolish the fees 41348  
levied pursuant to such a resolution or amended resolution by 41349  
adopting a resolution proposing to repeal them. Upon adopting such 41350  
a resolution, the committee shall proceed to obtain ratification 41351  
of the resolution in accordance with this division. 41352

Not later than fourteen days after declaring the fees or 41353  
amended fees to be ratified under this division, the committee 41354  
shall notify by certified mail the owner or operator of each solid 41355

waste disposal facility that is required to collect the fees of 41356  
the ratification and the amount of the fees. Collection of any 41357  
fees or amended fees ratified on or after March 24, 1992, shall 41358  
commence on the first day of the second month following the month 41359  
in which notification is sent to the owner or operator. 41360

Not later than fourteen days after declaring the repeal of 41361  
the district's schedule of fees to be ratified under this 41362  
division, the committee shall notify by certified mail the owner 41363  
or operator of each facility that is collecting the fees of the 41364  
repeal. Collection of the fees shall cease on the first day of the 41365  
second month following the month in which notification is sent to 41366  
the owner or operator. 41367

Not later than fourteen days after the director issues an 41368  
order approving a district's solid waste management plan under 41369  
section 3734.55 of the Revised Code or amended plan under division 41370  
(A) or (D) of section 3734.56 of the Revised Code that establishes 41371  
or amends a schedule of fees levied by the district, or the 41372  
ratification of an amendment to the district's approved plan or 41373  
amended plan under division (E) of section 3734.56 of the Revised 41374  
Code that establishes or amends a schedule of fees, as 41375  
appropriate, the committee shall notify by certified mail the 41376  
owner or operator of each solid waste disposal facility that is 41377  
required to collect the fees of the approval of the plan or 41378  
amended plan, or the amendment to the plan, as appropriate, and 41379  
the amount of the fees or amended fees. In the case of an initial 41380  
or amended plan approved under section 3734.521 of the Revised 41381  
Code in connection with a change in district composition, other 41382  
than one involving the withdrawal of a county from a joint 41383  
district, that establishes or amends a schedule of fees levied 41384  
under divisions (B)(1) to (3) of this section by a district 41385  
resulting from the change, the committee, within fourteen days 41386  
after the change takes effect pursuant to division (G) of that 41387

section, shall notify by certified mail the owner or operator of 41388  
each solid waste disposal facility that is required to collect the 41389  
fees that the change has taken effect and of the amount of the 41390  
fees or amended fees. Collection of any fees set forth in a plan 41391  
or amended plan approved by the director on or after April 16, 41392  
1993, or an amendment of a plan or amended plan under division (E) 41393  
of section 3734.56 of the Revised Code that is ratified on or 41394  
after April 16, 1993, shall commence on the first day of the 41395  
second month following the month in which notification is sent to 41396  
the owner or operator. 41397

Not later than fourteen days after the director issues an 41398  
order approving a district's plan under section 3734.55 of the 41399  
Revised Code or amended plan under division (A) or (D) of section 41400  
3734.56 of the Revised Code that abolishes the schedule of fees 41401  
levied under divisions (B)(1) to (3) of this section, or an 41402  
amendment to the district's approved plan or amended plan 41403  
abolishing the schedule of fees is ratified pursuant to division 41404  
(E) of section 3734.56 of the Revised Code, as appropriate, the 41405  
committee shall notify by certified mail the owner or operator of 41406  
each facility that is collecting the fees of the approval of the 41407  
plan or amended plan, or the amendment of the plan or amended 41408  
plan, as appropriate, and the abolishment of the fees. In the case 41409  
of an initial or amended plan approved under section 3734.521 of 41410  
the Revised Code in connection with a change in district 41411  
composition, other than one involving the withdrawal of a county 41412  
from a joint district, that abolishes the schedule of fees levied 41413  
under divisions (B)(1) to (3) of this section by a district 41414  
resulting from the change, the committee, within fourteen days 41415  
after the change takes effect pursuant to division (G) of that 41416  
section, shall notify by certified mail the owner or operator of 41417  
each solid waste disposal facility that is required to collect the 41418  
fees that the change has taken effect and of the abolishment of 41419  
the fees. Collection of the fees shall cease on the first day of 41420

the second month following the month in which notification is sent 41421  
to the owner or operator. 41422

Except as otherwise provided in this division, if the 41423  
schedule of fees that a district is levying under divisions (B)(1) 41424  
to (3) of this section pursuant to a resolution or amended 41425  
resolution adopted and ratified under this division, the solid 41426  
waste management plan of the district approved under section 41427  
3734.55 of the Revised Code, an amended plan approved under 41428  
division (A) or (D) of section 3734.56 of the Revised Code, or an 41429  
amendment to the district's approved plan or amended plan under 41430  
division (E) of section 3734.56 of the Revised Code, is amended by 41431  
the adoption and ratification of an amendment to the resolution or 41432  
amended resolution or an amendment of the district's approved plan 41433  
or amended plan, the fees in effect immediately prior to the 41434  
approval of the plan or the amendment of the resolution, amended 41435  
resolution, plan, or amended plan, as appropriate, shall continue 41436  
to be collected until collection of the amended fees commences 41437  
pursuant to this division. 41438

If, in the case of a change in district composition involving 41439  
the withdrawal of a county from a joint district, the director 41440  
completes the actions required under division (G)(1) or (3) of 41441  
section 3734.521 of the Revised Code, as appropriate, forty-five 41442  
days or more before the beginning of a calendar year, the policy 41443  
committee of each of the districts resulting from the change that 41444  
obtained the director's approval of an initial or amended plan in 41445  
connection with the change, within fourteen days after the 41446  
director's completion of the required actions, shall notify by 41447  
certified mail the owner or operator of each solid waste disposal 41448  
facility that is required to collect the district's fees that the 41449  
change is to take effect on the first day of January immediately 41450  
following the issuance of the notice and of the amount of the fees 41451  
or amended fees levied under divisions (B)(1) to (3) of this 41452

section pursuant to the district's initial or amended plan as so 41453  
approved or, if appropriate, the abolishment of the district's 41454  
fees by that initial or amended plan. Collection of any fees set 41455  
forth in such a plan or amended plan shall commence on the first 41456  
day of January immediately following the issuance of the notice. 41457  
If such an initial or amended plan abolishes a schedule of fees, 41458  
collection of the fees shall cease on that first day of January. 41459

If, in the case of a change in district composition involving 41460  
the withdrawal of a county from a joint district, the director 41461  
completes the actions required under division (G)(1) or (3) of 41462  
section 3734.521 of the Revised Code, as appropriate, less than 41463  
forty-five days before the beginning of a calendar year, the 41464  
director, on behalf of each of the districts resulting from the 41465  
change that obtained the director's approval of an initial or 41466  
amended plan in connection with the change proceedings, shall 41467  
notify by certified mail the owner or operator of each solid waste 41468  
disposal facility that is required to collect the district's fees 41469  
that the change is to take effect on the first day of January 41470  
immediately following the mailing of the notice and of the amount 41471  
of the fees or amended fees levied under divisions (B)(1) to (3) 41472  
of this section pursuant to the district's initial or amended plan 41473  
as so approved or, if appropriate, the abolishment of the 41474  
district's fees by that initial or amended plan. Collection of any 41475  
fees set forth in such a plan or amended plan shall commence on 41476  
the first day of the second month following the month in which 41477  
notification is sent to the owner or operator. If such an initial 41478  
or amended plan abolishes a schedule of fees, collection of the 41479  
fees shall cease on the first day of the second month following 41480  
the month in which notification is sent to the owner or operator. 41481

In the case of a change in district composition, the schedule 41482  
of fees that the former districts that existed prior to the change 41483  
were levying under divisions (B)(1) to (3) of this section 41484

pursuant to a resolution or amended resolution adopted and 41485  
ratified under this division, the solid waste management plan of a 41486  
former district approved under section 3734.521 or 3734.55 of the 41487  
Revised Code, an amended plan approved under section 3734.521 or 41488  
division (A) or (D) of section 3734.56 of the Revised Code, or an 41489  
amendment to a former district's approved plan or amended plan 41490  
under division (E) of section 3734.56 of the Revised Code, and 41491  
that were in effect on the date that the director completed the 41492  
actions required under division (G)(1) or (3) of section 3734.521 41493  
of the Revised Code shall continue to be collected until the 41494  
collection of the fees or amended fees of the districts resulting 41495  
from the change is required to commence, or if an initial or 41496  
amended plan of a resulting district abolishes a schedule of fees, 41497  
collection of the fees is required to cease, under this division. 41498  
Moneys so received from the collection of the fees of the former 41499  
districts shall be divided among the resulting districts in 41500  
accordance with division (B) of section 343.012 of the Revised 41501  
Code and the agreements entered into under division (B) of section 41502  
343.01 of the Revised Code to establish the former and resulting 41503  
districts and any amendments to those agreements. 41504

For the purposes of the provisions of division (B) of this 41505  
section establishing the times when newly established or amended 41506  
fees levied by a district are required to commence and the 41507  
collection of fees that have been amended or abolished is required 41508  
to cease, "fees" or "schedule of fees" includes, in addition to 41509  
fees levied under divisions (B)(1) to (3) of this section, those 41510  
levied under section 3734.573 or 3734.574 of the Revised Code. 41511

(C) For the purposes of defraying the added costs to a 41512  
municipal corporation or township of maintaining roads and other 41513  
public facilities and of providing emergency and other public 41514  
services, and compensating a municipal corporation or township for 41515  
reductions in real property tax revenues due to reductions in real 41516

property valuations resulting from the location and operation of a 41517  
solid waste disposal facility within the municipal corporation or 41518  
township, a municipal corporation or township in which such a 41519  
solid waste disposal facility is located may levy a fee of not 41520  
more than twenty-five cents per ton on the disposal of solid 41521  
wastes at a solid waste disposal facility located within the 41522  
boundaries of the municipal corporation or township regardless of 41523  
where the wastes were generated. 41524

The legislative authority of a municipal corporation or 41525  
township may levy fees under this division by enacting an 41526  
ordinance or adopting a resolution establishing the amount of the 41527  
fees. Upon so doing the legislative authority shall mail a 41528  
certified copy of the ordinance or resolution to the board of 41529  
county commissioners or directors of the county or joint solid 41530  
waste management district in which the municipal corporation or 41531  
township is located or, if a regional solid waste management 41532  
authority has been formed under section 343.011 of the Revised 41533  
Code, to the board of trustees of that regional authority, the 41534  
owner or operator of each solid waste disposal facility in the 41535  
municipal corporation or township that is required to collect the 41536  
fee by the ordinance or resolution, and the director of 41537  
environmental protection. Although the fees levied under this 41538  
division are levied on the basis of tons as the unit of 41539  
measurement, the legislative authority, in its ordinance or 41540  
resolution levying the fees under this division, may direct that 41541  
the fees be levied on the basis of cubic yards as the unit of 41542  
measurement based upon a conversion factor of three cubic yards 41543  
per ton generally or one cubic yard per ton for baled wastes. 41544

Not later than five days after enacting an ordinance or 41545  
adopting a resolution under this division, the legislative 41546  
authority shall so notify by certified mail the owner or operator 41547  
of each solid waste disposal facility that is required to collect 41548

the fee. Collection of any fee levied on or after March 24, 1992, 41549  
shall commence on the first day of the second month following the 41550  
month in which notification is sent to the owner or operator. 41551

(D)(1) The fees levied under divisions (A), (B), and (C) of 41552  
this section do not apply to the disposal of solid wastes that: 41553

(a) Are disposed of at a facility owned by the generator of 41554  
the wastes when the solid waste facility exclusively disposes of 41555  
solid wastes generated at one or more premises owned by the 41556  
generator regardless of whether the facility is located on a 41557  
premises where the wastes are generated; 41558

(b) Are disposed of at facilities that exclusively dispose of 41559  
wastes that are generated from the combustion of coal, or from the 41560  
combustion of primarily coal in combination with scrap tires, that 41561  
is not combined in any way with garbage at one or more premises 41562  
owned by the generator. 41563

(2) Except as provided in section 3734.571 of the Revised 41564  
Code, any fees levied under division (B)(1) of this section apply 41565  
to solid wastes originating outside the boundaries of a county or 41566  
joint district that are covered by an agreement for the joint use 41567  
of solid waste facilities entered into under section 343.02 of the 41568  
Revised Code by the board of county commissioners or board of 41569  
directors of the county or joint district where the wastes are 41570  
generated and disposed of. 41571

(3) When solid wastes, other than solid wastes that consist 41572  
of scrap tires, are burned in a disposal facility that is an 41573  
incinerator or energy recovery facility, the fees levied under 41574  
divisions (A), (B), and (C) of this section shall be levied upon 41575  
the disposal of the fly ash and bottom ash remaining after burning 41576  
of the solid wastes and shall be collected by the owner or 41577  
operator of the sanitary landfill where the ash is disposed of. 41578

(4) When solid wastes are delivered to a solid waste transfer 41579

facility, the fees levied under divisions (A), (B), and (C) of 41580  
this section shall be levied upon the disposal of solid wastes 41581  
transported off the premises of the transfer facility for disposal 41582  
and shall be collected by the owner or operator of the solid waste 41583  
disposal facility where the wastes are disposed of. 41584

(5) The fees levied under divisions (A), (B), and (C) of this 41585  
section do not apply to sewage sludge that is generated by a waste 41586  
water treatment facility holding a national pollutant discharge 41587  
elimination system permit and that is disposed of through 41588  
incineration, land application, or composting or at another 41589  
resource recovery or disposal facility that is not a landfill. 41590

(6) The fees levied under divisions (A), (B), and (C) of this 41591  
section do not apply to solid wastes delivered to a solid waste 41592  
composting facility for processing. When any unprocessed solid 41593  
waste or compost product is transported off the premises of a 41594  
composting facility and disposed of at a landfill, the fees levied 41595  
under divisions (A), (B), and (C) of this section shall be 41596  
collected by the owner or operator of the landfill where the 41597  
unprocessed waste or compost product is disposed of. 41598

(7) When solid wastes that consist of scrap tires are 41599  
processed at a scrap tire recovery facility, the fees levied under 41600  
divisions (A), (B), and (C) of this section shall be levied upon 41601  
the disposal of the fly ash and bottom ash or other solid wastes 41602  
remaining after the processing of the scrap tires and shall be 41603  
collected by the owner or operator of the solid waste disposal 41604  
facility where the ash or other solid wastes are disposed of. 41605

(E) The fees levied under divisions (B) and (C) of this 41606  
section shall be collected by the owner or operator of the solid 41607  
waste disposal facility where the wastes are disposed of as a 41608  
trustee for the county or joint district and municipal corporation 41609  
or township where the wastes are disposed of. Moneys from the fees 41610  
levied under division (B) of this section shall be forwarded to 41611

the board of county commissioners or board of directors of the 41612  
district in accordance with rules adopted under division (H) of 41613  
this section. Moneys from the fees levied under division (C) of 41614  
this section shall be forwarded to the treasurer or such other 41615  
officer of the municipal corporation as, by virtue of the charter, 41616  
has the duties of the treasurer or to the clerk of the township, 41617  
as appropriate, in accordance with those rules. 41618

(F) Moneys received by the treasurer or such other officer of 41619  
the municipal corporation under division (E) of this section shall 41620  
be paid into the general fund of the municipal corporation. Moneys 41621  
received by the clerk of the township under that division shall be 41622  
paid into the general fund of the township. The treasurer or such 41623  
other officer of the municipal corporation or the clerk, as 41624  
appropriate, shall maintain separate records of the moneys 41625  
received from the fees levied under division (C) of this section. 41626

(G) Moneys received by the board of county commissioners or 41627  
board of directors under division (E) of this section or section 41628  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 41629  
shall be paid to the county treasurer, or other official acting in 41630  
a similar capacity under a county charter, in a county district or 41631  
to the county treasurer or other official designated by the board 41632  
of directors in a joint district and kept in a separate and 41633  
distinct fund to the credit of the district. If a regional solid 41634  
waste management authority has been formed under section 343.011 41635  
of the Revised Code, moneys received by the board of trustees of 41636  
that regional authority under division (E) of this section shall 41637  
be kept by the board in a separate and distinct fund to the credit 41638  
of the district. Moneys in the special fund of the county or joint 41639  
district arising from the fees levied under division (B) of this 41640  
section and the fee levied under division (A) of section 3734.573 41641  
of the Revised Code shall be expended by the board of county 41642  
commissioners or directors of the district in accordance with the 41643

district's solid waste management plan or amended plan approved 41644  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 41645  
exclusively for the following purposes: 41646

(1) Preparation of the solid waste management plan of the 41647  
district under section 3734.54 of the Revised Code, monitoring 41648  
implementation of the plan, and conducting the periodic review and 41649  
amendment of the plan required by section 3734.56 of the Revised 41650  
Code by the solid waste management policy committee; 41651

(2) Implementation of the approved solid waste management 41652  
plan or amended plan of the district, including, without 41653  
limitation, the development and implementation of solid waste 41654  
recycling or reduction programs; 41655

(3) Providing financial assistance to boards of health within 41656  
the district, if solid waste facilities are located within the 41657  
district, for enforcement of this chapter and rules, orders, and 41658  
terms and conditions of permits, licenses, and variances adopted 41659  
or issued under it, other than the hazardous waste provisions of 41660  
this chapter and rules adopted and orders and terms and conditions 41661  
of permits issued under those provisions; 41662

(4) Providing financial assistance to each county within the 41663  
district to defray the added costs of maintaining roads and other 41664  
public facilities and of providing emergency and other public 41665  
services resulting from the location and operation of a solid 41666  
waste facility within the county under the district's approved 41667  
solid waste management plan or amended plan; 41668

(5) Pursuant to contracts entered into with boards of health 41669  
within the district, if solid waste facilities contained in the 41670  
district's approved plan or amended plan are located within the 41671  
district, for paying the costs incurred by those boards of health 41672  
for collecting and analyzing samples from public or private water 41673  
wells on lands adjacent to those facilities; 41674

(6) Developing and implementing a program for the inspection 41675  
of solid wastes generated outside the boundaries of this state 41676  
that are disposed of at solid waste facilities included in the 41677  
district's approved solid waste management plan or amended plan; 41678

(7) Providing financial assistance to boards of health within 41679  
the district for the enforcement of section 3734.03 of the Revised 41680  
Code or to local law enforcement agencies having jurisdiction 41681  
within the district for enforcing anti-littering laws and 41682  
ordinances; 41683

(8) Providing financial assistance to boards of health of 41684  
health districts within the district that are on the approved list 41685  
under section 3734.08 of the Revised Code to defray the costs to 41686  
the health districts for the participation of their employees 41687  
responsible for enforcement of the solid waste provisions of this 41688  
chapter and rules adopted and orders and terms and conditions of 41689  
permits, licenses, and variances issued under those provisions in 41690  
the training and certification program as required by rules 41691  
adopted under division (L) of section 3734.02 of the Revised Code; 41692

(9) Providing financial assistance to individual municipal 41693  
corporations and townships within the district to defray their 41694  
added costs of maintaining roads and other public facilities and 41695  
of providing emergency and other public services resulting from 41696  
the location and operation within their boundaries of a 41697  
composting, energy or resource recovery, incineration, or 41698  
recycling facility that either is owned by the district or is 41699  
furnishing solid waste management facility or recycling services 41700  
to the district pursuant to a contract or agreement with the board 41701  
of county commissioners or directors of the district; 41702

(10) Payment of any expenses that are agreed to, awarded, or 41703  
ordered to be paid under section 3734.35 of the Revised Code and 41704  
of any administrative costs incurred pursuant to that section. In 41705  
the case of a joint solid waste management district, if the board 41706

of county commissioners of one of the counties in the district is 41707  
negotiating on behalf of affected communities, as defined in that 41708  
section, in that county, the board shall obtain the approval of 41709  
the board of directors of the district in order to expend moneys 41710  
for administrative costs incurred. 41711

Prior to the approval of the district's solid waste 41712  
management plan under section 3734.55 of the Revised Code, moneys 41713  
in the special fund of the district arising from the fees shall be 41714  
expended for those purposes in the manner prescribed by the solid 41715  
waste management policy committee by resolution. 41716

Notwithstanding division (G)(6) of this section as it existed 41717  
prior to October 29, 1993, or any provision in a district's solid 41718  
waste management plan prepared in accordance with division 41719  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 41720  
prior to that date, any moneys arising from the fees levied under 41721  
division (B)(3) of this section prior to January 1, 1994, may be 41722  
expended for any of the purposes authorized in divisions (G)(1) to 41723  
(10) of this section. 41724

(H) The director shall adopt rules in accordance with Chapter 41725  
119. of the Revised Code prescribing procedures for collecting and 41726  
forwarding the fees levied under divisions (B) and (C) of this 41727  
section to the boards of county commissioners or directors of 41728  
county or joint solid waste management districts and to the 41729  
treasurers or other officers of municipal corporations or to the 41730  
clerks of townships. The rules also shall prescribe the dates for 41731  
forwarding the fees to the boards and officials and may prescribe 41732  
any other requirements the director considers necessary or 41733  
appropriate to implement and administer divisions (A), (B), and 41734  
(C) of this section. Collection of the fees levied under division 41735  
(A)(1) of this section shall commence on July 1, 1993. Collection 41736  
of the fees levied under division (A)(2) of this section shall 41737  
commence on January 1, 1994. 41738

Sec. 3735.27. (A) Whenever the director of development has 41739  
determined that there is need for a housing authority in any 41740  
portion of any county that comprises two or more political 41741  
subdivisions or portions ~~thereof~~ of two or more political 41742  
subdivisions but is less than all the territory within the county, 41743  
a metropolitan housing authority shall be declared to exist, and 41744  
the territorial limits ~~thereof~~ of the authority shall be defined, 41745  
by a letter from the director. The director shall issue a 41746  
determination from the department of development declaring that 41747  
there is need for a housing authority within ~~such~~ those 41748  
territorial limits after finding either of the following: 41749

(1) Unsanitary or unsafe inhabited housing accommodations 41750  
exist in ~~such~~ that area; 41751

(2) There is a shortage of safe and sanitary housing 41752  
accommodations in ~~such~~ that area available to persons who lack the 41753  
amount of income ~~which~~ that is necessary, as determined by the 41754  
director, to enable them, without financial assistance, to live in 41755  
decent, safe, and sanitary dwellings without congestion. 41756

In determining whether dwelling accommodations are unsafe or 41757  
unsanitary, the director may take into consideration the degree of 41758  
congestion, the percentage of land coverage, the light, air, 41759  
space, and access available to the inhabitants of ~~such~~ the 41760  
dwelling accommodations, the size and arrangement of ~~the~~ rooms, 41761  
the sanitary facilities, and the extent to which conditions exist 41762  
in ~~such buildings which~~ the dwelling accommodations that endanger 41763  
life or property by fire or other causes. 41764

The territorial limits of a metropolitan housing authority, 41765  
as defined by the director, under this division shall be fixed for 41766  
~~such~~ the authority upon proof of a letter from the director 41767  
declaring the need for ~~such~~ the authority to function in those 41768  
territorial limits. Any such letter from the director, any 41769

certificate of determination issued by the director, and any 41770  
certificate of appointment of members of the authority shall be 41771  
admissible in evidence in any suit, action, or proceeding. 41772

A certified copy of the letter from the director, declaring 41773  
the existence of a metropolitan housing authority and ~~boundaries~~ 41774  
the territorial limits of a housing authority its district, shall 41775  
be immediately forwarded to each appointing authority. A 41776  
metropolitan housing authority shall consist of ~~five~~ members, who 41777  
~~shall be~~ are residents of the territory ~~embraced in such~~ 41778  
~~metropolitan housing authority district~~ which they serve. 41779

(B) Except as otherwise provided in division (C), ~~(D), or (E)~~ 41780  
of this section, one member shall be appointed by the probate 41781  
court, one member by the court of common pleas, one member by the 41782  
board of county commissioners, and two members by the chief 41783  
executive officer of the most populous city in the ~~territory~~ 41784  
~~included in the~~ district, in accordance with the last preceding 41785  
federal census. At the time of the initial appointment of the 41786  
authority, the member appointed by the probate court shall be 41787  
appointed for a period of four years, the ~~appointee of member~~ 41788  
appointed by the court of common pleas shall be appointed for 41789  
three years, the ~~appointee of member appointed by~~ the board of 41790  
county commissioners shall be appointed for two years, one 41791  
~~appointee of the member appointed by the~~ chief executive officer 41792  
of the most populous city in the district shall be appointed for 41793  
one year, and ~~one appointee of the other member appointed by the~~ 41794  
chief executive officer of the most populous city in the district 41795  
shall be appointed for five years. Thereafter, all members of the 41796  
authority shall be appointed for five-year terms, and vacancies 41797  
due to expired terms shall be filled ~~by the same appointing powers~~ 41798  
in the manner provided in the original appointments. 41799

(C) For any metropolitan housing authority district that 41800  
contained, as of the 1990 federal census, a population of at least 41801

one million, two members of the authority shall be appointed by 41802  
the ~~municipal~~ legislative authority of the most populous city in 41803  
the ~~territory included in the~~ district, two members shall be 41804  
appointed by the chief executive officer of the most populous city 41805  
in the ~~territory included in the~~ district, and one member shall be 41806  
appointed by the chief executive officer, with the approval of the 41807  
~~municipal~~ legislative authority, of the city in the district ~~which~~ 41808  
that has the second highest number of housing units owned or 41809  
managed by the authority. 41810

At the time of the initial appointment of the authority, one 41811  
member appointed by the ~~municipal~~ legislative authority of the 41812  
most populous city in the ~~territory included in the~~ district shall 41813  
be appointed for three years, and one such member shall be 41814  
appointed for one year; the ~~appointee of~~ member appointed by the 41815  
chief executive officer of the city with the second highest number 41816  
of housing units owned or managed by the authority shall be 41817  
appointed, with the approval of the ~~municipal~~ legislative 41818  
authority, for three years; and one appointee of member appointed 41819  
by the chief executive officer of the most populous city in the 41820  
district shall be appointed for three years, and one such member 41821  
shall be appointed for one year. Thereafter, all members of the 41822  
authority shall be appointed for three-year terms, and any vacancy 41823  
shall be filled by the same appointing power that made the initial 41824  
appointment. At the expiration of the term of any member appointed 41825  
by the chief executive officer of the most populous city in the 41826  
~~territory included in the~~ district prior to March 15, 1983, the 41827  
chief executive officer of the most populous city in the district 41828  
shall fill the vacancy by appointment for a three-year term. At 41829  
the expiration of the term of any member appointed by the board of 41830  
county commissioners prior to March 15, 1983, the chief executive 41831  
officer of the city in the district with the second highest number 41832  
of housing units owned or managed by the authority shall, with the 41833  
approval of the municipal legislative authority, fill the vacancy 41834

by appointment for a three-year term. At the expiration of the 41835  
term of any member appointed prior to March 15, 1983, by the court 41836  
of common pleas or the probate court, the legislative authority of 41837  
the most populous city in the ~~territory included in the~~ district 41838  
shall fill the vacancy by appointment for a three-year term. 41839

After March 15, 1983, at least one of the members appointed 41840  
by the chief executive officer of the most populous city shall be 41841  
a resident of a dwelling unit owned or managed by the ~~housing~~ 41842  
authority. At least one of the initial appointments by the chief 41843  
executive officer of the most populous city, after March 15, 1983, 41844  
shall be a resident of a dwelling unit owned or managed by the 41845  
~~housing~~ authority. Thereafter, any member appointed by the chief 41846  
executive officer of the most populous city for the term 41847  
established by this initial appointment, or for any succeeding 41848  
term ~~thereof~~, shall be a person who resides in a dwelling unit 41849  
owned or managed by the ~~housing~~ authority. If there is an elected, 41850  
representative body of all residents of the ~~housing~~ authority, 41851  
~~then~~ the chief executive officer of the most populous city shall, 41852  
whenever there is a vacancy in this resident term, provide written 41853  
notice of the vacancy to the representative body. If the 41854  
representative body submits to the chief executive officer of the 41855  
most populous city, in writing and within sixty days after the 41856  
date on which it was notified of the vacancy, the names of at 41857  
least five residents of the ~~housing~~ authority who are willing and 41858  
qualified to serve as a member, ~~then~~ the chief executive officer 41859  
of the most populous city shall appoint to the resident term one 41860  
of the residents recommended by the representative body. At no 41861  
time shall residents constitute a majority of the members of the 41862  
authority. 41863

(D)(1) For any metropolitan housing authority district 41864  
located in a county that had, as of the 2000 federal census, a 41865  
population of at least four hundred thousand and no city with a 41866

population greater than thirty per cent of the total population of 41867  
the county, one member of the authority shall be appointed by the 41868  
probate court, one member shall be appointed by the court of 41869  
common pleas, one member shall be appointed by the chief executive 41870  
officer of the most populous city in the district, and two members 41871  
shall be appointed by the board of county commissioners. 41872

(2) At the time of the initial appointment of a metropolitan 41873  
housing authority pursuant to this division, the member appointed 41874  
by the probate court shall be appointed for a period of four 41875  
years, the member appointed by the court of common pleas shall be 41876  
appointed for three years, the member appointed by the chief 41877  
executive officer of the most populous city shall be appointed for 41878  
two years, one member appointed by the board of county 41879  
commissioners shall be appointed for one year, and the other 41880  
member appointed by the board of county commissioners shall be 41881  
appointed for five years. Thereafter, all members of the authority 41882  
shall be appointed for five-year terms, with each term ending on 41883  
the same day of the same month as the term that it succeeds. 41884  
Vacancies shall be filled in the manner provided in the original 41885  
appointments. Any member appointed to fill a vacancy occurring 41886  
prior to the expiration of the term shall hold office as a member 41887  
for the remainder of that term. 41888

(E)(1) An additional two members shall be appointed to the 41889  
metropolitan housing authority in any district that has three 41890  
hundred or more assisted housing units and that does not have at 41891  
least one resident as a member of its authority. For the purposes 41892  
of this section an "assisted unit" is a housing unit owned or 41893  
operated by the housing authority or a unit in which the occupants 41894  
receive tenant-based housing assistance through the federal 41895  
section 8 housing program, 24 C.F.R. Ch VIII, and, a "resident" is 41896  
a person who lives in an assisted housing unit. 41897

(2) The chief executive officer of the most populous city in 41898

the district shall appoint an additional member who is a resident 41899  
for an initial term of five years. The board of county 41900  
commissioners shall appoint the other additional member, who need 41901  
not be a resident, for an initial term of three years. After the 41902  
initial term, the terms of both members shall be five years and 41903  
vacancies shall be filled in the manner provided in the original 41904  
appointments. Any member appointed to fill a vacancy occurring 41905  
prior to the expiration of the term for which the member's 41906  
predecessor was appointed shall hold office as a member for the 41907  
remainder of that term. 41908

(3) A member appointed as a resident member who no longer 41909  
qualifies as a resident shall be deemed unable to serve and 41910  
another resident member shall be appointed to serve the unexpired 41911  
portion of that term. 41912

(F) Public officials, other than the officers having the 41913  
appointing power under this section, shall be eligible to serve as 41914  
members, officers, or employees of ~~the~~ a metropolitan housing 41915  
authority notwithstanding any statute, charter, or law to the 41916  
contrary. Not more than two such public officials shall be members 41917  
of the authority at any one time. 41918

All members of ~~such housing an~~ authority shall serve without 41919  
compensation but shall be entitled to be reimbursed for all 41920  
necessary expenses incurred. ~~After such~~ 41921

After a metropolitan housing authority district ~~has been~~ is 41922  
formed, the director may enlarge the territory within ~~such~~ the 41923  
district to include other political subdivisions, or portions 41924  
thereof of other political subdivisions, but the territorial 41925  
limits of ~~which~~ the district shall be less than that of the 41926  
county. 41927

**Sec. 3735.66.** The legislative authorities of municipal 41928  
corporations and counties may survey the housing within their 41929

jurisdictions and, after the survey, may adopt resolutions 41930  
describing the boundaries of community reinvestment areas which 41931  
contain the conditions required for the finding under division (B) 41932  
of section 3735.65 of the Revised Code. The findings resulting 41933  
from the survey shall be incorporated in the resolution describing 41934  
the boundaries of an area. The legislative authority may stipulate 41935  
in the resolution that only new structures or remodeling 41936  
classified as to use as commercial, industrial, or residential, or 41937  
some combination thereof, and otherwise satisfying the 41938  
requirements of section 3735.67 of the Revised Code are eligible 41939  
for exemption from taxation under that section. If the resolution 41940  
does not include such a stipulation, all new structures and 41941  
remodeling satisfying the requirements of section 3735.67 of the 41942  
Revised Code are eligible for exemption from taxation regardless 41943  
of classification. Whether or not the resolution includes such a 41944  
stipulation, the classification of the structures or remodeling 41945  
eligible for exemption in the area shall at all times be 41946  
consistent with zoning restrictions applicable to the area. For 41947  
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 41948  
whether a structure or remodeling composed of multiple units is 41949  
classified as commercial or residential shall be determined by 41950  
resolution or ordinance of the legislative authority or, in the 41951  
absence of such a determination, by the classification of the use 41952  
of the structure or remodeling under the applicable zoning 41953  
regulations. 41954

If construction or remodeling classified as residential is 41955  
eligible for exemption from taxation, the resolution shall specify 41956  
a percentage, not to exceed one hundred per cent, of the assessed 41957  
valuation of such property to be exempted. The percentage 41958  
specified shall apply to all residential construction or 41959  
remodeling for which exemption is granted. 41960

The resolution adopted pursuant to this section shall be 41961

published in a newspaper of general circulation in the municipal 41962  
corporation, if the resolution is adopted by the legislative 41963  
authority of a municipal corporation, or in a newspaper of general 41964  
circulation in the county, if the resolution is adopted by the 41965  
legislative authority of the county, once a week for two 41966  
consecutive weeks immediately following its adoption. 41967

Each legislative authority adopting a resolution pursuant to 41968  
this section shall designate a housing officer. In addition, each 41969  
such legislative authority, not later than fifteen days after the 41970  
adoption of the resolution, shall petition the director of 41971  
development for the director to confirm the findings described in 41972  
the resolution. The petition shall be accompanied by a copy of the 41973  
resolution and by a map of the community reinvestment area in 41974  
sufficient detail to denote the specific boundaries of the area 41975  
and to indicate zoning restrictions applicable to the area. The 41976  
director shall determine whether the findings contained in the 41977  
resolution are valid, and whether the classification of structures 41978  
or remodeling eligible for exemption under the resolution is 41979  
consistent with zoning restrictions applicable to the area as 41980  
indicated on the map. Within thirty days of receiving the 41981  
petition, the director shall forward ~~his~~ the director's 41982  
determination to the legislative authority. The legislative 41983  
authority or housing officer shall not grant any exemption from 41984  
taxation under section 3735.67 of the Revised Code until the 41985  
director forwards ~~his~~ the director's determination to the 41986  
legislative authority. The director shall assign to each community 41987  
reinvestment area a unique designation by which the area shall be 41988  
identified for purposes of sections 3735.65 to 3735.70 of the 41989  
Revised Code. 41990

If zoning restrictions in any part of a community 41991  
reinvestment area are changed at any time after the legislative 41992  
authority petitions the director under this section, the 41993

legislative authority shall notify the director and shall submit a 41994  
map of the area indicating the new zoning restrictions in the 41995  
area. 41996

**Sec. 3735.67.** (A) The owner of real property located in a 41997  
community reinvestment area and eligible for exemption from 41998  
taxation under a resolution adopted pursuant to section 3735.66 of 41999  
the Revised Code may file an application for an exemption from 42000  
real property taxation of a percentage of the assessed valuation 42001  
of a new structure or remodeling, completed after the effective 42002  
date of the resolution adopted pursuant to section 3735.66 of the 42003  
Revised Code, with the housing officer designated pursuant to 42004  
section 3735.66 of the Revised Code for the community reinvestment 42005  
area in which the property is located. If any part of the new 42006  
structure or remodeling that would be exempted is of real property 42007  
to be used for commercial or industrial purposes, the legislative 42008  
authority and the owner of the property shall enter into a written 42009  
agreement pursuant to section 3735.671 of the Revised Code prior 42010  
to commencement of construction or remodeling; if such an 42011  
agreement is subject to approval by the board of education of the 42012  
school district within the territory of which the property is or 42013  
will be located, the agreement shall not be formally approved by 42014  
the legislative authority until the board of education approves 42015  
the agreement in the manner prescribed by that section. 42016

(B) The housing officer shall verify the construction of the 42017  
new structure or the cost of the remodeling and the facts asserted 42018  
in the application. The housing officer shall determine whether 42019  
the construction or the cost of the remodeling meets the 42020  
requirements for an exemption under this section. In cases 42021  
involving a structure of historical or architectural significance, 42022  
the housing officer shall not determine whether the remodeling 42023  
meets the requirements for a tax exemption unless the 42024  
appropriateness of the remodeling has been certified, in writing, 42025

by the society, association, agency, or legislative authority that 42026  
has designated the structure or by any organization or person 42027  
authorized, in writing, by such society, association, agency, or 42028  
legislative authority to certify the appropriateness of the 42029  
remodeling. 42030

(C) If the construction or remodeling meets the requirements 42031  
for exemption, the housing officer shall forward the application 42032  
to the county auditor with a certification as to the division of 42033  
this section under which the exemption is granted, and the period 42034  
and percentage of the exemption as determined by the legislative 42035  
authority pursuant to that division. If the construction or 42036  
remodeling is of commercial or industrial property and the 42037  
legislative authority is not required to certify a copy of a 42038  
resolution under section 3735.671 of the Revised Code, the housing 42039  
officer shall comply with the notice requirements prescribed under 42040  
section 5709.83 of the Revised Code, unless the board has adopted 42041  
a resolution under that section waiving its right to receive such 42042  
a notice. 42043

(D) The tax exemption shall first apply in the year the 42044  
construction or remodeling would first be taxable but for this 42045  
section. In the case of remodeling that qualifies for exemption, a 42046  
percentage, not to exceed one hundred per cent, of the amount by 42047  
which the remodeling increased the assessed value of the structure 42048  
shall be exempted from real property taxation. In the case of 42049  
construction of a structure that qualifies for exemption, a 42050  
percentage, not to exceed one hundred per cent, of the assessed 42051  
value of the structure shall be exempted from real property 42052  
taxation. In either case, the percentage shall be the percentage 42053  
set forth in the agreement if the structure or remodeling is to be 42054  
used for commercial or industrial purposes, or the percentage set 42055  
forth in the resolution describing the community reinvestment area 42056  
if the structure or remodeling is to be used for residential 42057

purposes. 42058

The construction of new structures and the remodeling of 42059  
existing structures are hereby declared to be a public purpose for 42060  
which exemptions from real property taxation may be granted for 42061  
the following periods: 42062

(1) For every dwelling containing not more than two family 42063  
units located within the same community reinvestment area and upon 42064  
which the cost of remodeling is at least two thousand five hundred 42065  
dollars, a period to be determined by the legislative authority 42066  
adopting the resolution describing the community reinvestment area 42067  
where the dwelling is located, but not exceeding ten years; 42068

(2) For every dwelling containing more than two units and 42069  
commercial or industrial properties, located within the same 42070  
community reinvestment area, upon which the cost of remodeling is 42071  
at least five thousand dollars, a period to be determined by the 42072  
legislative authority adopting the resolution, but not exceeding 42073  
twelve years; 42074

(3) For construction of every dwelling, and commercial or 42075  
industrial structure located within the same community 42076  
reinvestment area, a period to be determined by the legislative 42077  
authority adopting the resolution, but not exceeding fifteen 42078  
years. 42079

(E) Any person, board, or officer authorized by section 42080  
5715.19 of the Revised Code to file complaints with the county 42081  
board of revision may file a complaint with the housing officer 42082  
challenging the continued exemption of any property granted an 42083  
exemption under this section. A complaint against exemption shall 42084  
be filed prior to the thirty-first day of December of the tax year 42085  
for which taxation of the property is requested. The housing 42086  
officer shall determine whether the property continues to meet the 42087  
requirements for exemption and shall certify the housing officer's 42088

findings to the complainant. If the housing officer determines 42089  
that the property does not meet the requirements for exemption, 42090  
the housing officer shall notify the county auditor, who shall 42091  
correct the tax list and duplicate accordingly. 42092

**Sec. 3735.671.** (A) If construction or remodeling of 42093  
commercial or industrial property is to be exempted from taxation 42094  
pursuant to section 3735.67 of the Revised Code, the legislative 42095  
authority and the owner of the property, prior to the commencement 42096  
of construction or remodeling, shall enter into a written 42097  
agreement, binding on both parties for a period of time that does 42098  
not end prior to the end of the period of the exemption, that 42099  
includes all of the information and statements prescribed by this 42100  
section. Agreements may include terms not prescribed by this 42101  
section, but such terms shall in no way derogate from the 42102  
information and statements prescribed by this section. 42103

(1) Except as otherwise provided in division (A)(2) or (3) of 42104  
this section, an agreement entered into under this section shall 42105  
not be approved by the legislative authority unless the board of 42106  
education of the city, local, or exempted village school district 42107  
within the territory of which the property is or will be located 42108  
approves the agreement. For the purpose of obtaining such 42109  
approval, the legislative authority shall certify a copy of the 42110  
agreement to the board of education not later than forty-five days 42111  
prior to approving the agreement, excluding Saturday, Sunday, and 42112  
a legal holiday as defined in section 1.14 of the Revised Code. 42113  
The board of education, by resolution adopted by a majority of the 42114  
board, shall approve or disapprove the agreement and certify a 42115  
copy of the resolution to the legislative authority not later than 42116  
fourteen days prior to the date stipulated by the legislative 42117  
authority as the date upon which approval of the agreement is to 42118  
be formally considered by the legislative authority. The board of 42119  
education may include in the resolution conditions under which the 42120

board would approve the agreement. The legislative authority may 42121  
approve an agreement at any time after the board of education 42122  
certifies its resolution approving the agreement to the 42123  
legislative authority, or, if the board approves the agreement 42124  
conditionally, at any time after the conditions are agreed to by 42125  
the board and the legislative authority. 42126

(2) Approval of an agreement by the board of education is not 42127  
required under division (A)(1) of this section if, for each tax 42128  
year the real property is exempted from taxation, the sum of the 42129  
following quantities, as estimated at or prior to the time the 42130  
agreement is formally approved by the legislative authority, 42131  
equals or exceeds fifty per cent of the amount of taxes, as 42132  
estimated at or prior to that time, that would have been charged 42133  
and payable that year upon the real property had that property not 42134  
been exempted from taxation: 42135

(a) The amount of taxes charged and payable on any portion of 42136  
the assessed valuation of the new structure or remodeling that 42137  
will not be exempted from taxation under the agreement; 42138

(b) The amount of taxes charged and payable on tangible 42139  
personal property located on the premises of the new structure or 42140  
of the structure to be remodeled under the agreement, whether 42141  
payable by the owner of the structure or by a related member, as 42142  
defined in section 5733.042 of the Revised Code without regard to 42143  
division (B) of that section. 42144

(c) The amount of any cash payment by the owner of the new 42145  
structure or structure to be remodeled to the school district, the 42146  
dollar value, as mutually agreed to be the owner and the board of 42147  
education, of any property or services provided by the owner of 42148  
the property to the school district, whether by gift, loan, or 42149  
otherwise, and any payment by the legislative authority to the 42150  
school district pursuant to section 5709.82 of the Revised Code. 42151

The estimates of quantities used for purposes of division 42152  
(A)(2) of this section shall be estimated by the legislative 42153  
authority. The legislative authority shall certify to the board of 42154  
education that the estimates have been made in good faith. 42155  
Departures of the actual quantities from the estimates subsequent 42156  
to approval of the agreement by the board of education do not 42157  
invalidate the agreement. 42158

(3) If a board of education has adopted a resolution waiving 42159  
its right to approve agreements and the resolution remains in 42160  
effect, approval of an agreement by the board is not required 42161  
under this division. If a board of education has adopted a 42162  
resolution allowing a legislative authority to deliver the notice 42163  
required under this division fewer than forty-five business days 42164  
prior to the legislative authority's execution of the agreement, 42165  
the legislative authority shall deliver the notice to the board 42166  
not later than the number of days prior to such execution as 42167  
prescribed by the board in its resolution. If a board of education 42168  
adopts a resolution waiving its right to approve agreements or 42169  
shortening the notification period, the board shall certify a copy 42170  
of the resolution to the legislative authority. If the board of 42171  
education rescinds such a resolution, it shall certify notice of 42172  
the rescission to the legislative authority. 42173

(B) Each agreement shall include the following information: 42174

(1) The names of all parties to the agreement; 42175

(2) A description of the remodeling or construction, whether 42176  
or not to be exempted from taxation, including existing or new 42177  
structure size and cost thereof; the value of machinery, 42178  
equipment, furniture, and fixtures, including an itemization of 42179  
the value of machinery, equipment, furniture, and fixtures used at 42180  
another location in this state prior to the agreement and 42181  
relocated or to be relocated from that location to the property, 42182  
and the value of machinery, equipment, furniture, and fixtures at 42183

the facility prior to the execution of the agreement; the value of 42184  
inventory at the property, including an itemization of the value 42185  
of inventory held at another location in this state prior to the 42186  
agreement and relocated or to be relocated from that location to 42187  
the property, and the value of inventory held at the property 42188  
prior to the execution of the agreement; 42189

(3) The scheduled starting and completion dates of remodeling 42190  
or construction of real property or of investments made in 42191  
machinery, equipment, furniture, fixtures, and inventory; 42192

(4) Estimates of the number of employee positions to be 42193  
created each year of the agreement and of the number of employee 42194  
positions retained by the owner due to the remodeling or 42195  
construction, itemized as to the number of full-time, part-time, 42196  
permanent, and temporary positions; 42197

(5) Estimates of the dollar amount of payroll attributable to 42198  
the positions set forth in division (B)(4) of this section, 42199  
similarly itemized; 42200

(6) The number of employee positions, if any, at the property 42201  
and at any other location in this state at the time the agreement 42202  
is executed, itemized as to the number of full-time, part-time, 42203  
permanent, and temporary positions. 42204

(C) Each agreement shall set forth the following information 42205  
and incorporate the following statements: 42206

(1) A description of real property to be exempted from 42207  
taxation under the agreement, the percentage of the assessed 42208  
valuation of the real property exempted from taxation, and the 42209  
period for which the exemption is granted, accompanied by the 42210  
statement: "The exemption commences the first year for which the 42211  
real property would first be taxable were that property not 42212  
exempted from taxation. No exemption shall commence after 42213  
..... (insert date) nor extend beyond ..... (insert 42214

~~date)." The tax commissioner shall adopt rules prescribing the 42215  
form the description of such property shall assume in order to 42216  
ensure that the property to be exempted from taxation under the 42217  
agreement is distinguishable from property that is not to be 42218  
exempted under that agreement. 42219~~

(2) "..... (insert name of owner) shall pay such real 42220  
property taxes as are not exempted under this agreement and are 42221  
charged against such property and shall file all tax reports and 42222  
returns as required by law. If ..... (insert name of owner) 42223  
fails to pay such taxes or file such returns and reports, 42224  
exemptions from taxation granted under this agreement are 42225  
rescinded beginning with the year for which such taxes are charged 42226  
or such reports or returns are required to be filed and 42227  
thereafter." 42228

(3) "..... (insert name of owner) hereby certifies that 42229  
at the time this agreement is executed, ..... (insert name of 42230  
owner) does not owe any delinquent real or tangible personal 42231  
property taxes to any taxing authority of the State of Ohio, and 42232  
does not owe delinquent taxes for which ..... (insert name of 42233  
owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 42234  
5747., or 5753. of the Ohio Revised Code, or, if such delinquent 42235  
taxes are owed, ..... (insert name of owner) currently is 42236  
paying the delinquent taxes pursuant to an undertaking enforceable 42237  
by the State of Ohio or an agent or instrumentality thereof, has 42238  
filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or 42239  
such a petition has been filed against ..... (insert name of 42240  
owner). For the purposes of this certification, delinquent taxes 42241  
are taxes that remain unpaid on the latest day prescribed for 42242  
payment without penalty under the chapter of the Revised Code 42243  
governing payment of those taxes." 42244

(4) "..... (insert name of municipal corporation or 42245  
county) shall perform such acts as are reasonably necessary or 42246

appropriate to effect, claim, reserve, and maintain exemptions 42247  
from taxation granted under this agreement including, without 42248  
limitation, joining in the execution of all documentation and 42249  
providing any necessary certificates required in connection with 42250  
such exemptions." 42251

(5) "If for any reason ..... (insert name of municipal 42252  
corporation or county) revokes the designation of the area, 42253  
entitlements granted under this agreement shall continue for the 42254  
number of years specified under this agreement, unless ..... 42255  
(insert name of owner) materially fails to fulfill its obligations 42256  
under this agreement and ..... (insert name of 42257  
municipal corporation or county) terminates or modifies the 42258  
exemptions from taxation pursuant to this agreement." 42259

(6) "If ..... (insert name of owner) materially fails to 42260  
fulfill its obligations under this agreement, or if ..... 42261  
(insert name of municipal corporation or county) determines that 42262  
the certification as to delinquent taxes required by this 42263  
agreement is fraudulent, ..... (insert name of municipal 42264  
corporation or county) may terminate or modify the exemptions from 42265  
taxation granted under this agreement." 42266

(7) "..... (insert name of owner) shall provide to the 42267  
proper tax incentive review council any information reasonably 42268  
required by the council to evaluate the applicant's compliance 42269  
with the agreement, including returns filed pursuant to section 42270  
5711.02 of the Ohio Revised Code if requested by the council." 42271

(8) "This agreement is not transferable or assignable without 42272  
the express, written approval of ..... (insert name of 42273  
municipal corporation or county)." 42274

(9) "Exemptions from taxation granted under this agreement 42275  
shall be revoked if it is determined that ..... (insert name 42276  
of owner), any successor to that person, or any related member (as 42277

those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under division (E) of section 3735.671 or section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(10) "..... (insert name of owner) and ..... (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of ..... (insert name of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

The statement described in division (C)(6) of this section may include the following statement, appended at the end of the statement: ", and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement."

(D) Except as otherwise provided in this division, an agreement entered into under this section shall require that the owner pay an annual fee equal to the greater of one per cent of the amount of taxes exempted under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 3735.672 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive

or reduce the amount of the fee, but such waiver or reduction does 42310  
not affect the obligations of the legislative authority or the tax 42311  
incentive review council to comply with section 3735.672 or 42312  
5709.85 of the Revised Code. 42313

(E) If any person that is party to an agreement granting an 42314  
exemption from taxation discontinues operations at the structure 42315  
to which that exemption applies prior to the expiration of the 42316  
term of the agreement, that person, any successor to that person, 42317  
and any related member shall not enter into an agreement under 42318  
this section or section 5709.62, 5709.63, or 5709.632 of the 42319  
Revised Code, and no legislative authority shall enter into such 42320  
an agreement with such a person, successor, or related member, 42321  
prior to the expiration of five years after the discontinuation of 42322  
operations. As used in this division, "successor" means a person 42323  
to which the assets or equity of another person has been 42324  
transferred, which transfer resulted in the full or partial 42325  
nonrecognition of gain or loss, or resulted in a carryover basis, 42326  
both as determined by rule adopted by the tax commissioner. 42327  
"Related member" has the same meaning as defined in section 42328  
5733.042 of the Revised Code without regard to division (B) of 42329  
that section. 42330

The director of development shall review all agreements 42331  
submitted to the director under division (F) of this section for 42332  
the purpose of enforcing this division. If the director determines 42333  
there has been a violation of this division, the director shall 42334  
notify the legislative authority of such violation, and the 42335  
legislative authority immediately shall revoke the exemption 42336  
granted under the agreement. 42337

(F) When an agreement is entered into under this section, the 42338  
legislative authority authorizing the agreement shall forward a 42339  
copy of the agreement to the director of development ~~and to the~~ 42340  
~~tax commissioner~~ within fifteen days after the agreement is 42341

entered into. 42342

**Sec. 3737.81.** (A) There is hereby created the state fire 42343  
commission consisting of ten members to be appointed by the 42344  
governor with the advice and consent of the senate. The fire 42345  
marshal or chief deputy fire marshal, a representative designated 42346  
by the department of public safety who has tenure in fire 42347  
suppression, and a representative designated by the board of 42348  
building standards shall be ex officio members. Of the initial 42349  
appointments made to the commission, two shall be for a term 42350  
ending one year after November 1, 1978, two shall be for a term 42351  
ending two years after that date, two shall be for a term ending 42352  
three years after that date, two shall be for a term ending four 42353  
years after that date, and two shall be for a term ending five 42354  
years after that date. Thereafter, terms of office shall be for 42355  
five years, each term ending on the same day of the same month of 42356  
the year as did the term which it succeeds. Each member shall hold 42357  
office from the date of appointment until the end of the term for 42358  
which the member was appointed. Any member appointed to fill a 42359  
vacancy occurring prior to the expiration of the term for which 42360  
the member's predecessor was appointed shall hold office for the 42361  
remainder of that term. Any member shall continue in office 42362  
subsequent to the expiration date of the member's term until a 42363  
successor takes office, or until a period of sixty days has 42364  
elapsed, whichever occurs first. Members shall be qualified by 42365  
experience and training to deal with the matters that are the 42366  
responsibility of the commission. Two members shall be members of 42367  
paid fire services, one shall be a member of volunteer fire 42368  
services, two shall be mayors, managers, or members of legislative 42369  
authorities of municipal corporations, one shall represent 42370  
commerce and industry, one shall be a representative of a fire 42371  
insurance company domiciled in this state, one shall represent the 42372  
flammable liquids industry, one shall represent the construction 42373

industry, and one shall represent the public. At no time shall 42374  
more than six members be members of or associated with the same 42375  
political party. Membership on the commission shall not constitute 42376  
holding a public office, and no person shall forfeit or otherwise 42377  
vacate the person's office or position of employment because of 42378  
membership on the commission. 42379

(B) The ex officio members may not vote, except that the fire 42380  
marshal or chief deputy fire marshal may vote in case of a tie. 42381

(C) Each member of the commission, other than ex officio 42382  
members, shall be paid an amount ~~equal to that payable under pay~~ 42383  
~~range 32 (S)(D)~~ fixed pursuant to division (J) of section 124.15 42384  
of the Revised Code, and the member's actual and necessary 42385  
expenses. 42386

(D) The commission shall select a chairperson and a 42387  
vice-chairperson from among its members. No business may be 42388  
transacted in the absence of a quorum. A quorum shall be at least 42389  
six members, excluding ex officio members, and shall include 42390  
either the chairperson or vice-chairperson. The commission shall 42391  
hold regular meetings at least once every two months and may meet 42392  
at any other time at the call of the chairperson. 42393

(E) The fire marshal shall provide the commission with office 42394  
space, meeting rooms, staff, and clerical assistance necessary for 42395  
the commission to perform its duties. If the commission maintains 42396  
the Ohio fire service hall of fame under division (C) of section 42397  
3737.03 of the Revised Code, the fire marshal shall preserve, in 42398  
an appropriate manner, in the office space or meeting rooms 42399  
provided to the commission under this division or in another 42400  
location, copies of all official commendations awarded to 42401  
individuals recognized and commemorated for their exemplary 42402  
accomplishments and acts of heroism at fire-related incidents or 42403  
similar events that occurred in this state. 42404

(F) If the commission maintains the Ohio fire service hall of fame under division (C) of section 3737.03 of the Revised Code, the expenses incurred for the recognition and commemoration of individuals for their exemplary accomplishments and acts of heroism at fire-related incidents or similar events that occurred in this state, including, but not limited to, expenses for official commendations and an annual awards ceremony as described in division ~~(C)~~(B) of section 3737.03 of the Revised Code, may be paid from moneys appropriated by the general assembly for purposes of that recognition and commemoration, from moneys that are available to the fire marshal under this chapter, or from other funding sources available to the commission.

**Sec. 3745.04.** As used in this section, "any person" means any individual, any partnership, corporation, association, or other legal entity, or any political subdivision, instrumentality, or agency of a state, whether or not the individual or legal entity is an applicant for or holder of a license, permit, or variance from the environmental protection agency, and includes any department, agency, or instrumentality of the federal government that is an applicant for or holder of a license, permit, or variance from the environmental protection agency.

As used in this section, "action" or "act" includes the adoption, modification, or repeal of a rule or standard, the issuance, modification, or revocation of any lawful order other than an emergency order, and the issuance, denial, modification, or revocation of a license, permit, lease, variance, or certificate, or the approval or disapproval of plans and specifications pursuant to law or rules adopted thereunder.

Any person who was a party to a proceeding before the director of environmental protection may participate in an appeal to the environmental review appeals commission for an order

vacating or modifying the action of the director or a local board 42436  
of health, or ordering the director or board of health to perform 42437  
an act. The environmental review appeals commission has exclusive 42438  
original jurisdiction over any matter that may, under this 42439  
section, be brought before it. 42440

The person so appealing to the commission shall be known as 42441  
appellant, and the director and any party to a proceeding 42442  
substantially supporting the finding from which the appeal is 42443  
taken shall be known as appellee, except that when an appeal 42444  
involves a license to operate a disposal site or facility, the 42445  
local board of health or the director of environmental protection, 42446  
and any party to a proceeding substantially supporting the finding 42447  
from which the appeal is taken, shall, as appropriate, be known as 42448  
the appellee. Appellant and appellee shall be deemed to be parties 42449  
to the appeal. 42450

The appeal shall be in writing and shall set forth the action 42451  
complained of and the grounds upon which the appeal is based. 42452

The appeal shall be filed with the commission within thirty 42453  
days after notice of the action. Notice of the filing of the 42454  
appeal shall be filed with the appellee within three days after 42455  
the appeal is filed with the commission. 42456

The appeal shall be accompanied by a filing fee of ~~sixty~~ 42457  
seventy dollars, which the commission, in its discretion, may 42458  
~~waive in cases of~~ reduce if by affidavit the appellant 42459  
demonstrates that payment of the full amount of the fee would 42460  
cause extreme hardship. 42461

Within seven days after receipt of the notice of appeal, the 42462  
director or local board of health shall prepare and certify to the 42463  
commission a record of the proceedings out of which the appeal 42464  
arises, including all documents and correspondence, and a 42465  
transcript of all testimony. 42466

Upon the filing of the appeal, the commission shall fix the 42467  
time and place at which the hearing on the appeal will be held. 42468  
The commission shall give the appellant and the appellee at least 42469  
ten days' written notice thereof by certified mail. The commission 42470  
shall hold the hearing within thirty days after the notice of 42471  
appeal is filed. The commission may postpone or continue any 42472  
hearing upon its own motion or upon application of the appellant 42473  
or of the appellee. 42474

The filing of an appeal does not automatically suspend or 42475  
stay execution of the action appealed from. Upon application by 42476  
the appellant, the commission may suspend or stay the execution 42477  
pending immediate determination of the appeal without interruption 42478  
by continuances, other than for unavoidable circumstances. 42479

As used in this section and sections 3745.05 and 3745.06 of 42480  
the Revised Code, "director of environmental protection" and 42481  
"director" are deemed to include the director of agriculture and 42482  
"environmental protection agency" is deemed to include the 42483  
department of agriculture with respect to actions that are 42484  
appealable to the commission under Chapter 903. of the Revised 42485  
Code. 42486

**Sec. 3745.11.** (A) Applicants for and holders of permits, 42487  
licenses, variances, plan approvals, and certifications issued by 42488  
the director of environmental protection pursuant to Chapters 42489  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 42490  
to the environmental protection agency for each such issuance and 42491  
each application for an issuance as provided by this section. No 42492  
fee shall be charged for any issuance for which no application has 42493  
been submitted to the director. 42494

(B) ~~Prior to January 1, 1994, each~~ Each person who is issued 42495  
~~a permit to operate, variance, or permit to install~~ prior to July 42496  
1, 2003, pursuant to rules adopted under division (F) of section 42497

3704.03 of the Revised Code shall pay the fees specified in the following ~~schedule~~ schedules:

(1) Fuel-Burning Equipment ( <u>boilers</u> )				42500
Input capacity ( <u>maximum</u> )	Permit		Permit	42501
(million British	<del>to</del>		to	42502
thermal units per hour)	<del>operate</del>	Variance	install	42503
<u>Greater than 0 or more</u> , but	<del>\$ 75</del>	<del>\$225</del>	\$ <del>100</del> <u>200</u>	42504
less than 10				42505
10 or more, but less than 100	210	450	<del>390</del> <u>400</u>	42506
100 or more, but less than 300	270	675	<del>585</del> <u>800</u>	42507
300 or more, but less than 500	330	900	<del>780</del>	42508
			<u>1500</u>	
500 or more, <u>but less than 1000</u>	500	975	<del>1000</del>	42509
			<u>2500</u>	
<u>1000 or more, but less than 5000</u>			<u>4000</u>	42510
<u>5000 or more</u>			<u>6000</u>	42511

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half of the applicable amount established in division (F)(1) of this section.

~~Any fuel burning equipment using only natural gas, propane, liquefied petroleum gas, or number two or lighter fuel oil shall be assessed a fee one half of that shown.~~

(2) Incinerators				42518
Input capacity	Permit		Permit	42519
(pounds per hour)	<del>to</del>		to	42520
0 to <del>50</del> <u>100</u>	<del>operate</del>	Variance	install	42521
<del>51</del> <u>101</u> to 500	<del>\$ 50</del>	<del>\$225</del>	\$ <del>65</del> <u>100</u>	42522
501 to 2000	210	450	<del>390</del> <u>400</u>	42523
2001 to <del>30,000</del> <u>20,000</u>	270	675	<del>585</del> <u>750</u>	42524
	330	900	<del>780</del>	42525
			<u>1000</u>	

more than <del>30,000</del> <u>20,000</u>	500	975	<del>1000</del> <u>2500</u>	42526
<del>(3)(a)</del> Process				42527
	Permit		Permit	42528
Process weight rate	<del>to</del>		to	42529
(pounds per hour)	<del>operate</del>	Variance	install	42530
0 to 1000	\$100	\$225	\$ 200	42531
1001 to 5000	210	450	<del>390</del> <u>400</u>	42532
5001 to 10,000	270	675	<del>585</del> <u>600</u>	42533
10,001 to 50,000	330	900	<del>780</del> <u>800</u>	42534
more than 50,000	500	975	1000	42535
In any process where process weight rate cannot be				42536
ascertained, the minimum fee shall be assessed.				42537
<u>(b) Notwithstanding division (B)(3)(a) of this section, any</u>				42538
<u>person issued a permit to install pursuant to rules adopted under</u>				42539
<u>division (F) of section 3704.03 of the Revised Code shall pay the</u>				42540
<u>fees established in division (B)(3)(c) of this section for a</u>				42541
<u>process used in any of the following industries, as identified by</u>				42542
<u>the applicable four-digit standard industrial classification code</u>				42543
<u>according to the Standard Industrial Classification Manual</u>				42544
<u>published by the United States office of management and budget in</u>				42545
<u>the executive office of the president, 1972, as revised:</u>				42546
<u>1211 Bituminous coal and lignite mining;</u>				42547
<u>1213 Bituminous coal and lignite mining services;</u>				42548
<u>1411 Dimension stone;</u>				42549
<u>1422 Crushed and broken limestone;</u>				42550
<u>1427 Crushed and broken stone, not elsewhere classified;</u>				42551
<u>1442 Construction sand and gravel;</u>				42552
<u>1446 Industrial sand;</u>				42553
<u>3281 Cut stone and stone products;</u>				42554

<u>3295 Minerals and earth, ground or otherwise treated.</u>				42555
<u>(c) The fees established in the following schedule apply to</u>				42556
<u>the issuance of a permit to install pursuant to rules adopted</u>				42557
<u>under division (F) of section 3704.03 of the Revised Code for a</u>				42558
<u>process listed in division (B)(3)(b) of this section:</u>				42559
<u>Process weight rate</u>		<u>Permit to</u>		42560
<u>(pounds per hour)</u>		<u>install</u>		42561
<u>0 to 1000</u>		<u>\$ 200</u>		42562
<u>10,001 to 50,000</u>		<u>300</u>		42563
<u>50,001 to 100,000</u>		<u>400</u>		42564
<u>100,001 to 200,000</u>		<u>500</u>		42565
<u>200,001 to 400,000</u>		<u>600</u>		42566
<u>400,001 or more</u>		<u>700</u>		42567
(4) Storage tanks				42568
Gallons ( <u>maximum useful capacity</u> )	<u>Permit</u>		<u>Permit</u>	42569
	<u>to</u>		<u>to</u>	42570
	<u>operate</u>	<u>Variance</u>	<u>install</u>	42571
				42572
<del>Less than 40,000</del> <u>0 to 20,000</u>	<del>\$150</del>	<del>\$225</del>	<del>\$ 195</del> <u>100</u>	42573
<del>20,001 to 40,000 or more, but less</del>				42574
<del>than 100,000</del>	<del>210</del>	<del>450</del>	<del>390</del> <u>150</u>	42575
<del>100,000 or more, but less</del>				42576
<del>than 400,000</del>	<del>270</del>	<del>675</del>	<del>585</del>	42577
<del>400,000 or more, but less</del>				42578
<del>than</del> <u>40,001 to 100,000</u>			<u>200</u>	42579
<u>100,001 to 250,000</u>			<u>250</u>	42580
<u>250,001 to 500,000</u>			<u>350</u>	42581
<u>500,001 to 1,000,000</u>	<del>330</del>	<del>900</del>	<del>780</del> <u>500</u>	42582
<del>1,000,000</del> <u>1,000,001 or more greater</u>	<del>500</del>	<del>975</del>	<del>1000</del> <u>750</u>	42583
(5) Gasoline				42584
Gasoline/ <u>fuel</u> dispensing	<u>Permit</u>		<u>Permit</u>	42585
facilities	<u>to</u>		<u>to</u>	42586

	operate	Variance	install	42587
For each gasoline/fuel				42588
dispensing facility	\$20	\$100	\$50 <u>100</u>	42589
(6) <del>Dry cleaning</del>				42590
Dry cleaning	Permit		Permit	42591
facilities	<del>to</del>		to	42592
	operate	Variance	install	42593
For each dry cleaning				42594
facility ( <u>includes all units</u>	\$50	\$200	\$100	42595
<u>at the facility</u> )				42596
(7) <del>Coal mining operations regulated under Chapter 1513. of</del>				42597
<del>the Revised Code shall be assessed a fee of two hundred fifty</del>				42598
<del>dollars per mine or location. <u>Registration status</u></del>				42599
			<u>Permit</u>	42600
			<u>to</u>	42601
			<u>install</u>	42602
<u>For each source covered by registration status</u>			<u>\$75</u>	42603
(C)(1) Except as otherwise provided in division (C)(2) of				42604
this section, beginning July 1, 1994, each person who owns or				42605
operates an air contaminant source and who is required to apply				42606
for and obtain a Title V permit under section 3704.036 of the				42607
Revised Code shall pay the fees set forth in division (C)(1) of				42608
this section. For the purposes of that division, total emissions				42609
of air contaminants may be calculated using engineering				42610
calculations, emissions factors, material balance calculations, or				42611
performance testing procedures, as authorized by the director.				42612
The following fees shall be assessed on the total actual				42613
emissions from a source in tons per year of the regulated				42614
pollutants particulate matter, sulfur dioxide, nitrogen oxides,				42615
organic compounds, and lead:				42616
(a) Fifteen dollars per ton on the total actual emissions of				42617
each such regulated pollutant during the period July through				42618

December 1993, to be collected no sooner than July 1, 1994; 42619

(b) Twenty dollars per ton on the total actual emissions of 42620  
each such regulated pollutant during calendar year 1994, to be 42621  
collected no sooner than April 15, 1995; 42622

(c) Twenty-five dollars per ton on the total actual emissions 42623  
of each such regulated pollutant in calendar year 1995, and each 42624  
subsequent calendar year, to be collected no sooner than the 42625  
fifteenth day of April of the year next succeeding the calendar 42626  
year in which the emissions occurred. 42627

The fees levied under division (C)(1) of this section do not 42628  
apply to that portion of the emissions of a regulated pollutant at 42629  
a facility that exceed four thousand tons during a calendar year. 42630

(2) The fees assessed under division (C)(1) of this section 42631  
are for the purpose of providing funding for the Title V permit 42632  
program. 42633

(3) The fees assessed under division (C)(1) of this section 42634  
do not apply to emissions from any electric generating unit 42635  
designated as a Phase I unit under Title IV of the federal Clean 42636  
Air Act prior to calendar year 2000. Those fees shall be assessed 42637  
on the emissions from such a generating unit commencing in 42638  
calendar year 2001 based upon the total actual emissions from the 42639  
generating unit during calendar year 2000 and shall continue to be 42640  
assessed each subsequent calendar year based on the total actual 42641  
emissions from the generating unit during the preceding calendar 42642  
year. 42643

(4) The director shall issue invoices to owners or operators 42644  
of air contaminant sources who are required to pay a fee assessed 42645  
under division (C) or (D) of this section. Any such invoice shall 42646  
be issued no sooner than the applicable date when the fee first 42647  
may be collected in a year under the applicable division, shall 42648  
identify the nature and amount of the fee assessed, and shall 42649

indicate that the fee is required to be paid within thirty days 42650  
after the issuance of the invoice. 42651

(D)(1) Except as provided in division (D)~~(2)~~(3) of this 42652  
section, ~~beginning from~~ January 1, 1994, ~~through December 31,~~ 42653  
~~2003,~~ each person who owns or operates an air contaminant source; 42654  
who is required to apply for a permit to operate pursuant to rules 42655  
adopted under division (G), or a variance pursuant to division 42656  
(H), of section 3704.03 of the Revised Code; and who is not 42657  
required to apply for and obtain a Title V permit under section 42658  
3704.036 of the Revised Code shall pay a single fee based upon the 42659  
sum of the actual annual emissions from the facility of the 42660  
regulated pollutants particulate matter, sulfur dioxide, nitrogen 42661  
oxides, organic compounds, and lead in accordance with the 42662  
following schedule: 42663

Total tons per year			42664
of regulated pollutants	Annual fee		42665
emitted	per facility		42666
More than 0, but less than 50	\$ 75		42667
50 or more, but less than 100	300		42668
100 or more	700		42669

(2) Except as provided in division (D)(3) of this section, 42670  
beginning January 1, 2004, each person who owns or operates an air 42671  
contaminant source; who is required to apply for a permit to 42672  
operate pursuant to rules adopted under division (G), or a 42673  
variance pursuant to division (H), of section 3704.03 of the 42674  
Revised Code; and who is not required to apply for and obtain a 42675  
Title V permit under section 3704.03 of the Revised Code shall pay 42676  
a single fee based upon the sum of the actual annual emissions 42677  
from the facility of the regulated pollutants particulate matter, 42678  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 42679  
accordance with the following schedule: 42680

Total tons per year 42681

<u>of regulated pollutants</u>	<u>Annual fee</u>	42682
<u>emitted</u>	<u>per facility</u>	42683
<u>More than 0, but less than 10</u>	<u>\$ 100</u>	42684
<u>10 or more, but less than 50</u>	<u>200</u>	42685
<u>50 or more, but less than 100</u>	<u>300</u>	42686
<u>100 or more</u>	<u>700</u>	42687

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2004~~ 2006, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons		42701
per year of all regulated	Annual fee	42702
pollutants emitted	per facility	42703
Less than 10	\$ 170	42704
10 or more, but less than 20	340	42705
20 or more, but less than 30	670	42706
30 or more, but less than 40	1,010	42707
40 or more, but less than 50	1,340	42708
50 or more, but less than 60	1,680	42709
60 or more, but less than 70	2,010	42710
70 or more, but less than 80	2,350	42711
80 or more, but less than 90	2,680	42712
90 or more, but less than 100	3,020	42713

100 or more 3,350 42714

~~(3)~~(4) The fees assessed under division (D)(1) of this 42715  
section shall be collected annually no sooner than the fifteenth 42716  
day of April, commencing in 1995. The fees assessed under division 42717  
(D)(2) of this section shall be collected annually no sooner than 42718  
the fifteenth day of April, commencing in 2005. The fees assessed 42719  
under division (D)~~(2)~~(3) of this section shall be collected no 42720  
sooner than the fifteenth day of April, commencing in 2000. The 42721  
fees assessed under division (D) of this section in a calendar 42722  
year shall be based upon the sum of the actual emissions of those 42723  
regulated pollutants during the preceding calendar year. For the 42724  
purpose of division (D) of this section, emissions of air 42725  
contaminants may be calculated using engineering calculations, 42726  
emission factors, material balance calculations, or performance 42727  
testing procedures, as authorized by the director. The director, 42728  
by rule, may require persons who are required to pay the fees 42729  
assessed under division (D) of this section to pay those fees 42730  
biennially rather than annually. 42731

(E)(1) Consistent with the need to cover the reasonable costs 42732  
of the Title V permit program, the director annually shall 42733  
increase the fees prescribed in division (C)(1) of this section by 42734  
the percentage, if any, by which the consumer price index for the 42735  
most recent calendar year ending before the beginning of a year 42736  
exceeds the consumer price index for calendar year 1989. Upon 42737  
calculating an increase in fees authorized by division (E)(1) of 42738  
this section, the director shall compile revised fee schedules for 42739  
the purposes of division (C)(1) of this section and shall make the 42740  
revised schedules available to persons required to pay the fees 42741  
assessed under that division and to the public. 42742

(2) For the purposes of division (E)(1) of this section: 42743

(a) The consumer price index for any year is the average of 42744  
the consumer price index for all urban consumers published by the 42745

United States department of labor as of the close of the 42746  
twelve-month period ending on the thirty-first day of August of 42747  
that year. 42748

(b) If the 1989 consumer price index is revised, the director 42749  
shall use the revision of the consumer price index that is most 42750  
consistent with that for calendar year 1989. 42751

(F) Each person who is issued a permit to install pursuant to 42752  
rules adopted under division (F) of section 3704.03 of the Revised 42753  
Code on or after ~~January 1, 1994~~ July 1, 2003, shall pay the fees 42754  
specified in the following schedules: 42755

(1) Fuel-burning equipment (boilers, furnaces, or process 42756  
heaters used in the process of burning fuel for the primary 42757  
purpose of producing heat or power by indirect heat transfer) 42758

Input capacity (maximum)		42759
(million British thermal units per hour)	Permit to install	42760
Greater than 0, but less than 10	\$ 200	42761
10 or more, but less than 100	400	42762
100 or more, but less than 300	<del>800</del> <u>1000</u>	42763
300 or more, but less than 500	<del>1500</del> <u>2250</u>	42764
500 or more, but less than 1000	<del>2500</del> <u>3750</u>	42765
1000 or more, but less than 5000	<del>4000</del> <u>6000</u>	42766
5000 or more	<del>6000</del> <u>9000</u>	42767

Units burning exclusively natural gas, number two fuel oil, 42768  
or both shall be assessed a fee that is one-half the applicable 42769  
amount shown in division (F)(1) of this section. 42770

(2) Combustion turbines and stationary internal combustion 42771  
engines designed to generate electricity 42772

<u>Generating capacity (mega watts)</u>	<u>Permit to install</u>	42773
<u>0 or more, but less than 10</u>	<u>\$ 25</u>	42774
<u>10 or more, but less than 25</u>	<u>150</u>	42775
<u>25 or more, but less than 50</u>	<u>300</u>	42776

<u>50 or more, but less than 100</u>	<u>500</u>	42777
<u>100 or more, but less than 250</u>	<u>1000</u>	42778
<u>250 or more</u>	<u>2000</u>	42779

(3) Incinerators 42780

Input capacity (pounds per hour)	Permit to install	42781
0 to 100	\$ 100	42782
101 to 500	<del>400</del> <u>500</u>	42783
501 to 2000	<del>750</del> <u>1000</u>	42784
2001 to 20,000	<del>1000</del> <u>1500</u>	42785
more than 20,000	<del>2500</del> <u>3750</u>	42786

~~(3)~~(4)(a) Process 42787

Process weight rate (pounds per hour)	Permit to install	42788
0 to 1000	\$ 200	42789
1001 to 5000	<del>400</del> <u>500</u>	42790
5001 to 10,000	<del>600</del> <u>750</u>	42791
10,001 to 50,000	<del>800</del> <u>1000</u>	42792
more than 50,000	<del>1000</del> <u>1250</u>	42793

In any process where process weight rate cannot be 42794  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 42795  
combustion turbine, stationary internal combustion engine, or 42796  
process heater designed to provide direct heat or power to a 42797  
process not designed to generate electricity shall be assessed a 42798  
fee established in division (F)(4)(a) of this section. A 42799  
combustion turbine or stationary internal combustion engine 42800  
designed to generate electricity shall be assessed a fee 42801  
established in division (F)(2) of this section. 42802

(b) Notwithstanding division (F)(3)(a) of this section, any 42803  
person issued a permit to install pursuant to rules adopted under 42804  
division (F) of section 3704.03 of the Revised Code shall pay the 42805  
fees set forth in division (F)(3)(c) of this section for a process 42806  
used in any of the following industries, as identified by the 42807  
applicable four-digit standard industrial classification code 42808

according to the Standard Industrial Classification Manual		42809
published by the United States office of management and budget in		42810
the executive office of the president, 1972, as revised:		42811
1211 Bituminous coal and lignite mining;		42812
1213 Bituminous coal and lignite mining services;		42813
1411 Dimension stone;		42814
1422 Crushed and broken limestone;		42815
1427 Crushed and broken stone, not elsewhere classified;		42816
1442 Construction sand and gravel;		42817
1446 Industrial sand;		42818
3281 Cut stone and stone products;		42819
3295 Minerals and earth, ground or otherwise treated.		42820
(c) The fees set forth in the following schedule apply to the		42821
issuance of a permit to install pursuant to rules adopted under		42822
division (F) of section 3704.03 of the Revised Code for a process		42823
identified in division (F)(3)(b) of this section:		42824
Gallons (maximum		42825
<del>useful capacity</del> <u>Process weight rate</u>	Permit to install	42826
<p>(pounds per hour)</p>		
0 to <del>20,000</del> <u>10,000</u>	\$ <del>100</del> <u>200</u>	42827
<del>20,001</del> <u>10,001</u> to <del>40,000</del> <u>50,000</u>	<del>150</del> <u>400</u>	42828
<del>40,001</del> <u>50,001</u> to 100,000	<del>200</del> <u>500</u>	42829
100,001 to <del>250,000</del> <u>200,000</u>	<del>250</del> <u>600</u>	42830
<del>250,001</del> <u>200,001</u> to <del>500,000</del> <u>400,000</u>	<del>350</del> <u>750</u>	42831
<del>500,001</del> to <del>1,000,000</del>	500	42832
<del>1,000,001</del> <u>400,001</u> or <del>greater</del> <u>more</u>	<del>750</del> <u>900</u>	42833
(4)(5) Storage tanks		42834
Gallons (maximum useful capacity)	Permit to install	42835
0 to 20,000	\$ 100	42836

20,001 to 40,000	150	42837
40,001 to 100,000	<del>200</del> <u>250</u>	42838
100,001 to <del>250,000</del>	<del>250</del>	42839
<del>250,001</del> to 500,000	<del>350</del> <u>400</u>	42840
500,001 to <del>1,000,000</del>	<del>500</del>	42841
<del>1,000,001</del> or greater	750	42842
<u>(5)(6)</u> Gasoline/fuel dispensing facilities		42843
For each gasoline/fuel	Permit to install	42844
dispensing facility ( <u>includes all</u>	\$ 100	42845
<u>units at the facility</u> )		
<u>(6)(7)</u> Dry cleaning facilities		42846
For each dry cleaning		42847
facility (includes all units	Permit to install	42848
at the facility)	\$ 100	42849
<u>(7)(8)</u> Registration status		42850
For each source covered	Permit to install	42851
by registration status	\$ 75	42852
(G) An owner or operator who is responsible for an asbestos		42853
demolition or renovation project pursuant to rules adopted under		42854
section 3704.03 of the Revised Code shall pay the fees set forth		42855
in the following schedule:		42856
Action	Fee	42857
Each notification	\$75	42858
Asbestos removal	\$3/unit	42859
Asbestos cleanup	\$4/cubic yard	42860
For purposes of this division, "unit" means any combination of		42861
linear feet or square feet equal to fifty.		42862
(H) A person who is issued an extension of time for a permit		42863
to install an air contaminant source pursuant to rules adopted		42864
under division (F) of section 3704.03 of the Revised Code shall		42865
pay a fee equal to one-half the fee originally assessed for the		42866

permit to install under this section, except that the fee for such 42867  
an extension shall not exceed two hundred dollars. 42868

(I) A person who is issued a modification to a permit to 42869  
install an air contaminant source pursuant to rules adopted under 42870  
section 3704.03 of the Revised Code shall pay a fee equal to 42871  
one-half of the fee that would be assessed under this section to 42872  
obtain a permit to install the source. The fee assessed by this 42873  
division only applies to modifications that are initiated by the 42874  
owner or operator of the source and shall not exceed two thousand 42875  
dollars. 42876

(J) Notwithstanding division (B) or (F) of this section, a 42877  
person who applies for or obtains a permit to install pursuant to 42878  
rules adopted under division (F) of section 3704.03 of the Revised 42879  
Code after the date actual construction of the source began shall 42880  
pay a fee for the permit to install that is equal to twice the fee 42881  
that otherwise would be assessed under the applicable division 42882  
unless the applicant received authorization to begin construction 42883  
under division (W) of section 3704.03 of the Revised Code. This 42884  
division only applies to sources for which actual construction of 42885  
the source begins on or after July 1, 1993. The imposition or 42886  
payment of the fee established in this division does not preclude 42887  
the director from taking any administrative or judicial 42888  
enforcement action under this chapter, Chapter 3704., 3714., 42889  
3734., or 6111. of the Revised Code, or a rule adopted under any 42890  
of them, in connection with a violation of rules adopted under 42891  
division (F) of section 3704.03 of the Revised Code. 42892

As used in this division, "actual construction of the source" 42893  
means the initiation of physical on-site construction activities 42894  
in connection with improvements to the source that are permanent 42895  
in nature, including, without limitation, the installation of 42896  
building supports and foundations and the laying of underground 42897  
pipework. 42898

(K) Fifty cents per ton of each fee assessed under division 42899  
(C) of this section on actual emissions from a source and received 42900  
by the environmental protection agency pursuant to that division 42901  
shall be deposited into the state treasury to the credit of the 42902  
small business assistance fund created in section 3706.19 of the 42903  
Revised Code. The remainder of the moneys received by the division 42904  
pursuant to that division and moneys received by the agency 42905  
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 42906  
section shall be deposited in the state treasury to the credit of 42907  
the clean air fund created in section 3704.035 of the Revised 42908  
Code. 42909

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 42910  
or (c) of this section, a person issued a water discharge permit 42911  
or renewal of a water discharge permit pursuant to Chapter 6111. 42912  
of the Revised Code shall pay a fee based on each point source to 42913  
which the issuance is applicable in accordance with the following 42914  
schedule: 42915

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	42917
1,001 to 5000	100	42918
5,001 to 50,000	200	42919
50,001 to 100,000	300	42920
100,001 to 300,000	525	42921
over 300,000	750	42922

(b) Notwithstanding the fee schedule specified in division 42923  
(L)(1)(a) of this section, the fee for a water discharge permit 42924  
that is applicable to coal mining operations regulated under 42925  
Chapter 1513. of the Revised Code shall be two hundred fifty 42926  
dollars per mine. 42927

(c) Notwithstanding the fee schedule specified in division 42928  
(L)(1)(a) of this section, the fee for a water discharge permit 42929  
for a public discharger identified by I in the third character of 42930

the permittee's NPDES permit number shall not exceed seven hundred 42931  
fifty dollars. 42932

(2) A person applying for a plan approval for a wastewater 42933  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 42934  
of the Revised Code shall pay a fee of one hundred dollars plus 42935  
sixty-five one-hundredths of one per cent of the estimated project 42936  
cost through June 30, ~~2004~~ 2006, and one hundred dollars plus 42937  
two-tenths of one per cent of the estimated project cost on and 42938  
after July 1, ~~2004~~ 2006, except that the total fee shall not 42939  
exceed fifteen thousand dollars through June 30, ~~2004~~ 2006, and 42940  
five thousand dollars on and after July 1, ~~2004~~ 2006. The fee 42941  
shall be paid at the time the application is submitted. 42942

(3) A person issued a modification of a water discharge 42943  
permit shall pay a fee equal to one-half the fee that otherwise 42944  
would be charged for a water discharge permit, except that the fee 42945  
for the modification shall not exceed four hundred dollars. 42946

(4) A person who has entered into an agreement with the 42947  
director under section 6111.14 of the Revised Code shall pay an 42948  
administrative service fee for each plan submitted under that 42949  
section for approval that shall not exceed the minimum amount 42950  
necessary to pay administrative costs directly attributable to 42951  
processing plan approvals. The director annually shall calculate 42952  
the fee and shall notify all persons who have entered into 42953  
agreements under that section, or who have applied for agreements, 42954  
of the amount of the fee. 42955

(5)(a)(i) Not later than January 30, ~~2002~~ 2004, and January 42956  
30, ~~2003~~ 2005, a person holding an NPDES discharge permit issued 42957  
pursuant to Chapter 6111. of the Revised Code with an average 42958  
daily discharge flow of five thousand gallons or more shall pay a 42959  
nonrefundable annual discharge fee. Any person who fails to pay 42960  
the fee at that time shall pay an additional amount that equals 42961  
ten per cent of the required annual discharge fee. 42962

(ii) The billing year for the annual discharge fee 42963  
established in division (L)(5)(a)(i) of this section shall consist 42964  
of a twelve-month period beginning on the first day of January of 42965  
the year preceding the date when the annual discharge fee is due. 42966  
In the case of an existing source that permanently ceases to 42967  
discharge during a billing year, the director shall reduce the 42968  
annual discharge fee, including the surcharge applicable to 42969  
certain industrial facilities pursuant to division (L)(5)(c) of 42970  
this section, by one-twelfth for each full month during the 42971  
billing year that the source was not discharging, but only if the 42972  
person holding the NPDES discharge permit for the source notifies 42973  
the director in writing, not later than the first day of October 42974  
of the billing year, of the circumstances causing the cessation of 42975  
discharge. 42976

(iii) The annual discharge fee established in division 42977  
(L)(5)(a)(i) of this section, except for the surcharge applicable 42978  
to certain industrial facilities pursuant to division (L)(5)(c) of 42979  
this section, shall be based upon the average daily discharge flow 42980  
in gallons per day calculated using first day of May through 42981  
thirty-first day of October flow data for the period two years 42982  
prior to the date on which the fee is due. In the case of NPDES 42983  
discharge permits for new sources, the fee shall be calculated 42984  
using the average daily design flow of the facility until actual 42985  
average daily discharge flow values are available for the time 42986  
period specified in division (L)(5)(a)(iii) of this section. The 42987  
annual discharge fee may be prorated for a new source as described 42988  
in division (L)(5)(a)(ii) of this section. 42989

(b) An NPDES permit holder that is a public discharger shall 42990  
pay the fee specified in the following schedule: 42991

Average daily	Fee due by	42992
discharge flow	January 30,	42993
	<del>2002</del> <u>2004</u> , and	42994

	January 30, <del>2003</del>	42995
	<u>2005</u>	
5,000 to 49,999	\$ 200	42996
50,000 to 100,000	500	42997
100,001 to 250,000	1,050	42998
250,001 to 1,000,000	2,600	42999
1,000,001 to 5,000,000	5,200	43000
5,000,001 to 10,000,000	10,350	43001
10,000,001 to 20,000,000	15,550	43002
20,000,001 to 50,000,000	25,900	43003
50,000,001 to 100,000,000	41,400	43004
100,000,001 or more	62,100	43005
Public dischargers owning or operating two or more publicly		43006
owned treatment works serving the same political subdivision, as		43007
"treatment works" is defined in section 6111.01 of the Revised		43008
Code, and that serve exclusively political subdivisions having a		43009
population of fewer than one hundred thousand shall pay an annual		43010
discharge fee under division (L)(5)(b) of this section that is		43011
based on the combined average daily discharge flow of the		43012
treatment works.		43013
(c) An NPDES permit holder that is an industrial discharger,		43014
other than a coal mining operator identified by P in the third		43015
character of the permittee's NPDES permit number, shall pay the		43016
fee specified in the following schedule:		43017
Average daily	Fee due by	43018
discharge flow	January 30,	43019
	<del>2002</del> <u>2004</u> , and	43020
	January 30, <del>2003</del>	43021
	<u>2005</u>	
5,000 to 49,999	\$ 250	43022
50,000 to 250,000	1,200	43023
250,001 to 1,000,000	2,950	43024

1,000,001 to 5,000,000	5,850	43025
5,000,001 to 10,000,000	8,800	43026
10,000,001 to 20,000,000	11,700	43027
20,000,001 to 100,000,000	14,050	43028
100,000,001 to 250,000,000	16,400	43029
250,000,001 or more	18,700	43030

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2002~~ 2004, and not later than January 30, ~~2003~~ 2005. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2002~~ 2004, and not later than January 30, ~~2003~~ 2005. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the

fee on the date specified in division (L)(6) of this section shall 43057  
pay an additional amount per year equal to ten per cent of the 43058  
annual fee that is unpaid. 43059

(7) The director shall transmit all moneys collected under 43060  
division (L) of this section to the treasurer of state for deposit 43061  
into the state treasury to the credit of the surface water 43062  
protection fund created in section 6111.038 of the Revised Code. 43063

(8) As used in division (L) of this section: 43064

(a) "NPDES" means the federally approved national pollutant 43065  
discharge elimination system program for issuing, modifying, 43066  
revoking, reissuing, terminating, monitoring, and enforcing 43067  
permits and imposing and enforcing pretreatment requirements under 43068  
Chapter 6111. of the Revised Code and rules adopted under it. 43069

(b) "Public discharger" means any holder of an NPDES permit 43070  
identified by P in the second character of the NPDES permit number 43071  
assigned by the director. 43072

(c) "Industrial discharger" means any holder of an NPDES 43073  
permit identified by I in the second character of the NPDES permit 43074  
number assigned by the director. 43075

(d) "Major discharger" means any holder of an NPDES permit 43076  
classified as major by the regional administrator of the United 43077  
States environmental protection agency in conjunction with the 43078  
director. 43079

(M) Through June 30, ~~2004~~ 2006, a person applying for a 43080  
license or license renewal to operate a public water system under 43081  
section 6109.21 of the Revised Code shall pay the appropriate fee 43082  
established under this division at the time of application to the 43083  
director. Any person who fails to pay the fee at that time shall 43084  
pay an additional amount that equals ten per cent of the required 43085  
fee. The director shall transmit all moneys collected under this 43086  
division to the treasurer of state for deposit into the drinking 43087

water protection fund created in section 6109.30 of the Revised Code. 43088  
43089

~~Fees~~ Except as provided in division (M)(4) of this section, 43090  
fees required under this division shall be calculated and paid in 43091  
accordance with the following schedule: 43092

(1) For the initial license required under division (A)(1) of 43093  
section 6109.21 of the Revised Code for any public water system 43094  
that is a community water system as defined in section 6109.01 of 43095  
the Revised Code, and for each license renewal required for such a 43096  
system prior to January 31, ~~2004~~ 2006, the fee is: 43097

Number of service connections	Fee amount	
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Not more than 49	<del>\$56</del> <u>112</u>	43099
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50 to 99	<del>88</del> <u>176</u>	43100
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Number of service connections	Average cost per connection	
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100 to 2,499	<del>\$.96</del> <u>1.92</u>	43102
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2,500 to 4,999	<del>.92</del> <u>1.48</u>	43103
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5,000 to 7,499	<del>.88</del> <u>1.42</u>	43104
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7,500 to 9,999	<del>.84</del> <u>1.34</u>	43105
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10,000 to 14,999	<del>.80</del> <u>1.16</u>	43106
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15,000 to 24,999	<del>.76</del> <u>1.10</u>	43107
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25,000 to 49,999	<del>.72</del> <u>1.04</u>	43108
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50,000 to 99,999	<del>.68</del> <u>.92</u>	43109
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100,000 to 149,999	<del>.64</del> <u>.86</u>	43110
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150,000 to 199,999	<del>.60</del> <u>.80</u>	43111
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200,000 or more	<del>.56</del> <u>.76</u>	43112
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A public water system may determine how it will pay the total 43113  
amount of the fee calculated under division (M)(1) of this 43114  
section, including the assessment of additional user fees that may 43115  
be assessed on a volumetric basis. 43116

As used in division (M)(1) of this section, "service 43117  
connection" means the number of active or inactive pipes, 43118  
goosenecks, pigtails, and any other fittings connecting a water 43119

main to any building outlet. 43120

(2) For the initial license required under division (A)(2) of 43121  
section 6109.21 of the Revised Code for any public water system 43122  
that is not a community water system and serves a nontransient 43123  
population, and for each license renewal required for such a 43124  
system prior to January 31, ~~2004~~ 2006, the fee is: 43125

Population served	Fee amount	
Fewer than 150	\$ <del>56</del> <u>112</u>	43127
150 to 299	<del>88</del> <u>176</u>	43128
300 to 749	<del>192</del> <u>384</u>	43129
750 to 1,499	<del>392</del> <u>628</u>	43130
1,500 to 2,999	<del>792</del> <u>1,268</u>	43131
3,000 to 7,499	<del>1,760</del> <u>2,816</u>	43132
7,500 to 14,999	<del>3,800</del> <u>5,510</u>	43133
15,000 to 22,499	<del>6,240</del> <u>9,048</u>	43134
22,500 to 29,999	<del>8,576</del> <u>12,430</u>	43135
30,000 or more	<del>11,600</del> <u>16,820</u>	43136

As used in division (M)(2) of this section, "population 43137  
served" means the total number of individuals receiving water from 43138  
the water supply during a twenty-four-hour period for at least 43139  
sixty days during any calendar year. In the absence of a specific 43140  
population count, that number shall be calculated at the rate of 43141  
three individuals per service connection. 43142

(3) For the initial license required under division (A)(3) of 43143  
section 6109.21 of the Revised Code for any public water system 43144  
that is not a community water system and serves a transient 43145  
population, and for each license renewal required for such a 43146  
system prior to January 31, ~~2004~~ 2006, the fee is: 43147

Number of wells supplying system	Fee amount	
1	\$ <del>56</del> <u>112</u>	43149
2	<del>56</del> <u>112</u>	43150
3	<del>88</del> <u>176</u>	43151

4	<del>192</del> <u>278</u>	43152
5	<del>392</del> <u>568</u>	43153
System <del>supplied by</del> <u>designated as</u> <u>using a surface</u>		43154
water, <del>springs, or dug wells</del> <u>source</u>	792	43155
As used in division (M)(3) of this section, "number of wells supplying system" means those wells that are physically connected to the plumbing system serving the public water system.		43156 43157 43158
<u>(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.</u>		43159 43160 43161 43162
(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred <u>fifty</u> dollars plus <del>two tenths</del> <u>thirty-five hundredths</u> of one per cent of the estimated project cost, except that the total fee shall not exceed <del>fifteen</del> <u>twenty</u> thousand dollars through June 30, <del>2004</del> <u>2006</u> , and <del>five</del> <u>fifteen</u> thousand dollars on and after July 1, <del>2004</del> <u>2006</u> . The fee shall be paid at the time the application is submitted.		43163 43164 43165 43166 43167 43168 43169 43170
(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.		43171 43172 43173 43174 43175 43176 43177 43178 43179
(3) Through June 30, <del>2004</del> <u>2006</u> , the following fee, on a per survey basis, shall be charged any person for services rendered by		43180 43181

the state in the evaluation of laboratories and laboratory		43182
personnel for compliance with accepted analytical techniques and		43183
procedures established pursuant to Chapter 6109. of the Revised		43184
Code for determining the qualitative characteristics of water:		43185
microbiological	<del>\$1,650</del>	43186
<u>MMO-MUG</u>	<u>\$2,000</u>	43187
<u>MF</u>	<u>2,100</u>	43188
<u>MMO-MUG and MF</u>	<u>2,550</u>	43189
organic chemical	<del>3,500</del> <u>5,400</u>	43190
<del>inorganic chemical</del> <u>trace</u>	<del>3,500</del> <u>5,400</u>	43191
<u>metals</u>		
standard chemistry	<del>1,800</del> <u>2,800</u>	43192
limited chemistry	<del>1,000</del> <u>1,550</u>	43193

On and after July 1, ~~2004~~ 2006, the following fee, on a per  
survey basis, shall be charged any such person:

microbiological	<del>\$250</del> <u>1,650</u>	43196
<u>organic chemicals</u>	<u>3,500</u>	43197
<del>chemical/radiological</del> <u>trace</u>	<del>250</del> <u>3,500</u>	43198
<u>metals</u>		
<u>standard chemistry</u>	<u>1,800</u>	43199
<del>nitrate/turbidity (only)</del>	<del>150</del> <u>1,000</u>	43200
<u>limited chemistry</u>		

The fee for those services shall be paid at the time the request  
for the survey is made. Through June 30, ~~2004~~ 2006, an individual  
laboratory shall not be assessed a fee under this division more  
than once in any three-year period unless the person requests the  
addition of analytical methods or analysts, in which case the  
person shall pay eighteen hundred dollars for each additional  
survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.

(b) "MMO" means minimal medium ONPG. 43210

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 43211

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 43212

The director shall transmit all moneys collected under this 43213  
division to the treasurer of state for deposit into the drinking 43214  
water protection fund created in section 6109.30 of the Revised 43215  
Code. 43216

(O) Any person applying to the director for examination for 43217  
certification as an operator of a water supply system or 43218  
wastewater system under Chapter 6109. or 6111. of the Revised 43219  
Code, at the time the application is submitted, shall pay an 43220  
application fee of twenty-five dollars through ~~June~~ November 30, 43221  
~~2004, and ten dollars on and after July 1, 2004~~ 2003. Upon 43222  
approval from the director that the applicant is eligible to take 43223  
the examination therefor, the applicant shall pay a fee in 43224  
accordance with the following schedule through ~~June~~ November 30, 43225  
~~2004~~ 2003: 43226

Class I operator	\$45	43227
Class II operator	55	43228
Class III operator	65	43229
Class IV operator	75	43230

On and after December 1, 2003, any person applying to the 43231  
director for examination for certification as an operator of a 43232  
water supply system or wastewater system under Chapter 6109. or 43233  
6111. of the Revised Code, at the time the application is 43234  
submitted, shall pay an application fee of forty-five dollars 43235  
through November 30, 2006, and twenty-five dollars on and after 43236  
December 1, 2006. Upon approval from the director that the 43237  
applicant is eligible to take the examination therefor, the 43238  
applicant shall pay a fee in accordance with the following 43239  
schedule through November 30, 2006: 43240

<u>Class A operator</u>	<u>\$35</u>	43241
<u>Class I operator</u>	<u>60</u>	43242
<u>Class II operator</u>	<u>75</u>	43243
<u>Class III operator</u>	<u>85</u>	43244
<u>Class IV operator</u>	<u>100</u>	43245

On and after ~~July~~ December 1, ~~2004~~ 2006, the applicant shall 43246  
pay a fee in accordance with the following schedule: 43247

<u>Class A operator</u>	<u>\$25</u>	43248
Class I operator	<del>\$25</del> <u>45</u>	43249
Class II operator	<del>35</del> <u>55</u>	43250
Class III operator	<del>45</del> <u>65</u>	43251
Class IV operator	<del>55</del> <u>75</u>	43252

A person shall pay a biennial certification renewal fee for 43253  
each applicable class of certification in accordance with the 43254  
following schedule: 43255

<u>Class A operator</u>	<u>\$25</u>	43256
<u>Class I operator</u>	<u>35</u>	43257
<u>Class II operator</u>	<u>45</u>	43258
<u>Class III operator</u>	<u>55</u>	43259
<u>Class IV operator</u>	<u>65</u>	43260

If a certification renewal fee is received by the director 43261  
more than thirty days, but not more than one year after the 43262  
expiration date of the certification, the person shall pay a 43263  
certification renewal fee in accordance with the following 43264  
schedule: 43265

<u>Class A operator</u>	<u>\$45</u>	43266
<u>Class I operator</u>	<u>55</u>	43267
<u>Class II operator</u>	<u>65</u>	43268
<u>Class III operator</u>	<u>75</u>	43269
<u>Class IV operator</u>	<u>85</u>	43270

A person who requests a replacement certificate shall pay a 43271  
fee of twenty-five dollars at the time the request is made. 43272

The director shall transmit all moneys collected under this 43273  
division to the treasurer of state for deposit into the drinking 43274  
water protection fund created in section 6109.30 of the Revised 43275  
Code. 43276

(P) ~~Through June 30, 2004, any~~ Any person submitting an 43277  
application for an industrial water pollution control certificate 43278  
under section 6111.31 of the Revised Code, as that section existed 43279  
before its repeal by H.B. 95 of the 125th general assembly, shall 43280  
pay a nonrefundable fee of five hundred dollars at the time the 43281  
application is submitted. The director shall transmit all moneys 43282  
collected under this division to the treasurer of state for 43283  
deposit into the surface water protection fund created in section 43284  
6111.038 of the Revised Code. A person paying a certificate fee 43285  
under this division shall not pay an application fee under 43286  
division (S)(1) of this section. On and after the effective date 43287  
of this amendment, persons shall file such applications and pay 43288  
the fee as required under sections 5709.20 to 5709.27 of the 43289  
Revised Code, and proceeds from the fee shall be credited as 43290  
provided in section 5709.212 of the Revised Code. 43291

(Q) Except as otherwise provided in division (R) of this 43292  
section, a person issued a permit by the director for a new solid 43293  
waste disposal facility other than an incineration or composting 43294  
facility, a new infectious waste treatment facility other than an 43295  
incineration facility, or a modification of such an existing 43296  
facility that includes an increase in the total disposal or 43297  
treatment capacity of the facility pursuant to Chapter 3734. of 43298  
the Revised Code shall pay a fee of ten dollars per thousand cubic 43299  
yards of disposal or treatment capacity, or one thousand dollars, 43300  
whichever is greater, except that the total fee for any such 43301  
permit shall not exceed eighty thousand dollars. A person issued a 43302  
modification of a permit for a solid waste disposal facility or an 43303  
infectious waste treatment facility that does not involve an 43304

increase in the total disposal or treatment capacity of the 43305  
facility shall pay a fee of one thousand dollars. A person issued 43306  
a permit to install a new, or modify an existing, solid waste 43307  
transfer facility under that chapter shall pay a fee of two 43308  
thousand five hundred dollars. A person issued a permit to install 43309  
a new or to modify an existing solid waste incineration or 43310  
composting facility, or an existing infectious waste treatment 43311  
facility using incineration as its principal method of treatment, 43312  
under that chapter shall pay a fee of one thousand dollars. The 43313  
increases in the permit fees under this division resulting from 43314  
the amendments made by Amended Substitute House Bill 592 of the 43315  
117th general assembly do not apply to any person who submitted an 43316  
application for a permit to install a new, or modify an existing, 43317  
solid waste disposal facility under that chapter prior to 43318  
September 1, 1987; any such person shall pay the permit fee 43319  
established in this division as it existed prior to June 24, 1988. 43320  
In addition to the applicable permit fee under this division, a 43321  
person issued a permit to install or modify a solid waste facility 43322  
or an infectious waste treatment facility under that chapter who 43323  
fails to pay the permit fee to the director in compliance with 43324  
division (V) of this section shall pay an additional ten per cent 43325  
of the amount of the fee for each week that the permit fee is 43326  
late. 43327

Permit and late payment fees paid to the director under this 43328  
division shall be credited to the general revenue fund. 43329

(R)(1) A person issued a registration certificate for a scrap 43330  
tire collection facility under section 3734.75 of the Revised Code 43331  
shall pay a fee of two hundred dollars, except that if the 43332  
facility is owned or operated by a motor vehicle salvage dealer 43333  
licensed under Chapter 4738. of the Revised Code, the person shall 43334  
pay a fee of twenty-five dollars. 43335

(2) A person issued a registration certificate for a new 43336

scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment

fees paid to the director under divisions (R)(1) to (7) of this 43368  
section shall be credited to the scrap tire management fund 43369  
created in section 3734.82 of the Revised Code. 43370

(S)(1) Except as provided by divisions (L), (M), (N), (O), 43371  
(P), and (S)(2) of this section, division (A)(2) of section 43372  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 43373  
and rules adopted under division (T)(1) of this section, any 43374  
person applying for a registration certificate under section 43375  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 43376  
variance, or plan approval under Chapter 3734. of the Revised Code 43377  
shall pay a nonrefundable fee of fifteen dollars at the time the 43378  
application is submitted. 43379

Except as otherwise provided, any person applying for a 43380  
permit, variance, or plan approval under Chapter 6109. or 6111. of 43381  
the Revised Code shall pay a nonrefundable fee of one hundred 43382  
dollars at the time the application is submitted through June 30, 43383  
~~2004~~ 2006, and a nonrefundable fee of fifteen dollars at the time 43384  
the application is submitted on and after July 1, ~~2004~~ 2006. 43385  
Through June 30, ~~2004~~ 2006, any person applying for a national 43386  
pollutant discharge elimination system permit under Chapter 6111. 43387  
of the Revised Code shall pay a nonrefundable fee of two hundred 43388  
dollars at the time of application for the permit. On and after 43389  
July 1, ~~2004~~ 2006, such a person shall pay a nonrefundable fee of 43390  
fifteen dollars at the time of application. 43391

In addition to the application fee established under division 43392  
(S)(1) of this section, any person applying for a national 43393  
pollutant discharge elimination system general storm water 43394  
construction permit shall pay a nonrefundable fee of twenty 43395  
dollars per acre for each acre that is permitted above five acres 43396  
at the time the application is submitted. However, the per acreage 43397  
fee shall not exceed three hundred dollars. In addition, any 43398  
person applying for a national pollutant discharge elimination 43399

system general storm water industrial permit shall pay a 43400  
nonrefundable fee of one hundred fifty dollars at the time the 43401  
application is submitted. 43402

The director shall transmit all moneys collected under 43403  
division (S)(1) of this section pursuant to Chapter 6109. of the 43404  
Revised Code to the treasurer of state for deposit into the 43405  
drinking water protection fund created in section 6109.30 of the 43406  
Revised Code. 43407

The director shall transmit all moneys collected under 43408  
division (S)(1) of this section pursuant to Chapter 6111. of the 43409  
Revised Code to the treasurer of state for deposit into the 43410  
surface water protection fund created in section 6111.038 of the 43411  
Revised Code. 43412

If a registration certificate is issued under section 43413  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 43414  
the application fee paid shall be deducted from the amount of the 43415  
registration certificate fee due under division (R)(1), (2), or 43416  
(5) of this section, as applicable. 43417

If a person submits an electronic application for a 43418  
registration certificate, permit, variance, or plan approval for 43419  
which an application fee is established under division (S)(1) of 43420  
this section, the person shall pay the applicable application fee 43421  
as expeditiously as possible after the submission of the 43422  
electronic application. An application for a registration 43423  
certificate, permit, variance, or plan approval for which an 43424  
application fee is established under division (S)(1) of this 43425  
section shall not be reviewed or processed until the applicable 43426  
application fee, and any other fees established under this 43427  
division, are paid. 43428

(2) Division (S)(1) of this section does not apply to an 43429  
application for a registration certificate for a scrap tire 43430

collection or storage facility submitted under section 3734.75 or 43431  
3734.76 of the Revised Code, as applicable, if the owner or 43432  
operator of the facility or proposed facility is a motor vehicle 43433  
salvage dealer licensed under Chapter 4738. of the Revised Code. 43434

(T) The director may adopt, amend, and rescind rules in 43435  
accordance with Chapter 119. of the Revised Code that do all of 43436  
the following: 43437

(1) Prescribe fees to be paid by applicants for and holders 43438  
of any license, permit, variance, plan approval, or certification 43439  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 43440  
the Revised Code that are not specifically established in this 43441  
section. The fees shall be designed to defray the cost of 43442  
processing, issuing, revoking, modifying, denying, and enforcing 43443  
the licenses, permits, variances, plan approvals, and 43444  
certifications. 43445

The director shall transmit all moneys collected under rules 43446  
adopted under division (T)(1) of this section pursuant to Chapter 43447  
6109. of the Revised Code to the treasurer of state for deposit 43448  
into the drinking water protection fund created in section 6109.30 43449  
of the Revised Code. 43450

The director shall transmit all moneys collected under rules 43451  
adopted under division (T)(1) of this section pursuant to Chapter 43452  
6111. of the Revised Code to the treasurer of state for deposit 43453  
into the surface water protection fund created in section 6111.038 43454  
of the Revised Code. 43455

(2) Exempt the state and political subdivisions thereof, 43456  
including education facilities or medical facilities owned by the 43457  
state or a political subdivision, or any person exempted from 43458  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 43459  
any fee required by this section; 43460

(3) Provide for the waiver of any fee, or any part thereof, 43461

otherwise required by this section whenever the director 43462  
determines that the imposition of the fee would constitute an 43463  
unreasonable cost of doing business for any applicant, class of 43464  
applicants, or other person subject to the fee; 43465

(4) Prescribe measures that the director considers necessary 43466  
to carry out this section. 43467

(U) When the director reasonably demonstrates that the direct 43468  
cost to the state associated with the issuance of a permit to 43469  
install, license, variance, plan approval, or certification 43470  
exceeds the fee for the issuance or review specified by this 43471  
section, the director may condition the issuance or review on the 43472  
payment by the person receiving the issuance or review of, in 43473  
addition to the fee specified by this section, the amount, or any 43474  
portion thereof, in excess of the fee specified under this 43475  
section. The director shall not so condition issuances for which 43476  
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 43477  
section. 43478

(V) Except as provided in divisions (L), (M), and (P) of this 43479  
section or unless otherwise prescribed by a rule of the director 43480  
adopted pursuant to Chapter 119. of the Revised Code, all fees 43481  
required by this section are payable within thirty days after the 43482  
issuance of an invoice for the fee by the director or the 43483  
effective date of the issuance of the license, permit, variance, 43484  
plan approval, or certification. If payment is late, the person 43485  
responsible for payment of the fee shall pay an additional ten per 43486  
cent of the amount due for each month that it is late. 43487

(W) As used in this section, "fuel-burning equipment," 43488  
"fuel-burning equipment input capacity," "incinerator," 43489  
"incinerator input capacity," "process," "process weight rate," 43490  
"storage tank," "gasoline dispensing facility," "dry cleaning 43491  
facility," "design flow discharge," and "new source treatment 43492  
works" have the meanings ascribed to those terms by applicable 43493

rules or standards adopted by the director under Chapter 3704. or 43494  
6111. of the Revised Code. 43495

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 43496  
and (J) of this section, and in any other provision of this 43497  
section pertaining to fees paid pursuant to Chapter 3704. of the 43498  
Revised Code: 43499

(1) "Facility," "federal Clean Air Act," "person," and "Title 43500  
V permit" have the same meanings as in section 3704.01 of the 43501  
Revised Code. 43502

(2) "Title V permit program" means the following activities 43503  
as necessary to meet the requirements of Title V of the federal 43504  
Clean Air Act and 40 C.F.R. part 70, including at least: 43505

(a) Preparing and adopting, if applicable, generally 43506  
applicable rules or guidance regarding the permit program or its 43507  
implementation or enforcement; 43508

(b) Reviewing and acting on any application for a Title V 43509  
permit, permit revision, or permit renewal, including the 43510  
development of an applicable requirement as part of the processing 43511  
of a permit, permit revision, or permit renewal; 43512

(c) Administering the permit program, including the 43513  
supporting and tracking of permit applications, compliance 43514  
certification, and related data entry; 43515

(d) Determining which sources are subject to the program and 43516  
implementing and enforcing the terms of any Title V permit, not 43517  
including any court actions or other formal enforcement actions; 43518

(e) Emission and ambient monitoring; 43519

(f) Modeling, analyses, or demonstrations; 43520

(g) Preparing inventories and tracking emissions; 43521

(h) Providing direct and indirect support to small business 43522  
stationary sources to determine and meet their obligations under 43523

the federal Clean Air Act pursuant to the small business 43524  
stationary source technical and environmental compliance 43525  
assistance program required by section 507 of that act and 43526  
established in sections 3704.18, 3704.19, and 3706.19 of the 43527  
Revised Code. 43528

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 43529  
of this section, each sewage sludge facility shall pay a 43530  
nonrefundable annual sludge fee equal to three dollars and fifty 43531  
cents per dry ton of sewage sludge, including the dry tons of 43532  
sewage sludge in materials derived from sewage sludge, that the 43533  
sewage sludge facility treats or disposes of in this state. The 43534  
annual volume of sewage sludge treated or disposed of by a sewage 43535  
sludge facility shall be calculated using the first day of January 43536  
through the thirty-first day of December of the calendar year 43537  
preceding the date on which payment of the fee is due. 43538

(2)(a) Except as provided in division (Y)(2)(d) of this 43539  
section, each sewage sludge facility shall pay a minimum annual 43540  
sewage sludge fee of one hundred dollars. 43541

(b) The annual sludge fee required to be paid by a sewage 43542  
sludge facility that treats or disposes of exceptional quality 43543  
sludge in this state shall be thirty-five per cent less per dry 43544  
ton of exceptional quality sludge than the fee assessed under 43545  
division (Y)(1) of this section, subject to the following 43546  
exceptions: 43547

(i) Except as provided in division (Y)(2)(d) of this section, 43548  
a sewage sludge facility that treats or disposes of exceptional 43549  
quality sludge shall pay a minimum annual sewage sludge fee of one 43550  
hundred dollars. 43551

(ii) A sewage sludge facility that treats or disposes of 43552  
exceptional quality sludge shall not be required to pay the annual 43553  
sludge fee for treatment or disposal in this state of exceptional 43554

quality sludge generated outside of this state and contained in 43555  
bags or other containers not greater than one hundred pounds in 43556  
capacity. 43557

A thirty-five per cent reduction for exceptional quality 43558  
sludge applies to the maximum annual fees established under 43559  
division (Y)(3) of this section. 43560

(c) A sewage sludge facility that transfers sewage sludge to 43561  
another sewage sludge facility in this state for further treatment 43562  
prior to disposal in this state shall not be required to pay the 43563  
annual sludge fee for the tons of sewage sludge that have been 43564  
transferred. In such a case, the sewage sludge facility that 43565  
disposes of the sewage sludge shall pay the annual sludge fee. 43566  
However, the facility transferring the sewage sludge shall pay the 43567  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 43568  
of this section. 43569

In the case of a sewage sludge facility that treats sewage 43570  
sludge in this state and transfers it out of this state to another 43571  
entity for disposal, the sewage sludge facility in this state 43572  
shall be required to pay the annual sludge fee for the tons of 43573  
sewage sludge that have been transferred. 43574

(d) A sewage sludge facility that generates sewage sludge 43575  
resulting from an average daily discharge flow of less than five 43576  
thousand gallons per day is not subject to the fees assessed under 43577  
division (Y) of this section. 43578

(3) No sewage sludge facility required to pay the annual 43579  
sludge fee shall be required to pay more than the maximum annual 43580  
fee for each disposal method that the sewage sludge facility uses. 43581  
The maximum annual fee does not include the additional amount that 43582  
may be charged under division (Y)(5) of this section for late 43583  
payment of the annual sludge fee. The maximum annual fee for the 43584  
following methods of disposal of sewage sludge is as follows: 43585

(a) Incineration: five thousand dollars;	43586
(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;	43587 43588
(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.	43589 43590 43591
(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.	43592 43593 43594 43595 43596 43597 43598 43599 43600 43601
(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.	43602 43603 43604 43605 43606 43607
(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.	43608 43609 43610 43611 43612 43613 43614 43615
Not later than the first day of May following receipt of an	43616

invoice, a person required to pay the annual sludge fee may submit 43617  
objections to the director concerning the accuracy of information 43618  
regarding the number of dry tons of sewage sludge used to 43619  
calculate the amount of the annual sludge fee or regarding whether 43620  
the sewage sludge qualifies for the exceptional quality sludge 43621  
discount established in division (Y)(2)(b) of this section. The 43622  
director may consider the objections and adjust the amount of the 43623  
fee to ensure that it is accurate. 43624

If the director does not adjust the amount of the annual 43625  
sludge fee in response to a person's objections, the person may 43626  
appeal the director's determination in accordance with Chapter 43627  
119. of the Revised Code. 43628

Not later than the first day of June, the director shall 43629  
notify the objecting person regarding whether the director has 43630  
found the objections to be valid and the reasons for the finding. 43631  
If the director finds the objections to be valid and adjusts the 43632  
amount of the annual sludge fee accordingly, the director shall 43633  
issue with the notification a new invoice to the person 43634  
identifying the amount of the annual sludge fee assessed and 43635  
stating the first day of July as the deadline for payment. 43636

Not later than the first day of July, any person who is 43637  
required to do so shall pay the annual sludge fee. Any person who 43638  
is required to pay the fee, but who fails to do so on or before 43639  
that date shall pay an additional amount that equals ten per cent 43640  
of the required annual sludge fee. 43641

(6) The director shall transmit all moneys collected under 43642  
division (Y) of this section to the treasurer of state for deposit 43643  
into the surface water protection fund created in section 6111.038 43644  
of the Revised Code. The moneys shall be used to defray the costs 43645  
of administering and enforcing provisions in Chapter 6111. of the 43646  
Revised Code and rules adopted under it that govern the use, 43647  
storage, treatment, or disposal of sewage sludge. 43648

(7) Beginning in fiscal year 2001, and every two years 43649  
thereafter, the director shall review the total amount of moneys 43650  
generated by the annual sludge fees to determine if that amount 43651  
exceeded six hundred thousand dollars in either of the two 43652  
preceding fiscal years. If the total amount of moneys in the fund 43653  
exceeded six hundred thousand dollars in either fiscal year, the 43654  
director, after review of the fee structure and consultation with 43655  
affected persons, shall issue an order reducing the amount of the 43656  
fees levied under division (Y) of this section so that the 43657  
estimated amount of moneys resulting from the fees will not exceed 43658  
six hundred thousand dollars in any fiscal year. 43659

If, upon review of the fees under division (Y)(7) of this 43660  
section and after the fees have been reduced, the director 43661  
determines that the total amount of moneys collected and 43662  
accumulated is less than six hundred thousand dollars, the 43663  
director, after review of the fee structure and consultation with 43664  
affected persons, may issue an order increasing the amount of the 43665  
fees levied under division (Y) of this section so that the 43666  
estimated amount of moneys resulting from the fees will be 43667  
approximately six hundred thousand dollars. Fees shall never be 43668  
increased to an amount exceeding the amount specified in division 43669  
(Y)(7) of this section. 43670

Notwithstanding section 119.06 of the Revised Code, the 43671  
director may issue an order under division (Y)(7) of this section 43672  
without the necessity to hold an adjudicatory hearing in 43673  
connection with the order. The issuance of an order under this 43674  
division is not an act or action for purposes of section 3745.04 43675  
of the Revised Code. 43676

(8) As used in division (Y) of this section: 43677

(a) "Sewage sludge facility" means an entity that performs 43678  
treatment on or is responsible for the disposal of sewage sludge. 43679

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);

(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.

(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.

(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or

fertilizing crops or vegetation grown in the soil. 43710

(g) "Land reclamation" means the returning of disturbed land 43711  
to productive use. 43712

(h) "Surface disposal" means the placement of sludge on an 43713  
area of land for disposal, including, but not limited to, 43714  
monofills, surface impoundments, lagoons, waste piles, or 43715  
dedicated disposal sites. 43716

(i) "Incinerator" means an entity that disposes of sewage 43717  
sludge through the combustion of organic matter and inorganic 43718  
matter in sewage sludge by high temperatures in an enclosed 43719  
device. 43720

(j) "Incineration facility" includes all incinerators owned 43721  
or operated by the same entity and located on a contiguous tract 43722  
of land. Areas of land are considered to be contiguous even if 43723  
they are separated by a public road or highway. 43724

(k) "Annual sludge fee" means the fee assessed under division 43725  
(Y)(1) of this section. 43726

(l) "Landfill" means a sanitary landfill facility, as defined 43727  
in rules adopted under section 3734.02 of the Revised Code, that 43728  
is licensed under section 3734.05 of the Revised Code. 43729

(m) "Preexisting land reclamation project" means a 43730  
property-specific land reclamation project that has been in 43731  
continuous operation for not less than five years pursuant to 43732  
approval of the activity by the director and includes the 43733  
implementation of a community outreach program concerning the 43734  
activity. 43735

**Sec. 3745.14.** (A) As used in this section: 43736

(1) "Compliance review" means the review of an application 43737  
for a permit, renewal of a permit, or plan approval, or 43738  
modification thereof, for an existing or proposed facility, 43739

source, or activity and the accompanying engineering plans, 43740  
specifications, and materials and information that are submitted 43741  
under Chapter 3704., 3734., 6109., or 6111. of the Revised Code 43742  
and rules adopted under them for compliance with performance 43743  
standards under the applicable chapter and rules adopted under it. 43744  
"Compliance review" does not include the review of an application 43745  
for a hazardous waste facility installation and operation permit 43746  
or the renewal or modification of such a permit, a permit to 43747  
establish or modify an infectious waste treatment facility, a 43748  
permit to install a solid waste incineration facility that also 43749  
would treat infectious wastes, or a permit to modify a solid waste 43750  
incineration facility to also treat infectious wastes under 43751  
Chapter 3734. of the Revised Code. 43752

(2) "Engineer" includes both of the following: 43753

(a) A professional engineer registered under Chapter 4733. of 43754  
the Revised Code; 43755

(b) A firm, partnership, association, or corporation 43756  
providing engineering services in this state in compliance with 43757  
Chapter 4733. of the Revised Code. 43758

(B) The director of environmental protection, in accordance 43759  
with Chapter 119. of the Revised Code, shall adopt, and may amend 43760  
and rescind, rules establishing a program for the certification of 43761  
engineers to conduct compliance reviews. The rules, at a minimum, 43762  
shall do all of the following: 43763

(1) Require that the program be administered by the director; 43764

(2) Establish eligibility criteria for certification to 43765  
conduct compliance reviews; 43766

(3) Establish criteria for denying, suspending, and revoking 43767  
certifications and renewals of certifications issued pursuant to 43768  
rules adopted under division (B) of this section; 43769

(4) Require the periodic renewal of certifications issued pursuant to rules adopted under division (B) of this section; 43770  
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(5) Establish an application fee and fee for issuance for certifications under this section. The fees shall be established at a level calculated to defray the costs to the environmental protection agency for administering the certification program established by rules adopted under division (B) of this section. All such application and certification fees received by the director shall be deposited into the state treasury to the credit of the permit review fund created in division (E) of this section. 43772  
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(C) The director shall maintain a current list of all engineers who are certified to conduct compliance reviews pursuant to rules adopted under this section. The list shall indicate the types of permits, permit renewals, and plan approvals that each engineer is certified to review and the types or categories of facilities, sources, or activities in connection with which the engineer is certified to conduct the reviews. Upon request, the director shall provide a copy of the list to anyone requesting it. 43780  
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(D) An applicant for a permit, renewal of a permit, plan approval, or modification thereof, under Chapter 3704., 3734., 6109., or 6111. of the Revised Code and applicable rules adopted under them, other than a hazardous waste facility installation and operation permit or renewal or modification of such a permit, a permit to establish or modify an infectious waste treatment facility, a permit to install a solid waste incineration facility that also would treat infectious wastes, or a permit to modify a solid waste incineration facility to also treat infectious wastes under Chapter 3734. of the Revised Code, may submit a written request to the director to have the compliance review conducted by an engineer certified under this section. The request shall accompany the permit application, shall indicate the applicant's choice from among the certified engineers on the director's list 43788  
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who are qualified to conduct the compliance review, shall be 43802  
accompanied by separate certifications by the applicant and the 43803  
engineer indicating that the applicant does not have and has not 43804  
had during the preceding two years a financial interest in the 43805  
engineer and has not employed or retained the engineer to perform 43806  
services for the applicant during the preceding two years, and may 43807  
be accompanied by a draft proposal for conducting the compliance 43808  
review that was developed by the applicant and the engineer. No 43809  
such draft proposal is binding upon the director. 43810

Within seven days after receiving a request under this 43811  
division, the director shall do all of the following, as 43812  
appropriate: 43813

(1) In the director's discretion, approve or disapprove the 43814  
applicant's request to have the compliance review of the 43815  
application conducted by an engineer on the list of certified 43816  
engineers prepared under this section; 43817

(2) If the director approves the conducting of the compliance 43818  
review by such a certified engineer, approve or disapprove, in the 43819  
director's discretion, the applicant's choice of the engineer; 43820

(3) Mail written notice of decisions made under divisions 43821  
(D)(1) and (2) of this section to the applicant. 43822

If the director fails to mail notice of the director's 43823  
decisions on the request to the applicant within seven days after 43824  
receiving the request, it is conclusively presumed that the 43825  
director approved the applicant's request to have the compliance 43826  
review conducted by a certified engineer and the applicant's 43827  
choice of the engineer, and the director shall enter into a 43828  
contract with the engineer chosen by the applicant. If the 43829  
director disapproves the applicant's choice of an engineer and 43830  
provides timely notice of the disapproval to the applicant, the 43831  
director and applicant, by mutual agreement, shall select another 43832

engineer from the list prepared under this section to conduct the 43833  
compliance review, and the director shall enter into a contract 43834  
with that engineer. 43835

(E) The director may enter into contracts for conducting 43836  
performance reviews under division (D) of this section without 43837  
advertising for bids. The commencement of any work under such a 43838  
contract shall be contingent upon the director's receipt of 43839  
payment from the applicant of an amount that is equal to one 43840  
hundred ten per cent of the amount specified in the contract, 43841  
excluding contingencies for any additional work that may be needed 43842  
to properly complete the review and that was not anticipated when 43843  
the contract was made. Moneys received by the director from an 43844  
applicant shall be deposited into the permit review fund, which is 43845  
hereby created in the state treasury. The director shall use 43846  
moneys in the fund to pay the cost of compliance reviews conducted 43847  
pursuant to contracts entered into under division (D) of this 43848  
section and to administer the certification program established 43849  
under division (B) of this section. The director may use any 43850  
moneys in the fund not needed for those purposes to administer the 43851  
environmental laws or programs of this state. 43852

If, while conducting a compliance review, the engineer finds 43853  
that work in addition to that upon which the cost under the 43854  
contract was based, or any additional work previously authorized 43855  
under this division, is needed to properly review the application 43856  
and accompanying information for compliance with the applicable 43857  
performance standards, the engineer shall notify the director of 43858  
that fact and of the cost of the additional work, as determined 43859  
pursuant to the terms of the contract. If the director finds that 43860  
the additional work is needed and that the costs of performing the 43861  
work have been determined in accordance with the terms of the 43862  
contract, the director shall authorize the contractor to perform 43863  
the work. Upon completion of the additional work, the contractor 43864

shall submit to the director an invoice for the cost of performing 43865  
the additional work, and the director shall forward a copy of the 43866  
invoice to the applicant. The applicant is liable to the state for 43867  
an amount equal to one hundred ten per cent of the cost of 43868  
performing the additional work and, within thirty days after 43869  
receiving a copy of the invoice, shall pay to the director an 43870  
amount equal to one hundred ten per cent of the amount indicated 43871  
on the invoice. Upon receiving this payment, the director shall 43872  
forward the moneys to the treasurer of state, who shall deposit 43873  
them into the state treasury to the credit of the permit review 43874  
fund. 43875

Until the applicant pays to the director the amount due in 43876  
connection with the additional work, the director shall not issue 43877  
to the applicant any permit, renewal of a permit, or plan 43878  
approval, or modification thereof, for which an application is 43879  
pending before the director. The director also may certify the 43880  
unpaid amount to the attorney general and request that the 43881  
attorney general bring a civil action against the applicant to 43882  
recover that amount. Any moneys so recovered shall be deposited 43883  
into the state treasury to the credit of the permit review fund. 43884

(F) Upon completing a compliance review conducted under this 43885  
section, the engineer shall make a certification to the director 43886  
as to whether the existing or proposed facility, source, activity, 43887  
or modification will comply with the applicable performance 43888  
standards. If the certification indicates that the existing or 43889  
proposed facility, source, activity, or modification will not 43890  
comply, the engineer shall include in the certification the 43891  
engineer's findings as to the causes of the noncompliance. 43892

(G) When a compliance review is conducted by an engineer 43893  
certified under this section, the other activities in connection 43894  
with the consideration, approval, and issuance of the permit, 43895  
renewal of the permit, or plan approval, or modification thereof, 43896

shall be conducted by the director ~~or, when applicable, the~~ 43897  
~~hazardous waste facility board established in section 3734.05 of~~ 43898  
~~the Revised Code,~~ in accordance with the applicable provisions of 43899  
Chapter 3704., 3734., 6109., or 6111. of the Revised Code and 43900  
rules adopted under the applicable chapter. 43901

(H) All expenses incurred by the attorney general in bringing 43902  
a civil action under this section shall be reimbursed from the 43903  
permit review fund in accordance with Chapter 109. of the Revised 43904  
Code. 43905

**Sec. 3745.40.** (A) There is hereby created the clean Ohio 43906  
operating fund consisting of moneys credited to the fund in 43907  
accordance with this section. The fund shall be used to pay the 43908  
costs incurred by the director of environmental protection 43909  
pursuant to sections 122.65 to 122.658 of the Revised Code. 43910  
Investment earnings of the fund shall be credited to the fund. ~~For~~ 43911  
~~two years after the effective date of this section, investment~~ 43912  
~~earnings credited to the fund~~ and may be used to pay 43913  
administrative costs incurred by the director pursuant to those 43914  
sections. 43915

(B) Notwithstanding section 3746.16 of the Revised Code, upon 43916  
the request of the director of environmental protection, the 43917  
director of development shall certify to the director of budget 43918  
and management the amount of excess investment earnings that are 43919  
available to be transferred from the clean Ohio revitalization 43920  
fund created in section 122.658 of the Revised Code to the clean 43921  
Ohio operating fund. Upon certification, the director of budget 43922  
and management may transfer from the clean Ohio revitalization 43923  
fund to the clean Ohio operating fund an amount not exceeding the 43924  
amount of the annual appropriation to the clean Ohio operating 43925  
fund. 43926

Sec. 3746.13. (A) For property that does not involve the 43927  
issuance of a consolidated standards permit under section 3746.15 43928  
of the Revised Code and where no engineering or institutional 43929  
controls are used to comply with applicable standards, the 43930  
director of environmental protection shall issue a covenant not to 43931  
sue pursuant to section 3746.12 of the Revised Code by issuance of 43932  
an order as a final action under Chapter 3745. of the Revised Code 43933  
within thirty days after the director receives the no further 43934  
action letter for the property and accompanying verification from 43935  
the certified professional who prepared the letter under section 43936  
3746.11 of the Revised Code. 43937

(B) For property that involves the issuance of a consolidated 43938  
standards permit under section 3746.15 of the Revised Code or 43939  
where engineering or institutional controls are used to comply 43940  
with applicable standards, the director shall issue a covenant not 43941  
to sue by issuance of an order as a final action under Chapter 43942  
3745. of the Revised Code within ninety days after the director 43943  
receives the no further action letter for the property and 43944  
accompanying verification from the certified professional who 43945  
prepared the letter. 43946

(C) Except as provided in division (D) of this section, each 43947  
person who is issued a covenant not to sue under this section 43948  
shall pay the fee established pursuant to rules adopted under 43949  
division (B)(8) of section 3746.04 of the Revised Code. Until 43950  
those rules become effective, each person who is issued a covenant 43951  
not to sue shall pay a fee of two thousand dollars. The fee shall 43952  
be paid to the director at the time that the no further action 43953  
letter and accompanying verification are submitted to the 43954  
director. 43955

(D) An applicant, as defined in section 122.65 of the Revised 43956  
Code, who has entered into an agreement under section 122.653 of 43957

the Revised Code and who is issued a covenant not to sue under 43958  
this section shall not be required to pay the fee for the issuance 43959  
of a covenant not to sue established in rules adopted under 43960  
division (B)(8) of section 3746.04 of the Revised Code. 43961

**Sec. 3748.07.** (A) Every facility that proposes to handle 43962  
radioactive material or radiation-generating equipment for which 43963  
licensure or registration, respectively, by its handler is 43964  
required shall apply in writing to the director of health on forms 43965  
prescribed and provided by the director for licensure or 43966  
registration. Terms and conditions of licenses and certificates of 43967  
registration may be amended in accordance with rules adopted under 43968  
section 3748.04 of the Revised Code or orders issued by the 43969  
director pursuant to section 3748.05 of the Revised Code. 43970

(B) Until rules are adopted under section 3748.04 of the 43971  
Revised Code, an application for a certificate of registration 43972  
shall be accompanied by a biennial registration fee of ~~one~~ two 43973  
hundred ~~sixty~~ dollars. On and after the effective date of those 43974  
rules, an applicant for a license, registration certificate, or 43975  
renewal of either shall pay the appropriate fee established in 43976  
those rules. 43977

All fees collected under this section shall be deposited in 43978  
the state treasury to the credit of the general operations fund 43979  
created in section 3701.83 of the Revised Code. The fees shall be 43980  
used solely to administer and enforce this chapter and rules 43981  
adopted under it. 43982

Any fee required under this section that has not been paid 43983  
within ninety days after the invoice date shall be assessed at two 43984  
times the original invoiced fee. Any fee that has not been paid 43985  
within one hundred eighty days after the invoice date shall be 43986  
assessed at five times the original invoiced fee. 43987

(C) The director shall grant a license or registration to any 43988

applicant who has paid the required fee and is in compliance with 43989  
this chapter and rules adopted under it. 43990

Until rules are adopted under section 3748.04 of the Revised 43991  
Code, certificates of registration shall be effective for two 43992  
years from the date of issuance. On and after the effective date 43993  
of those rules, licenses and certificates of registration shall be 43994  
effective for the applicable period established in those rules. 43995  
Licenses and certificates of registration shall be renewed in 43996  
accordance with the standard renewal procedure established in 43997  
Chapter 4745. of the Revised Code. 43998

**Sec. 3748.13.** (A) The director of health shall inspect 43999  
sources of radiation for which licensure or registration by the 44000  
handler is required, and the sources' shielding and surroundings, 44001  
according to the schedule established in rules adopted under 44002  
division (D) of section 3748.04 of the Revised Code. In accordance 44003  
with rules adopted under that section, the director shall inspect 44004  
all records and operating procedures of handlers that install 44005  
sources of radiation and all sources of radiation for which 44006  
licensure of radioactive material or registration of 44007  
radiation-generating equipment by the handler is required. The 44008  
director may make other inspections upon receiving complaints or 44009  
other evidence of violation of this chapter or rules adopted under 44010  
it. 44011

The director shall require any hospital registered under 44012  
division (A) of section 3701.07 of the Revised Code to develop and 44013  
maintain a quality assurance program for all sources of 44014  
radiation-generating equipment. A certified radiation expert shall 44015  
conduct oversight and maintenance of the program and shall file a 44016  
report of audits of the program with the director on forms 44017  
prescribed by the director. The audit reports shall become part of 44018  
the inspection record. 44019

(B) Until rules are adopted under division (A)(8) of section		44020
3748.04 of the Revised Code, a facility shall pay inspection fees		44021
according to the following schedule and categories:		44022
First dental x-ray tube	\$ <del>94.00</del> <u>118.00</u>	44023
Each additional dental x-ray tube	\$ <del>47.00</del> <u>59.00</u>	44024
at the same location		
First medical x-ray tube	<del>\$187.00</del> <u>235.00</u>	44025
Each additional medical x-ray tube	\$ <del>94.00</del> <u>125.00</u>	44026
at the same location		
Each unit of ionizing	<del>\$373.00</del> <u>466.00</u>	44027
radiation-generating equipment		
capable of operating at or above		
250 kilovoltage peak		
First nonionizing	<del>\$187.00</del> <u>235.00</u>	44028
radiation-generating equipment of		
any kind		
Each additional nonionizing	\$ <del>94.00</del> <u>125.00</u>	44029
radiation-generating equipment of		
any kind at the same location		
Assembler-maintainer inspection	<del>\$233.00</del> <u>291.00</u>	44030
consisting of an inspection of		
records and operating procedures		
of handlers that install sources		
of radiation		
Until rules are adopted under division (A)(8) of section		44031
3748.04 of the Revised Code, the fee for an inspection to		44032
determine whether violations cited in a previous inspection have		44033
been corrected is fifty per cent of the fee applicable under the		44034
schedule in this division. Until those rules are adopted, the fee		44035
for the inspection of a facility that is not licensed or		44036
registered and for which no license or registration application is		44037
pending at the time of inspection is <del>two</del> <u>three</u> hundred <del>ninety</del>		44038
<u>sixty-three</u> dollars plus the fee applicable under the schedule in		44039

this division. 44040

The director may conduct a review of shielding plans or the 44041  
adequacy of shielding on the request of a licensee or registrant 44042  
or an applicant for licensure or registration or during an 44043  
inspection when the director considers a review to be necessary. 44044  
Until rules are adopted under division (A)(8) of section 3748.04 44045  
of the Revised Code, the fee for the review is ~~four~~ five hundred 44046  
~~sixty-six~~ eighty-three dollars for each room where a source of 44047  
radiation is used and is in addition to any other fee applicable 44048  
under the schedule in this division. 44049

All fees shall be paid to the department of health no later 44050  
than thirty days after the invoice for the fee is mailed. Fees 44051  
shall be deposited in the general operations fund created in 44052  
section 3701.83 of the Revised Code. The fees shall be used solely 44053  
to administer and enforce this chapter and rules adopted under it. 44054

Any fee required under this section that has not been paid 44055  
within ninety days after the invoice date shall be assessed at two 44056  
times the original invoiced fee. Any fee that has not been paid 44057  
within one hundred eighty days after the invoice date shall be 44058  
assessed at five times the original invoiced fee. 44059

(C) If the director determines that a board of health of a 44060  
city or general health district is qualified to conduct 44061  
inspections of radiation-generating equipment, the director may 44062  
delegate to the board, by contract, the authority to conduct such 44063  
inspections. In making a determination of the qualifications of a 44064  
board of health to conduct those inspections, the director shall 44065  
evaluate the credentials of the individuals who are to conduct the 44066  
inspections of radiation-generating equipment and the radiation 44067  
detection and measuring equipment available to them for that 44068  
purpose. If a contract is entered into, the board shall have the 44069  
same authority to make inspections of radiation-generating 44070  
equipment as the director has under this chapter and rules adopted 44071

under it. The contract shall stipulate that only individuals 44072  
approved by the director as qualified shall be permitted to 44073  
inspect radiation-generating equipment under the contract's 44074  
provisions. The contract shall provide for such compensation for 44075  
services as is agreed to by the director and the board of health 44076  
of the contracting health district. The director may reevaluate 44077  
the credentials of the inspection personnel and their radiation 44078  
detecting and measuring equipment as often as the director 44079  
considers necessary and may terminate any contract with the board 44080  
of health of any health district that, in the director's opinion, 44081  
is not satisfactorily performing the terms of the contract. 44082

(D) The director may enter at all reasonable times upon any 44083  
public or private property to determine compliance with this 44084  
chapter and rules adopted under it. 44085

**Sec. 3769.087.** (A) In addition to the commission of eighteen 44086  
per cent retained by each permit holder as provided in section 44087  
3769.08 of the Revised Code, each permit holder shall retain an 44088  
additional amount equal to four per cent of the total of all 44089  
moneys wagered on each racing day on all wagering pools other than 44090  
win, place, and show, of which amount retained an amount equal to 44091  
three per cent of the total of all moneys wagered on each racing 44092  
day on those pools shall be paid by check, draft, or money order 44093  
to the tax commissioner, as a tax. Subject to the restrictions 44094  
contained in divisions (B), (C), and (M) of section 3769.08 of the 44095  
Revised Code, from such additional moneys paid to the tax 44096  
commissioner: 44097

(1) Four-sixths shall be allocated to fund distribution as 44098  
provided in division (M) of section 3769.08 of the Revised Code. 44099

(2) One-twelfth shall be paid into the Ohio fairs fund 44100  
created by section 3769.082 of the Revised Code. 44101

(3) One-twelfth of the additional moneys paid to the tax 44102

commissioner by thoroughbred racing permit holders shall be paid 44103  
into the Ohio thoroughbred race fund created by section 3769.083 44104  
of the Revised Code. 44105

(4) One-twelfth of the additional moneys paid to the tax 44106  
commissioner by harness horse racing permit holders shall be paid 44107  
to the Ohio standardbred development fund created by section 44108  
3769.085 of the Revised Code. 44109

(5) One-twelfth of the additional moneys paid to the tax 44110  
commissioner by quarter horse racing permit holders shall be paid 44111  
to the Ohio quarter horse development fund created by section 44112  
3769.086 of the Revised Code. 44113

(6) One-sixth shall be paid into the state racing commission 44114  
operating fund created by section 3769.03 of the Revised Code. 44115

The remaining one per cent that is retained of the total of 44116  
all moneys wagered on each racing day on all pools other than win, 44117  
place, and show, shall be retained by racing permit holders, and, 44118  
except as otherwise provided in section 3769.089 of the Revised 44119  
Code, racing permit holders shall use one-half for purse money and 44120  
retain one-half. 44121

(B) In addition to the commission of eighteen per cent 44122  
retained by each permit holder as provided in section 3769.08 of 44123  
the Revised Code and the additional amount retained by each permit 44124  
holder as provided in division (A) of this section, each permit 44125  
holder shall retain an additional amount equal to one-half of one 44126  
per cent of the total of all moneys wagered on each racing day on 44127  
all wagering pools other than win, place, and show. ~~From~~ Except as 44128  
provided in division (C) of this section, from the additional 44129  
amount retained under this division, each permit holder shall 44130  
retain an amount equal to one-quarter of one per cent of the total 44131  
of all moneys wagered on each racing day on all pools other than 44132  
win, place, and show and shall pay that amount by check, draft, or 44133

money order to the tax commissioner, as a tax. The tax 44134  
commissioner shall pay the amount of the tax received under this 44135  
division to the state racing commission operating fund created by 44136  
section 3769.03 of the Revised Code. 44137

~~The~~ Except as provided in division (C) of this section, the 44138  
remaining one-quarter of one per cent that is retained from the 44139  
total of all moneys wagered on each racing day on all pools other 44140  
than win, place, and show shall be retained by the permit holder, 44141  
and the permit holder shall use one-half for purse money and 44142  
retain one-half. 44143

(C) During the period commencing on July 1, 2003, and ending 44144  
on and including June 30, 2004, the additional amount retained by 44145  
each permit holder under division (B) of this section shall be 44146  
paid by check, draft, or money order to the tax commissioner, as a 44147  
tax. The tax commissioner shall pay the amount of the tax received 44148  
under this division to the state racing commission operating fund 44149  
created by section 3769.03 of the Revised Code. 44150

**Sec. 3770.07.** (A)~~(1)~~ Lottery prize awards shall be claimed by 44151  
the holder of the winning lottery ticket, or by the executor or 44152  
administrator, or the trustee of a trust, of the estate of a 44153  
deceased holder of a winning ticket, in a manner to be determined 44154  
by the state lottery commission, within one hundred eighty days 44155  
after the date on which such prize award was announced if the 44156  
lottery game is an on-line game, and within one hundred eighty 44157  
days after the close of the game if the lottery game is an instant 44158  
game. ~~Except as otherwise provided in division (B) of this~~ 44159  
~~section, if~~ If no valid claim to the prize award is made within 44160  
the prescribed period, the prize money or the cost of goods and 44161  
services awarded as prizes, or if such goods or services are 44162  
resold by the commission, the proceeds from such sale, shall be 44163  
returned to the state lottery fund and distributed in accordance 44164

with section 3770.06 of the Revised Code. 44165

~~(2)~~(B) If a prize winner, as defined in section 3770.10 of 44166  
the Revised Code, is under eighteen years of age, or is under some 44167  
other legal disability, and the prize money or the cost of goods 44168  
or services awarded as a prize exceeds one thousand dollars, the 44169  
director shall order that payment be made to the order of the 44170  
legal guardian of that prize winner. If the amount of the prize 44171  
money or the cost of goods or services awarded as a prize is one 44172  
thousand dollars or less, the director may order that payment be 44173  
made to the order of the adult member, if any, of that prize 44174  
winner's family legally responsible for the care of that prize 44175  
winner. 44176

~~(3)~~(C) No right of any prize winner, as defined in section 44177  
3770.10 of the Revised Code, to a prize award shall be the subject 44178  
of a security interest or used as collateral. 44179

~~(4)~~(a)(D)(1) No right of any prize winner, as defined in 44180  
section 3770.10 of the Revised Code, to a prize award shall be 44181  
assignable, or subject to garnishment, attachment, execution, 44182  
withholding, or deduction, except as follows: as provided in 44183  
sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the 44184  
Revised Code; when the payment is to be made to the executor or 44185  
administrator or the trustee of a trust of the estate of a winning 44186  
ticket holder; when the award of a prize is disputed, any person 44187  
may be awarded a prize award to which another has claimed title, 44188  
pursuant to the order of a court of competent jurisdiction; when 44189  
the director is to make a payment pursuant to ~~section~~ sections 44190  
3770.071 or 3770.073 of the Revised Code; or as provided in 44191  
sections 3770.10 to 3770.14 of the Revised Code. 44192

~~(b)~~(2) The commission shall adopt rules pursuant to section 44193  
3770.03 of the Revised Code concerning the payment of prize awards 44194  
upon the death of a prize winner. Upon the death of a prize 44195  
winner, as defined in section 3770.10 of the Revised Code, the 44196

remainder of the prize winner's prize award, to the extent it is 44197  
not subject to a transfer agreement under sections 3770.10 to 44198  
3770.14 of the Revised Code, may be paid to the executor, 44199  
administrator, or trustee in the form of a discounted lump sum 44200  
cash settlement. 44201

~~(5)(E)~~ No lottery prize award shall be awarded to or for any 44202  
officer or employee of the state lottery commission, any officer 44203  
or employee of the auditor of state actively coordinating and 44204  
certifying commission drawings, or any blood relative or spouse of 44205  
such officer or employee of the commission or auditor of state 44206  
living as a member of such officer's or employee's household, nor 44207  
shall any such employee, blood relative, or spouse attempt to 44208  
claim a lottery prize award. 44209

~~(6)(F)~~ The director may prohibit vendors to the commission 44210  
and their employees from being awarded a lottery prize award. 44211

~~(7)(G)~~ Upon the payment of prize awards pursuant to this 44212  
section, the director and the commission are discharged from all 44213  
further liability therefor. 44214

~~(B) The commission may adopt rules governing the disbursement 44215  
of unclaimed prize awards as all or part of the prize award in a 44216  
lottery and may, pursuant to those rules, conduct the lottery and 44217  
disburse any such unclaimed prize awards. Any lottery in which all 44218  
or any part of the prize award is paid from unclaimed prize awards 44219  
shall be conducted in accordance with all of the other 44220  
requirements of this chapter, including, but not limited to, the 44221  
time and proof requirements for claiming awards and the 44222  
disposition of unclaimed prize awards when the prescribed period 44223  
for claiming the award has passed. A prize award or any part of a 44224  
prize award that is paid from an unclaimed prize award shall not 44225  
be reapplied toward the satisfaction of the requirement of 44226  
division (A) of section 3770.06 of the Revised Code that at least 44227  
fifty per cent of the total revenues from ticket sales be 44228~~

~~disbursed for monetary prize awards, if such unclaimed prize award 44229  
was previously applied toward the satisfaction of that 44230  
requirement. On or before the last day of January and July each 44231  
year, the commission shall report to the general assembly the 44232  
gross sales and net profits the commission obtained from the 44233  
unclaimed prize awards in lotteries conducted pursuant to this 44234  
division during the preceding two calendar quarters, including the 44235  
amount of money produced by the games funded by the unclaimed 44236  
prize awards and the total revenue accruing to the state from the 44237  
prize award lotteries conducted pursuant to this division. 44238~~

~~There is hereby established in the state treasury the 44239  
unclaimed lottery prizes fund, to which all unclaimed prize awards 44240  
shall be transferred. Any interest that accrues on the amounts in 44241  
the fund shall become a part of the fund and shall be subject to 44242  
any rules adopted by the commission governing the disbursement of 44243  
unclaimed prize awards. 44244~~

Sec. 3770.073. (A) If a person is entitled to a lottery prize 44245  
award and is indebted to the state for the payment of any tax, 44246  
workers' compensation premium, unemployment contribution, payment 44247  
in lieu of unemployment contribution, or charge, penalty, or 44248  
interest arising from these debts and the amount of the prize 44249  
money or the cost of goods or services awarded as a lottery prize 44250  
award is five thousand dollars or more, the director of the state 44251  
lottery commission, or the director's designee, shall do either of 44252  
the following: 44253

(1) If the prize award will be paid in a lump sum, deduct 44254  
from the prize award and pay to the attorney general an amount in 44255  
satisfaction of the debt and pay any remainder to that person. If 44256  
the amount of the prize award is less than the amount of the debt, 44257  
the entire amount of the prize award shall be deducted and paid in 44258  
partial satisfaction of the debt. 44259

(2) If the prize award will be paid in annual installments, 44260  
on the date the initial installment payment is due, deduct from 44261  
that installment and pay to the attorney general an amount in 44262  
satisfaction of the debt and, if necessary to collect the full 44263  
amount of the debt, do the same for any subsequent annual 44264  
installments, at the time the installments become due and owing to 44265  
the person, until the debt is fully satisfied. 44266

(B) If a person entitled to a lottery prize award owes more 44267  
than one debt, any debt subject to section 5739.33 or division (G) 44268  
of section 5747.07 of the Revised Code shall be satisfied first. 44269

(C) This section applies only to debts that have become 44270  
final. 44271

**Sec. 3770.10.** As used in sections 3770.07 and 3770.10 to 44272  
3770.14 of the Revised Code: 44273

(A) "Court of competent jurisdiction" means either the 44274  
general division or the probate division of the court of common 44275  
pleas of the county in which the prize winner resides, or, if the 44276  
prize winner is not a resident of this state, either the general 44277  
division or the probate division of the court of common pleas of 44278  
Franklin county or a federal court having jurisdiction over the 44279  
lottery prize award. 44280

(B) "Discounted present value" means the present value of the 44281  
future payments of a lottery prize award that is determined by 44282  
discounting those payments to the present, using the most recently 44283  
published applicable federal rate for determining the present 44284  
value of an annuity as issued by the United States internal 44285  
revenue service and assuming daily compounding. 44286

(C) "Independent professional advice" means the advice of an 44287  
attorney, a certified public accountant, an actuary, or any other 44288  
licensed professional adviser if all of the following apply: 44289

(1) The prize winner has engaged the services of the licensed professional adviser to render advice concerning the legal and other implications of a transfer of the lottery prize award.

(2) The licensed professional adviser is not affiliated in any manner with or compensated in any manner by the transferee of the lottery prize award.

(3) The compensation of the licensed professional adviser is not affected by whether or not a transfer of a lottery prize award occurs.

(D) "Prize winner" means any person that holds the right to receive all or any part of a lottery prize award as a result of being any of the following:

(1) A person who is a claimant under division (A)~~(1)~~ of section 3770.07 of the Revised Code;

(2) A person who is entitled to a prize award and who is under a legal disability as described in division ~~(A)(2)~~(B) of section 3770.07 of the Revised Code;

(3) A person who was awarded a prize award to which another has claimed title by a court order under division ~~(A)(4)(a)~~(D)(1) of section 3770.07 of the Revised Code;

(4) A person who is receiving payments upon the death of a prize winner as provided in division ~~(A)(4)(b)~~(D)(2) of section 3770.07 of the Revised Code.

(E) "Transfer" means any form of sale, assignment, or redirection of payment of all or any part of a lottery prize award for consideration.

(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of all or any part of a lottery prize award from a transferor to a transferee. A transfer agreement is incomplete and invalid unless the agreement

contains both of the following: 44320

(1) A statement, signed by the transferor under penalties of 44321  
perjury, that the transferor irrevocably agrees that the 44322  
transferor is subject to the tax imposed by Chapter 5733. or 5747. 44323  
of the Revised Code with respect to gain or income which the 44324  
transferor will recognize in connection with the transfer. If the 44325  
transferor is a pass-through entity, as defined in section 5733.04 44326  
of the Revised Code, each investor in the pass-through entity 44327  
shall also sign under penalties of perjury a statement that the 44328  
investor irrevocably agrees that the investor is subject to the 44329  
tax imposed by Chapter 5733. or 5747. of the Revised Code with 44330  
respect to gain or income which the transferor and the investor 44331  
will recognize in connection with the transfer. 44332

(2) A statement, signed by the transferee, that the 44333  
transferee irrevocably agrees that the transferee is subject to 44334  
the withholding requirements imposed by division (C) of section 44335  
3770.072 of the Revised Code and is subject to the tax imposed by 44336  
Chapter 5733. or 5747. of the Revised Code with respect to gain or 44337  
income which the transferee will recognize in connection with 44338  
lottery prize awards to be received as a result of the transfer. 44339  
If the transferee is a pass-through entity, as defined in section 44340  
5733.04 of the Revised Code, each investor in the pass-through 44341  
entity shall also sign under penalties of perjury a statement 44342  
setting forth that the investor irrevocably agrees that the 44343  
investor is subject to the withholding requirements imposed by 44344  
division (C) of section 3770.072 of the Revised Code and is 44345  
subject to the tax imposed by Chapter 5733. or 5747. of the 44346  
Revised Code with respect to gain or income which the transferee 44347  
and the investor will recognize in connection with lottery prize 44348  
awards to be received as a result of the transfer. 44349

(G) "Transferee" means a party acquiring or proposing to 44350  
acquire all or any part of a lottery prize award through a 44351

transfer. 44352

(H) "Transferor" means either a prize winner or a transferee 44353  
in an earlier transfer whose interest is acquired by or is sought 44354  
to be acquired by a transferee or a new transferee through a 44355  
transfer. 44356

**Sec. 3770.12.** A court of competent jurisdiction ~~may~~ shall 44357  
approve a transfer of a lottery prize award only in a final order 44358  
that is based on ~~the~~ express findings of the court, ~~and the.~~ The 44359  
court shall approve the transfer only if each of the following 44360  
conditions that applies is met and is included in the court's 44361  
express findings ~~shall include all of the following:~~ 44362

(A) If the transferor is a prize winner, the transferee has 44363  
provided to the prize winner a disclosure statement that complies 44364  
with section 3770.11 of the Revised Code, and the prize winner has 44365  
confirmed the prize winner's receipt of the disclosure statement, 44366  
as evidenced by the prize winner's notarized signature on a copy 44367  
of the disclosure statement. 44368

~~(B) If the transferor is a prize winner, the prize winner has~~ 44369  
~~established that the transfer is fair and reasonable and in the~~ 44370  
~~best interests of the prize winner.~~ 44371

~~(C)~~ If the transferor is a prize winner, the prize winner has 44372  
received independent professional advice regarding the legal and 44373  
other implications of the transfer. 44374

~~(D)~~(C) The transferee has given written notice of the 44375  
transferee's name, address, and taxpayer identification number to 44376  
the state lottery commission and has filed a copy of that notice 44377  
with the court in which the application for approval of the 44378  
transfer was filed. 44379

~~(E)~~(D) The transferee is a trust, limited partnership, 44380  
general partnership, corporation, professional association, 44381

limited liability company, or other entity that is qualified to do 44382  
business in this state and meets the registration requirements for 44383  
that type of entity under Title XVII of the Revised Code. 44384

~~(F)~~(E) The transfer complies with all applicable requirements 44385  
of the Revised Code and does not contravene any applicable law. 44386

~~(G)~~(F) The transfer does not include or cover the amounts of 44387  
the lottery prize award that are required to be withheld or 44388  
deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 44389  
3123.06, 3770.071, or 3770.072 of the Revised Code. 44390

~~(H)~~(G) Any amounts described in division ~~(G)~~(F) of this 44391  
section that are required to be withheld or deducted, as of the 44392  
date of the court order, will be offset by the commission first 44393  
against remaining payments due the transferor and then against 44394  
payments due the transferee. 44395

~~(I)~~(H) Except as provided in divisions (F) and (G) and ~~(H)~~ of 44396  
this section, that the transferor's interest in each and all of 44397  
the future payments from a particular lottery prize award is to be 44398  
paid to a single transferee, or, if the payments from the lottery 44399  
prize award are to be directed from the state lottery commission 44400  
to multiple transferees, the commission has promulgated rules 44401  
under section 3770.03 of the Revised Code permitting transfers to 44402  
multiple transferees, and the transfer is consistent with those 44403  
rules. 44404

~~(J)~~(I) If the lottery prize award has been transferred within 44405  
twelve months immediately preceding the effective date of the 44406  
proposed transfer, the state lottery commission has not objected 44407  
to the proposed transfer. The court shall presume that the 44408  
requirements of this division are met unless the commission 44409  
notifies the court in writing before the hearing on the 44410  
application for transfer, or through counsel at that hearing, that 44411  
a transfer of the same lottery prize award has been made within 44412

that twelve-month period and that the commission objects to a 44413  
subsequent transfer within that twelve-month period. The court 44414  
shall find that the requirements of this division are not met if 44415  
the commission provides notice of a prior transfer of the same 44416  
lottery prize award within that twelve-month period and its 44417  
objection to the proposed transfer, unless the transferor or 44418  
transferee shows by clear and convincing evidence that no previous 44419  
transfer of the same lottery prize award occurred within that 44420  
twelve-month period. 44421

If the court determines that all of the conditions in 44422  
divisions (A) to (I) of this section that apply are met, the 44423  
transfer of the lottery prize award shall be presumed to be fair 44424  
and reasonable and in the best interests of the prize winner. 44425

**Sec. 3770.99.** (A) Whoever is prohibited from claiming a 44426  
lottery prize award under division ~~(A)(5)~~(E) of section 3770.07 of 44427  
the Revised Code and attempts to claim or is paid a lottery prize 44428  
award is guilty of a minor misdemeanor, and shall provide 44429  
restitution to the state lottery commission of any moneys 44430  
erroneously paid as a lottery prize award to that person. 44431

(B) Whoever violates division (C) of section 3770.071 or 44432  
section 3770.08 of the Revised Code is guilty of a misdemeanor of 44433  
the third degree. 44434

**Sec. 3773.33.** (A) There is hereby created the Ohio athletic 44435  
commission. The commission shall consist of five voting members 44436  
appointed by the governor with the advice and consent of the 44437  
senate, not more than three of whom shall be of the same political 44438  
party, and two nonvoting members, one of whom shall be a member of 44439  
the senate appointed by and to serve at the pleasure of the 44440  
president of the senate and one of whom shall be a member of the 44441  
house of representatives appointed by and to serve at the pleasure 44442

of the speaker of the house of representatives. To be eligible for 44443  
appointment as a voting member, a person shall be a qualified 44444  
elector and a resident of the state for not less than five years 44445  
immediately preceding the person's appointment. Two voting members 44446  
shall be knowledgeable in boxing, at least one voting member shall 44447  
be knowledgeable and experienced in high school athletics, one 44448  
voting member shall be knowledgeable and experienced in 44449  
professional athletics, and at least one voting member shall be 44450  
knowledgeable and experienced in collegiate athletics. One 44451  
commission member shall hold the degree of doctor of medicine or 44452  
doctor of osteopathy. 44453

(B) No person shall be appointed to the commission or be an 44454  
employee of the commission who is licensed, registered, or 44455  
regulated by the commission. No member shall have any legal or 44456  
beneficial interest, direct or indirect, pecuniary or otherwise, 44457  
in any person who is licensed, registered, or regulated by the 44458  
commission or who participates in prize fights or public boxing or 44459  
wrestling matches or exhibitions. No member shall participate in 44460  
any fight, match, or exhibition other than in the member's 44461  
official capacity as a member of the commission, or as an 44462  
inspector as authorized in section 3773.52 of the Revised Code. 44463

(C) The governor shall appoint the voting members to the 44464  
commission. Of the initial appointments, two shall be for terms 44465  
ending one year after September 3, 1996, two shall be for terms 44466  
ending two years after September 3, 1996, and one shall be for a 44467  
term ending three years after September 3, 1996. Thereafter, terms 44468  
of office shall be for three years, each term ending the same day 44469  
of the same month of the year as did the term which it succeeds. 44470  
Each member shall hold office from the date of the member's 44471  
appointment until the end of the term for which the member was 44472  
appointed. Any member appointed to fill a vacancy occurring prior 44473  
to the expiration of the term for which the member's predecessor 44474

was appointed shall hold office for the remainder of the term. Any 44475  
member shall continue in office subsequent to the expiration date 44476  
of the member's term until the member's successor takes office, or 44477  
until a period of sixty days has elapsed, whichever occurs first. 44478

The governor shall name one voting member as chairperson of 44479  
the commission at the time of making the appointment of any member 44480  
for a full term. Three voting members shall constitute a quorum, 44481  
and the affirmative vote of three voting members shall be 44482  
necessary for any action taken by the commission. No vacancy on 44483  
the commission impairs the authority of the remaining members to 44484  
exercise all powers of the commission. 44485

Voting members, when engaged in commission duties, shall 44486  
receive a per diem compensation determined in accordance with 44487  
division (J) of section 124.15 of the Revised Code, and all 44488  
members shall receive their actual and necessary expenses incurred 44489  
in the performance of their official duties. 44490

Each voting member, before entering upon the discharge of the 44491  
member's duties, shall file a surety bond payable to the treasurer 44492  
of state in the sum of ten thousand dollars. Each surety bond 44493  
shall be conditioned upon the faithful performance of the duties 44494  
of the office, executed by a surety company authorized to transact 44495  
business in this state, and filed in the office of the secretary 44496  
of state. 44497

The governor may remove any voting member for malfeasance, 44498  
misfeasance, or nonfeasance in office after giving the member a 44499  
copy of the charges against the member and affording the member an 44500  
opportunity for a public hearing, at which the member may be 44501  
represented by counsel, upon not less than ten days' notice. If 44502  
the member is removed, the governor shall file a complete 44503  
statement of all charges made against the member and the 44504  
governor's finding ~~thereon~~ on the charges in the office of the 44505  
secretary of state, together with a complete report of the 44506

proceedings. The governor's decision shall be final. 44507

~~(D) The commission shall maintain an office in Youngstown and 44508  
keep all of its permanent records there. 44509~~

**Sec. 3773.43.** The Ohio athletic commission shall charge the 44510  
following fees: 44511

(A) For an application for or renewal of a promoter's license 44512  
for public boxing matches or exhibitions, ~~fifty~~ one hundred 44513  
dollars. 44514

(B) For an application for or renewal of a license to 44515  
participate in a public boxing match or exhibition as a 44516  
contestant, or as a referee, judge, matchmaker, manager, 44517  
timekeeper, trainer, or second of a contestant, ~~ten~~ twenty 44518  
dollars. 44519

(C) For a permit to conduct a public boxing match or 44520  
exhibition, ~~ten~~ fifty dollars. 44521

(D) For an application for or renewal of a promoter's license 44522  
for professional wrestling matches or exhibitions, ~~one~~ two hundred 44523  
dollars. 44524

(E) For a permit to conduct a professional wrestling match or 44525  
exhibition, ~~fifty~~ one hundred dollars. 44526

The commission, subject to the approval of the controlling 44527  
board, may establish fees in excess of the amounts provided in 44528  
this section, provided that such fees do not exceed the amounts 44529  
permitted by this section by more than ~~twenty-five~~ fifty per cent. 44530

The fees prescribed by this section shall be paid to the 44531  
treasurer of state, who shall deposit the fees in the occupational 44532  
licensing and regulatory fund. 44533

**Sec. 3901.491.** (A) As used in this section: 44534

(1) "Genetic screening or testing" means a laboratory test of a person's genes or chromosomes for abnormalities, defects, or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease, or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects, or deficiencies, and not an indirect manifestation of genetic disorders.

(2) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of sickness and accident insurance.

(3) "Sickness and accident insurance" means sickness and accident insurance under Chapter 3923. of the Revised Code excluding disability income insurance and excluding supplemental policies of sickness and accident insurance.

(B) Upon the repeal of section 3901.49 of the Revised Code by ~~Sub. H.B. No. 71 of the 120th general assembly~~, no insurer shall do either of the following:

(1) Consider any information obtained from genetic screening or testing in processing an application for an individual or group policy of sickness and accident insurance, or in determining insurability under such a policy;

(2) Inquire, directly or indirectly, into the results of genetic screening or testing or use such information, in whole or in part, to cancel, refuse to issue or renew, or limit benefits under, a sickness and accident insurance policy.

(C) Any insurer that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the superintendent of insurance under section 3901.04 of the Revised Code.

**Sec. 3901.501.** (A) As used in this section: 44565

(1) "Genetic screening or testing" means a laboratory test of 44566  
a person's genes or chromosomes for abnormalities, defects, or 44567  
deficiencies, including carrier status, that are linked to 44568  
physical or mental disorders or impairments, or that indicate a 44569  
susceptibility to illness, disease, or other disorders, whether 44570  
physical or mental, which test is a direct test for abnormalities, 44571  
defects, or deficiencies, and not an indirect manifestation of 44572  
genetic disorders. 44573

(2) "Self-insurer" means any government entity providing 44574  
coverage for health care services on a self-insurance basis. 44575

(B) Upon the repeal of section 3901.50 of the Revised Code ~~by~~ 44576  
~~Sub. H.B. No. 71 of the 120th general assembly,~~ no self-insurer 44577  
shall do either of the following: 44578

(1) Consider any information obtained from genetic screening 44579  
or testing in processing an application for coverage under a plan 44580  
of self-insurance or in determining insurability under such a 44581  
plan; 44582

(2) Inquire, directly or indirectly, into the results of 44583  
genetic screening or testing or use such information, in whole or 44584  
in part, to cancel, refuse to provide or renew, or limit benefits 44585  
under, a plan of self-insurance. 44586

(C) Any self-insurer that has engaged in, is engaged in, or 44587  
is about to engage in a violation of division (B) of this section 44588  
is subject to the jurisdiction of the superintendent of insurance 44589  
under section 3901.04 of the Revised Code. 44590

**Sec. 3901.72.** Any person may advance to a domestic insurance 44591  
company or a health insuring corporation any sum of money 44592  
necessary for the purpose of the insurance company's or health 44593  
insuring corporation's business, or to enable the insurance 44594

company or health insuring corporation to comply with any law, or 44595  
as a cash guarantee fund. Such money, and interest agreed upon, 44596  
~~not exceeding ten per cent per annum or the total of four hundred~~ 44597  
~~basis points plus the rate on United States treasury notes or~~ 44598  
~~bonds closest in maturity to the final repayment date of the money~~ 44599  
~~so advanced, whichever is greater,~~ shall not be a liability or 44600  
claim against the insurance company or health insuring 44601  
corporation, or any of its assets, except as provided in this 44602  
section, and shall be repaid only out of the surplus earnings of 44603  
such insurance company or health insuring corporation. Except as 44604  
ordered by the superintendent of insurance, no part of the 44605  
principal or interest thereof shall be repaid until the surplus of 44606  
the insurance company or health insuring corporation remaining 44607  
after such repayment is equal in amount to the principal of the 44608  
money so advanced. Such advancement and repayment shall be subject 44609  
to the approval of the superintendent, provided that this section 44610  
shall not affect the power to borrow money which any such 44611  
insurance company or health insuring corporation possesses under 44612  
other laws. No commission or promotion expenses shall be paid by 44613  
the insurance company or health insuring corporation, in 44614  
connection with the advance of any such money to the insurance 44615  
company or health insuring corporation, and the amount of any such 44616  
unpaid advance shall be reported in each annual statement. 44617

**Sec. 4104.01.** As used in sections 4104.01 to 4104.20 and 44618  
section 4104.99 of the Revised Code: 44619

(A) "Board of building standards" or "board" means the board 44620  
established by section 3781.07 of the Revised Code. 44621

(B) "Superintendent" means the superintendent of the division 44622  
of industrial compliance created by section 121.04 of the Revised 44623  
Code. 44624

(C) "Boiler" means a closed vessel in which water is heated, 44625

steam is generated, steam is superheated, or any combination 44626  
thereof, under pressure or vacuum for use externally to itself by 44627  
the direct application of heat from the combustion of fuels, or 44628  
from electricity or nuclear energy. "Boiler" includes fired units 44629  
for heating or vaporizing liquids other than water where these 44630  
units are separate from processing systems and are complete within 44631  
themselves. 44632

(D) "Power boiler" means a boiler in which steam or other 44633  
vapor (to be used externally to itself) is generated at a pressure 44634  
of more than fifteen psig. 44635

(E) "High pressure, high temperature water boiler" means a 44636  
water heating boiler operating at pressures exceeding one hundred 44637  
sixty psig or temperatures exceeding two hundred fifty degrees 44638  
Fahrenheit. 44639

(F) "Low pressure boiler" means a steam boiler operating at 44640  
pressures not exceeding fifteen psig, or a hot water heating 44641  
boiler operating at pressures not exceeding one hundred sixty psig 44642  
or temperatures not exceeding two hundred fifty degrees 44643  
Fahrenheit. 44644

(G) "~~Unfired pressure~~ Pressure vessel" means a container for 44645  
the containment of pressure, either internal or external. This 44646  
pressure may be obtained from an external source or by the 44647  
application of heat from a direct or indirect source or any 44648  
combination thereof. 44649

(H) "Process boiler" means a boiler to which all of the 44650  
following apply: 44651

(1) The steam in the boiler is either generated or 44652  
superheated, or both, under pressure or vacuum for use external to 44653  
itself. 44654

(2) The source of heat for the boiler is in part or in whole 44655  
from a process other than the boiler itself. 44656

(3) The boiler is part of a continuous processing unit, such 44657  
as used in chemical manufacture or petroleum refining, other than 44658  
a steam-generated process unit. 44659

(I) "Stationary steam engine" means an engine or turbine in 44660  
which the mechanical force arising from the elasticity and 44661  
expansion action of steam or from its property of rapid 44662  
condensation or from a combination of the two is made available as 44663  
a motive power. 44664

**Sec. 4104.02.** The board of building standards shall: 44665

(A) Formulate rules for the construction, installation, 44666  
~~inspection,~~ repair, conservation of energy, and operation of 44667  
boilers and the construction, ~~inspection,~~ and repair of ~~unfired~~ 44668  
pressure vessels and for ascertaining the safe working pressures 44669  
to be carried on such boilers and ~~unfired~~ pressure vessels and the 44670  
qualification of inspectors of boilers and ~~unfired~~ pressure 44671  
vessels; 44672

(B) Prescribe tests, if it is considered necessary, to 44673  
ascertain the qualities of materials used in the construction of 44674  
boilers and ~~unfired~~ pressure vessels; 44675

(C) Adopt rules regulating the construction and sizes of 44676  
safety valves for boilers and ~~unfired~~ pressure vessels of 44677  
different sizes and pressures, for the construction, use, and 44678  
location of fusible plugs, appliances for indicating the pressure 44679  
of steam and level of water in the boiler or ~~unfired~~ pressure 44680  
vessels, and such other appliances as the board considers 44681  
necessary to safety in operating boilers; 44682

(D) Establish reasonable fees for the performance of reviews, 44683  
surveys, or audits of manufacturer's facilities by the division of 44684  
industrial compliance for certification by the American society of 44685  
mechanical engineers and the national board of boiler and pressure 44686

vessel inspectors; 44687

(E) The definitions and rules adopted by the board for the 44688  
construction, installation, ~~inspection~~, repair, conservation of 44689  
energy, and operation of boilers and the construction, ~~inspection~~, 44690  
and repair of ~~unfired~~ pressure vessels and for ascertaining the 44691  
safe working pressures to be used on such boilers and ~~unfired~~ 44692  
pressure vessels shall be based upon and follow generally accepted 44693  
engineering standards, formulae, and practices established and 44694  
pertaining to boilers and ~~unfired~~ pressure vessel construction, 44695  
operation, and safety, and the board may, for this purpose, adopt 44696  
existing published standards as well as amendments thereto 44697  
subsequently published by the same authority. 44698

When a person desires to manufacture a special type of boiler 44699  
or ~~unfired~~ pressure vessel, the design of which is not covered by 44700  
the rules of the board, the person shall submit drawings and 44701  
specifications of such boiler or ~~unfired~~ pressure vessel to the 44702  
board for investigation, after which the board may permit its 44703  
installation. 44704

The provisions of sections 119.03 and 119.11 of the Revised 44705  
Code in particular, and the applicable provisions of Chapter 119. 44706  
of the Revised Code in general, shall govern the proceedings of 44707  
the board of building standards in adopting, amending, or 44708  
rescinding rules pursuant to this section. 44709

**Sec. 4104.04.** (A) Sections 4104.01 to 4104.20 and section 44710  
4104.99 of the Revised Code do not apply to the following boilers 44711  
and ~~unfired~~ pressure vessels: 44712

(1) Boilers, ~~unfired~~ pressure vessels, and stationary steam 44713  
engines under federal control or subject to inspection under 44714  
federal laws; 44715

(2) Air tanks located on vehicles operating under the rules 44716

of other state authorities and used for carrying passengers, or freight;	44717 44718
(3) Air tanks installed on the right of way of railroads and used directly in the operation of trains;	44719 44720
(4) <del>Unfired pressure</del> <u>Pressure</u> vessels <del>which that</del> are under the regulation and control of the state fire marshal under Chapter 3737. of the Revised Code.	44721 44722 44723
(B) The following boilers and <del>unfired</del> pressure vessels are exempt from the requirements of sections 4104.10, 4104.101, 4104.11, 4104.12, and 4104.13 of the Revised Code, but shall be equipped with such appliances, to insure safety of operation, as are prescribed by the board:	44724 44725 44726 44727 44728
(1) Portable boilers or <del>unfired</del> pressure vessels when located on farms and used solely for agricultural purposes;	44729 44730
(2) Steam or vapor boilers carrying a pressure of not more than fifteen psig, which are located in private residences or in apartment houses of less than six family units;	44731 44732 44733
(3) Hot water boilers operated at pressures not exceeding one hundred sixty psig, or temperatures not exceeding two hundred fifty degrees fahrenheit, which are located in private residences or in apartment houses of less than six family units;	44734 44735 44736 44737
(4) <del>Unfired pressure</del> <u>Pressure</u> vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping system, when located in private residences or in apartment houses of less than six family units;	44738 44739 44740 44741 44742
(5) Portable boilers used in pumping, heating, steaming, and drilling, in the open field, for water, gas, and oil;	44743 44744
(6) Portable boilers used in the construction of and repair to public roads, railroads, and bridges;	44745 44746

(7) Historical steam boilers of riveted construction, 44747  
preserved, restored, or maintained for hobby or demonstration use. 44748

**Sec. 4104.06.** (A) The inspection of boilers and their 44749  
appurtenances and ~~unfired~~ pressure vessels shall be made by the 44750  
inspectors mentioned in sections 4104.07 to 4104.20 of the Revised 44751  
Code. The superintendent of industrial compliance shall administer 44752  
and enforce such sections and rules adopted by the board of 44753  
building standards pursuant to section 4104.02 of the Revised 44754  
Code. 44755

(B) The superintendent shall adopt, amend, and repeal rules 44756  
exclusively for the issuance, renewal, suspension, and revocation 44757  
of certificates of competency and certificates of operation, for 44758  
conducting hearings in accordance with Chapter 119. of the Revised 44759  
Code related to these actions, and for the inspection of boilers 44760  
and their appurtenances, and ~~unfired~~ pressure vessels. 44761

(C) Notwithstanding division (B) of this section, the 44762  
superintendent shall not adopt rules relating to construction, 44763  
maintenance, or repair of boilers and their appurtenances, or 44764  
repair of ~~unfired~~ pressure vessels. 44765

(D) The superintendent and each general inspector may enter 44766  
any premises and any building or room at all reasonable hours to 44767  
perform an examination or inspection. 44768

**Sec. 4104.07.** (A) An application for examination as an 44769  
inspector of boilers and ~~unfired~~ pressure vessels shall be in 44770  
writing, accompanied by a fee of fifty dollars, upon a blank to be 44771  
furnished by the superintendent of industrial compliance. Any 44772  
moneys collected under this section shall be paid into the state 44773  
treasury to the credit of the industrial compliance operating fund 44774  
created in section 121.084 of the Revised Code. 44775

(B) The superintendent shall determine if an applicant meets 44776

all the requirements for examination in accordance with rules 44777  
adopted by the board of building standards under section 4104.02 44778  
of the Revised Code. An application shall be rejected which 44779  
contains any willful falsification, or untruthful statements. 44780

(C) An applicant shall be examined by the superintendent, by 44781  
a written examination, prescribed by the board, dealing with the 44782  
construction, installation, operation, maintenance, and repair of 44783  
boilers and ~~unfired~~ pressure vessels and their appurtenances, and 44784  
the applicant shall be accepted or rejected on the merits of the 44785  
applicant's application and examination. 44786

(D) Upon a favorable report by the superintendent of the 44787  
result of an examination, the superintendent shall immediately 44788  
issue to the successful applicant a certificate of competency to 44789  
that effect. 44790

**Sec. 4104.08.** (A) The director of commerce may appoint from 44791  
the holders of certificates of competency provided for in section 44792  
4104.07 of the Revised Code, general inspectors of boilers and 44793  
~~unfired~~ pressure vessels. 44794

(B) Any company authorized to insure boilers and ~~unfired~~ 44795  
pressure vessels against explosion in this state may designate 44796  
from holders of certificates of competency issued by the 44797  
superintendent of industrial compliance, or holders of 44798  
certificates of competency or commissions issued by other states 44799  
or nations whose examinations for certificates or commissions have 44800  
been approved by the board of building standards, persons to 44801  
inspect and stamp boilers and ~~unfired~~ pressure vessels covered by 44802  
the company's policies, and the superintendent shall issue to such 44803  
persons commissions authorizing them to act as special inspectors. 44804  
Special inspectors shall be compensated by the company designating 44805  
them. 44806

(C) The director of commerce shall establish an annual fee to 44807

be charged by the superintendent for each certificate of 44808  
competency or commission the superintendent issues. 44809

(D) The superintendent shall issue to each general or special 44810  
inspector a commission to the effect that the holder thereof is 44811  
authorized to inspect boilers and ~~unfired~~ pressure vessels in this 44812  
state. 44813

(E) No person shall be authorized to act as a general 44814  
inspector or a special inspector who is directly or indirectly 44815  
interested in the manufacture or sale of boilers or ~~unfired~~ 44816  
pressure vessels. 44817

**Sec. 4104.15.** (A) All certificates of inspection for boilers, 44818  
issued prior to October 15, 1965, are valid and effective for the 44819  
period set forth in such certificates unless sooner withdrawn by 44820  
the superintendent of industrial compliance. The owner or user of 44821  
any such boiler shall obtain an appropriate certificate of 44822  
operation for such boiler, and shall not operate such boiler, or 44823  
permit it to be operated unless a certificate of operation has 44824  
been obtained in accordance with section 4104.17 of the Revised 44825  
Code. 44826

(B) If, upon making the internal and external inspection 44827  
required under sections 4104.11, 4104.12, and 4104.13 of the 44828  
Revised Code, the inspector finds the boiler to be in safe working 44829  
order, with the fittings necessary to safety, and properly set up, 44830  
upon the inspector's report to the superintendent, the 44831  
superintendent shall issue to the owner or user thereof, or renew, 44832  
upon application and upon compliance with sections 4104.17 and 44833  
4104.18 of the Revised Code, a certificate of operation which 44834  
shall state the maximum pressure at which the boiler may be 44835  
operated, as ascertained by the rules of the board of building 44836  
standards. Such certificates shall also state the name of the 44837  
owner or user, the location, size, and number of each boiler, and 44838

the date of issuance, and shall be so placed as to be easily read 44839  
in the engine room or boiler room of the plant where the boiler is 44840  
located, except that the certificate of operation for a portable 44841  
boiler shall be kept on the premises and shall be accessible at 44842  
all times. 44843

(C) If an inspector at any inspection finds that the boiler 44844  
or ~~unfired~~ pressure vessel is not in safe working condition, or is 44845  
not provided with the fittings necessary to safety, or if the 44846  
fittings are improperly arranged, the inspector shall immediately 44847  
notify the owner or user and person in charge of the boiler and 44848  
shall report the same to the superintendent who may revoke, 44849  
suspend, or deny the certificate of operation and not renew the 44850  
same until the boiler or ~~unfired~~ pressure vessel and its fittings 44851  
are put in condition to insure safety of operation, and the owner 44852  
or user shall not operate the boiler or ~~unfired~~ pressure vessel, 44853  
or permit it to be operated until such certificate has been 44854  
granted or restored. 44855

(D) If the superintendent or a general boiler inspector finds 44856  
that ~~an unfired~~ a pressure vessel or boiler or a part thereof 44857  
poses an explosion hazard that reasonably can be regarded as 44858  
posing an imminent danger of death or serious physical harm to 44859  
persons, the superintendent or the general boiler inspector shall 44860  
seal the ~~unfired~~ pressure vessel or boiler and order, in writing, 44861  
the operator or owner of the ~~unfired~~ pressure vessel or boiler to 44862  
immediately cease the ~~unfired~~ pressure vessel's or boiler's 44863  
operation. The order shall be effective until the nonconformities 44864  
are eliminated, corrected, or otherwise remedied, or for a period 44865  
of seventy-two hours from the time of issuance, whichever occurs 44866  
first. During the seventy-two-hour period, the superintendent may 44867  
request that the prosecuting attorney or city attorney of Franklin 44868  
county or of the county in which the ~~unfired~~ pressure vessel or 44869  
boiler is located obtain an injunction restraining the operator or 44870

owner of the ~~unfired~~ pressure vessel or boiler from continuing its 44871  
operation after the seventy-two-hour period expires until the 44872  
nonconformities are eliminated, corrected, or otherwise remedied. 44873

(E) Each boiler which has been inspected shall be assigned a 44874  
number by the superintendent, which number shall be stamped on a 44875  
nonferrous metal tag affixed to the boiler or its fittings by seal 44876  
or otherwise. No person except an inspector shall deface or remove 44877  
any such number or tag. 44878

(F) If the owner or user of any ~~unfired~~ pressure vessel or 44879  
boiler disagrees with the inspector as to the necessity for 44880  
shutting down ~~an unfired~~ a pressure vessel or boiler or for making 44881  
repairs or alterations in it, or taking any other measures for 44882  
safety that are requested by an inspector, the owner or user may 44883  
appeal from the decision of the inspector to the superintendent, 44884  
who may, after such other inspection by a general inspector or 44885  
special inspector as the superintendent deems necessary, decide 44886  
the issue. 44887

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 44888  
nor an inspection or report by any inspector, shall relieve the 44889  
owner or user of ~~an unfired~~ a pressure vessel or boiler of the 44890  
duty of using due care in the inspection, operation, and repair of 44891  
the ~~unfired~~ pressure vessel or boiler or of any liability for 44892  
damages for failure to inspect, repair, or operate the ~~unfired~~ 44893  
pressure vessel or boiler safely. 44894

**Sec. 4104.18.** (A) The owner or user of a boiler required 44895  
under section 4104.12 of the Revised Code to be inspected upon 44896  
installation, and the owner or user of a boiler for which a 44897  
certificate of inspection has been issued which is replaced with 44898  
an appropriate certificate of operation, shall pay to the 44899  
superintendent of industrial compliance a fee in the amount of 44900  
~~thirty~~ forty-five dollars for boilers subject to annual 44901

inspections under section 4104.11 of the Revised Code, ~~sixty~~ 44902  
~~ninety~~ dollars for boilers subject to biennial inspection under 44903  
section 4104.13 of the Revised Code, ~~ninety one hundred~~ 44904  
~~thirty-five~~ dollars for boilers subject to triennial inspection 44905  
under section 4104.11 of the Revised Code, or ~~one two~~ hundred 44906  
~~fifty~~ twenty-five dollars for boilers subject to quinquennial 44907  
inspection under section 4104.13 of the Revised Code. 44908

A renewal fee in the amount of ~~thirty~~ forty-five dollars 44909  
shall be paid to the treasurer of state before the renewal of any 44910  
certificate of operation. 44911

(B) The fee for complete inspection during construction by a 44912  
general inspector on boilers and ~~unfired~~ pressure vessels 44913  
manufactured within the state shall be thirty-five dollars per 44914  
hour. Boiler and ~~unfired~~ pressure vessel manufacturers other than 44915  
those located in the state may secure inspection by a general 44916  
inspector on work during construction, upon application to the 44917  
superintendent, and upon payment of a fee of thirty-five dollars 44918  
per hour, plus the necessary traveling and hotel expenses incurred 44919  
by the inspector. 44920

(C) The application fee for applicants for steam engineer, 44921  
high pressure boiler operator, or low pressure boiler operator 44922  
licenses is fifty dollars. The fee for each original or renewal 44923  
steam engineer, high pressure boiler operator, or low pressure 44924  
boiler operator license is thirty-five dollars. 44925

(D) The director of commerce, subject to the approval of the 44926  
controlling board, may establish fees in excess of the fees 44927  
provided in divisions (A), (B), and (C) of this section, ~~provided~~ 44928  
~~that such fees do not exceed the amounts established in this~~ 44929  
~~section by more than fifty per cent.~~ Any moneys collected under 44930  
this section shall be paid into the state treasury to the credit 44931  
of the industrial compliance operating fund created in section 44932  
121.084 of the Revised Code. 44933

(E) Any person who fails to pay an invoiced renewal fee or an  
invoiced inspection fee required for any inspection conducted by  
the division of industrial compliance pursuant to this chapter  
within forty-five days of the invoice date shall pay a late  
payment fee equal to twenty-five per cent of the invoiced fee.

(F) In addition to the fees assessed in divisions (A) and (B)  
of this section, the board of building standards shall assess the  
owner or user a fee of three dollars and twenty-five cents for  
each certificate of operation or renewal thereof issued under  
division (A) of this section and for each inspection conducted  
under division (B) of this section. The board shall adopt rules,  
in accordance with Chapter 119. of the Revised Code, specifying  
the manner by which the superintendent shall collect and remit to  
the board the fees assessed under this division and requiring that  
remittance of the fees be made at least quarterly.

**Sec. 4104.19.** (A) Any person seeking a license to operate as  
a steam engineer, high pressure boiler operator, or low pressure  
boiler operator shall file a written application with the  
superintendent of industrial compliance on a form prescribed by  
the superintendent with the appropriate application fee as set  
forth in section 4104.18 of the Revised Code. The application  
shall contain information satisfactory to the superintendent to  
demonstrate that the applicant meets the requirements of division  
(B) of this section. The application shall be filed with the  
superintendent not more than sixty days and not less than thirty  
days before the license examination is offered.

(B) To qualify to take the examination required to obtain a  
steam engineer, high pressure boiler operator, or low pressure  
boiler operator license, a person shall meet both of the following  
requirements:

(1) Be at least eighteen years of age;

(2) Have one year of experience in the operation of steam engines, high pressure boilers, or low pressure boilers as applicable to the type of license being sought, or a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent.

(C) No applicant shall qualify to take an examination or to renew a license if the applicant has violated this chapter or if the applicant has obtained or renewed a license issued under this chapter by fraud, misrepresentation, or deception.

(D) The superintendent shall issue a license to each applicant who receives a passing score on the examination, as determined by the superintendent, for the license for which the applicant applied.

(E) The superintendent ~~shall~~ may select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;

(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure.

(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the

expiration of the license, and submitting with the application the 44995  
renewal fee established in section 4104.18 of the Revised Code. 44996  
Upon receipt of the renewal information and fee, the 44997  
superintendent shall issue the licensee a certificate of renewal. 44998

(G) The superintendent, in accordance with Chapter 119. of 44999  
the Revised Code, may suspend or revoke any license, or may refuse 45000  
to issue a license under this chapter upon finding that a licensee 45001  
or an applicant for a license has violated or is violating the 45002  
requirements of this chapter. 45003

**Sec. 4104.20.** No owner or operator of any boiler shall 45004  
operate the same in violation of sections 4104.11 to 4104.16, 45005  
inclusive, and 4104.18 of the Revised Code, or of any rule or 45006  
regulation adopted by the board of building standards, pursuant to 45007  
section 4104.02 of the Revised Code, or without having a boiler 45008  
inspected and a certificate of operation issued therefor as 45009  
provided in such sections or hinder or prevent a general or 45010  
special inspector of boilers from entering any premises in or on 45011  
which a boiler is situated for the purpose of inspection. No owner 45012  
or operator of any ~~unfired~~ pressure vessel shall operate the same 45013  
in violation of section 4104.10 of the Revised Code, or of any 45014  
rule or regulation adopted by the board of building standards, 45015  
pursuant to section 4104.02 of the Revised Code. 45016

**Sec. 4104.41.** ~~(A)~~ As used in sections 4104.41 to ~~4104.45~~ 45017  
4104.48 of the Revised Code: 45018

~~(1)~~(A) "Liquefied petroleum gas" means any material which is 45019  
composed predominantly of any of the following hydrocarbons, or 45020  
mixtures of the same: propane, propylene, normal butane, or 45021  
isobutane or butylenes. 45022

~~(2)~~(B) "Other gaseous piping systems" excludes natural gas 45023  
piping gas systems. 45024

~~(B) The director of commerce shall appoint general inspectors of power, refrigerating, hydraulic, heating, and liquefied petroleum gas piping systems. Such inspectors shall be appointed from holders of certificates of competency provided for in section 4104.42 of the Revised Code.~~

~~Salaries shall be appropriated in the same manner as the salaries of other employees of state departments, and expenses of such general inspectors shall be provided for in the same manner as the expenses of other employees of state departments.~~

**Sec. 4104.42.** (A) Each manufacturer, contractor, owner, or user of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems shall conduct tests required under rules adopted by the board of building standards under division (A)(1) of section 4104.44 of the Revised Code and certify in writing on forms provided under section 4104.43 of the Revised Code by the superintendent of industrial compliance in the department of commerce that the welding and brazing procedures used in the construction of those power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems meet the standards established by the board under division (A)(1) of section 4104.44 of the Revised Code.

(B) Each manufacturer, contractor, owner, or user of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems who causes welding or brazing to be performed in the construction of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems shall maintain at least one copy of the forms described in division (A) of this section and make that copy accessible to any individual certified by the board of building standards pursuant to division (E) of section

3781.10 of the Revised Code. 45056

(C) An individual certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code shall examine the forms described in division (A) of this section to determine compliance with the rules adopted by the board of building standards under division (A)(1) of section 4104.44 of the Revised Code. 45057  
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(D) An individual certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code with reason to question the certification or ability of any welder or brazer shall report the concerns to the superintendent of the division of industrial compliance in the department of commerce. The superintendent shall investigate those concerns. If the superintendent finds facts that substantiate the concerns of the individual certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code, the superintendent may require the welder or brazer in question to become recertified by a private vendor in the same manner by which five-year recertification is required under section 4104.46 of the Revised Code. The superintendent also may utilize the services of an independent testing laboratory to witness the welding or brazing performed on the project in question and to conduct tests on coupons to determine whether the coupons meet the requirements of the rules adopted by the board of building standards under division (A)(1) of section 4104.44 of the Revised Code. 45063  
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**Sec. 4104.43.** (A) Each manufacturer, contractor, owner, or user of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems who causes welding or brazing to be performed in the construction of a power, refrigerating, hydraulic, heating and liquefied petroleum gas, 45082  
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oxygen, or other gaseous piping system shall file with the 45087  
superintendent of the division of industrial compliance two 45088  
complete copies of forms provided by the superintendent that 45089  
identify the welding and brazing procedure specifications and 45090  
welder and brazer performance qualifications performed in the 45091  
construction of that power, refrigerating, hydraulic, heating and 45092  
liquefied petroleum gas, oxygen, or other gaseous piping system. 45093

(B)(1) Upon receipt of the forms filed under division (A) of 45094  
this section, the superintendent shall review the welding and 45095  
brazing procedure specifications and welder and brazer performance 45096  
qualifications as indicated on the forms to determine compliance 45097  
with rules adopted by the board of building standards under 45098  
division (A)(1) of section 4104.44 of the Revised Code. 45099

(2) If the superintendent finds that the welding and brazing 45100  
procedure specifications and welder and brazer performance 45101  
qualifications comply with the requirements of the rules adopted 45102  
by the board of building standards under division (A)(1) of 45103  
section 4104.44 of the Revised Code, the superintendent shall 45104  
approve the welding and brazing procedure specifications and 45105  
welder and brazer performance qualifications as indicated on the 45106  
forms and return one copy to the manufacturer, contractor, owner, 45107  
or user of power, refrigerating, hydraulic, heating and liquefied 45108  
petroleum gas, oxygen, or other gaseous piping systems who 45109  
submitted the forms. 45110

(3) If the superintendent finds that the welding and brazing 45111  
procedure specifications and welder and brazer performance 45112  
qualifications do not comply with the requirements of the rules 45113  
adopted by the board of building standards under division (A)(1) 45114  
of section 4104.44 of the Revised Code, the superintendent shall 45115  
indicate on the forms that the welding and brazing procedure 45116  
specifications and welder and brazer performance qualifications 45117  
are not approved and return one copy of the form to the 45118

manufacturer, contractor, owner, or user of power, refrigerating, 45119  
hydraulic, heating and liquefied petroleum gas, oxygen, or other 45120  
gaseous piping systems who submitted the forms with an explanation 45121  
of why the welding and brazing procedure specifications and welder 45122  
and brazer performance qualifications were not approved. 45123

**Sec. 4104.44.** (A) The board of building standards, 45124  
established by section 3781.07 of the Revised Code, shall: 45125

(1) ~~Formulate~~ Adopt rules governing the design, plan review, 45126  
approval, construction, and installation of power, refrigerating, 45127  
hydraulic, heating, and liquefied petroleum gas, oxygen, and other 45128  
gaseous piping systems. ~~Such~~ The board of building standards may 45129  
include the rules for piping systems with the rules it adopts for 45130  
buildings pursuant to section 3781.10 of the Revised Code or with 45131  
the rules it adopts for piping systems pursuant to this section. 45132  
The rules shall prescribe uniform minimum standards necessary for 45133  
the protection of the public health and safety and shall include 45134  
rules establishing the safe working pressure to be carried by any 45135  
such systems; a program for the certification of the welding and 45136  
brazing procedures proposed to be used on any such system by the 45137  
owner or operator of any welding or brazing business and for 45138  
quinquennial performance testing of welders and brazers who work 45139  
on any such system; and measures for the conservation of energy. 45140  
~~Such~~ The rules shall be based upon and follow generally accepted 45141  
engineering standards, formulas, and practices established and 45142  
pertaining to such piping construction, installation, and testing. 45143  
The board may, for this purpose, adopt existing published 45144  
standards, as well as amendments thereto subsequently published by 45145  
the same authority. 45146

(2) Prescribe the tests, to ascertain the qualities of 45147  
materials and welding and brazing materials used in the 45148  
construction of power, refrigerating, hydraulic, heating, and 45149

liquefied petroleum gas, oxygen, and other gaseous piping systems; 45150

(3) Make a standard form of certificate of inspection; 45151

(4) Prescribe ~~the examinations for applicants for~~ 45152  
~~certificates of competency provided for in section 4104.42 of the~~ 45153  
~~Revised Code and~~ performance tests to determine the proficiency of 45154  
welders and brazers; 45155

(5) Certify municipal and county building departments to 45156  
inspect power, refrigerating, hydraulic, heating, and liquefied 45157  
petroleum gas, oxygen, and other gaseous piping systems and adopt 45158  
rules governing such certification; 45159

~~(6) Establish the fee to be charged for an inspection made by~~ 45160  
~~a general inspector and for the filing and auditing of special~~ 45161  
~~inspector reports, and collect all fees established in this~~ 45162  
~~section.~~ 45163

The fee for the quinquennial performance tests shall be 45164  
fifteen dollars and the fee for certification of welding and 45165  
brazing procedures mentioned in division (A) of this section shall 45166  
be sixty dollars, except that the board of building standards, 45167  
with the approval of the controlling board, may establish fees in 45168  
excess of these fees, provided that the fees do not exceed the 45169  
amounts of these fees by more than fifty per cent. The fee for 45170  
each welding and brazing instruction sheet and procedure 45171  
qualification record shall be fifteen dollars. Any moneys 45172  
collected under this section shall be paid into the state treasury 45173  
to the credit of the industrial compliance operating fund created 45174  
in section 121.084 of the Revised Code. 45175

(B) ~~Piping is exempt from the requirements for submission of~~ 45176  
~~applications and inspections and the necessity to obtain permits,~~ 45177  
~~as required under this section and section 4104.45 of the Revised~~ 45178  
~~Code, or under rules adopted pursuant to those sections, for~~ 45179  
~~power, refrigerating, hydraulic, heating, and liquefied petroleum~~ 45180

~~gas, oxygen, and gaseous piping systems if the piping is used:~~ 45181

~~(1) In air cooling systems in residential or commercial 45182~~

~~buildings and if such systems do not exceed five tons (sixty 45183~~

~~thousand British thermal units per hour) per system; or 45184~~

~~(2) In air heating systems in residential or commercial 45185~~

~~buildings and if such systems do not exceed one hundred fifty 45186~~

~~thousand British thermal units per hour per system. 45187~~

~~(C) The board of building standards may, by rule, exempt from 45188~~

~~the rules adopted pursuant to division (A)(1) of this section any 45189~~

~~pressure piping power, refrigerating, hydraulic, heating and 45190~~

~~liquefied petroleum gas, oxygen, or other gaseous piping systems 45191~~

~~which that pose no appreciable danger to the public health and 45192~~

~~safety. 45193~~

**Sec. 4104.45.** (A) Except as otherwise provided in section 45194

4104.44 of the Revised Code, new power, refrigerating, hydraulic, 45195

heating, liquefied petroleum gas, oxygen, and other gaseous piping 45196

systems shall be thoroughly inspected in accordance with the rules 45197

of the board of building standards. Such ~~inspection~~ inspections 45198

shall be performed by ~~one of the following:~~ 45199

~~(1) General inspectors of pressure piping systems; 45200~~

~~(2) Special inspectors provided for in section 4104.43 of the 45201~~

~~Revised Code; 45202~~

~~(3) Local inspectors provided for in section 4104.43 of the 45203~~

~~Revised Code. 45204~~

~~(B) Owners or users of pressure piping systems required to be 45205~~

~~inspected under this section shall pay to the division of 45206~~

~~industrial compliance in the department of commerce a fee of one 45207~~

~~hundred fifty dollars plus an additional fee determined as 45208~~

~~follows: 45209~~

~~(1) On or before June 30, 2000, two per cent of the actual 45210~~

~~cost of the system for each inspection made by a general 45211  
inspector; 45212~~

~~(2) On July 1, 2000, and through June 30, 2001, one and 45213  
eight tenths per cent of the actual cost of the system for each 45214  
inspection made by a general inspector; 45215~~

~~(3) On and after July 1, 2001, one per cent of the actual 45216  
cost of the system for each inspection made by a general 45217  
inspector. 45218~~

~~(C) The board of building standards, subject to the approval 45219  
of the controlling board, may establish a fee in excess of the fee 45220  
provided in division (B) of this section, provided that the fee 45221  
does not exceed the amount established in this section by more 45222  
than fifty per cent. 45223~~

~~(D) In addition to the fee assessed in division (B) of this 45224  
section, the board of building standards shall assess the owner or 45225  
user a fee of three dollars and twenty five cents for each system 45226  
inspected pursuant to this section. The board shall adopt rules, 45227  
in accordance with Chapter 119. of the Revised Code, specifying 45228  
the manner by which the superintendent of the division of 45229  
industrial compliance in the department of commerce shall collect 45230  
and remit to the board the fees assessed under this division and 45231  
requiring that remittance of the fees be made at least quarterly. 45232~~

~~(E) Any moneys collected under this section shall be paid 45233  
into the state treasury to the credit of the industrial compliance 45234  
operating fund created in section 121.084 of the Revised Code. 45235~~

~~(F) Any person who fails to pay an inspection fee required 45236  
for any inspection conducted by the division pursuant to this 45237  
chapter within forty five days after the inspection is conducted 45238  
shall pay a late payment fee equal to twenty five per cent of the 45239  
inspection fee inspectors designated by the superintendent of the 45240  
division of industrial compliance in the department of commerce 45241~~

or, within jurisdictional limits established by the board of 45242  
building standards, by individuals certified by the board of 45243  
building standards pursuant to division (E) of section 3781.10 of 45244  
the Revised Code who are designated to do so by local building 45245  
departments, as appropriate. 45246

(G)(B) The superintendent of the division of industrial 45247  
compliance in the department of commerce may issue adjudication 45248  
orders as necessary for the enforcement of sections 4104.41 to 45249  
4104.46 4104.48 of the Revised Code and rules adopted under those 45250  
sections. No person shall violate or fail to comply with the terms 45251  
and conditions of an adjudication order issued under this 45252  
division. Adjudication orders issued pursuant to this division and 45253  
appeals thereof are governed by section 3781.19 of the Revised 45254  
Code. 45255

Sec. 4104.46. (A) The design, installation, and testing of 45256  
nonflammable medical gas and vacuum piping systems within the 45257  
scope of the national fire protection association standard, 45258  
section 1-1 of "NFPA 99C, Gas and Vacuum Systems," is governed by 45259  
that national fire protection association standard. 45260

(B) Installers, inspectors, verifiers, construction 45261  
contracting maintenance personnel, and instructors for the design, 45262  
installation, and testing of nonflammable medical gas and vacuum 45263  
piping systems shall obtain certification by the American society 45264  
of sanitary engineers in accordance with the American society of 45265  
sanitary engineering series 6000 requirements. 45266

Sec. 4104.47. (A) No individual other than one certified by a 45267  
private vendor in accordance with rules adopted by the board of 45268  
building standards shall perform welding or brazing or both in the 45269  
construction of power, refrigerating, hydraulic, heating and 45270  
liquefied petroleum gas, oxygen, or other gaseous piping systems. 45271

(B) Each welder or brazer certified by a private vendor to perform welding or brazing or both in the construction of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems shall be recertified by a private vendor to perform those services five years after the date of the original certification and every five years thereafter in accordance with rules adopted by the board. A private vendor shall recertify a welder or brazer who meets the requirements established by the board under division (A)(1) of section 4104.44 of the Revised Code.

**Sec. ~~4104.46~~ 4104.48.** (A) No person shall violate sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code, fail to perform any duty lawfully enjoined in connection with those sections, or fail to comply with any order issued by the superintendent of the division of industrial compliance or any judgment or decree issued by any court in connection with the enforcement of sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code.

(B) Every day during which a person violates sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code, fails to perform any duty lawfully enjoined in connection with those sections, or fails to comply with any order issued by the superintendent of the division of industrial compliance or any judgment or decree issued by any court in connection with the enforcement of sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code constitutes a separate offense.

**Sec. 4105.17.** (A) The fee for each inspection, or attempted inspection that, due to no fault of a general inspector or the division of industrial compliance, is not successfully completed, by a general inspector before the operation of a permanent new elevator prior to the issuance of a certificate of operation, before operation of an elevator being put back into service after

a repair, or as a result of the operation of section 4105.08 of 45303  
the Revised Code and is an elevator required to be inspected under 45304  
this chapter is twenty dollars plus ten dollars for each floor 45305  
where the elevator stops. The superintendent of industrial 45306  
compliance may assess an additional fee of one hundred twenty-five 45307  
dollars plus five dollars for each floor where an elevator stops 45308  
for the reinspection of an elevator when a previous attempt to 45309  
inspect that elevator has been unsuccessful through no fault of a 45310  
general inspector or the division of industrial compliance. 45311

(B) The fee for each inspection, or attempted inspection, 45312  
that due to no fault of the general inspector or the division of 45313  
industrial compliance, is not successfully completed by a general 45314  
inspector before operation of a permanent new escalator or moving 45315  
walk prior to the issuance of a certificate of operation, before 45316  
operation of an escalator or moving walk being put back in service 45317  
after a repair, or as a result of the operation of section 4105.08 45318  
of the Revised Code is three hundred dollars. The superintendent 45319  
of the division of industrial compliance may assess an additional 45320  
fee of one hundred fifty dollars for the reinspection of an 45321  
escalator or moving walk when a previous attempt to inspect that 45322  
escalator or moving walk has been unsuccessful through no fault of 45323  
the general inspector or the division of industrial compliance. 45324

(C) The fee for issuing or renewing a certificate of 45325  
operation under section 4105.15 of the Revised Code for an 45326  
elevator that is inspected every six months in accordance with 45327  
division (A) of section 4105.10 of the Revised Code is ~~one~~ two 45328  
hundred ~~five~~ dollars plus ten dollars for each floor where the 45329  
elevator stops, except where the elevator has been inspected by a 45330  
special inspector in accordance with section 4105.07 of the 45331  
Revised Code. 45332

(D) The fee for issuing or renewing a certificate of 45333  
operation under section 4105.05 of the Revised Code for an 45334

elevator that is inspected every twelve months in accordance with 45335  
division (A) of section 4105.10 of the Revised Code is fifty-five 45336  
dollars plus ten dollars for each floor where the elevator stops, 45337  
except where the elevator has been inspected by a special 45338  
inspector in accordance with section 4105.07 of the Revised Code. 45339

(E) The fee for issuing or renewing a certificate of 45340  
operation under section 4105.15 of the Revised Code for an 45341  
escalator or moving walk is three hundred dollars, except where 45342  
the escalator or moving walk has been inspected by a special 45343  
inspector in accordance section 4105.07 of the Revised Code. 45344

(F) All other fees to be charged for any examination given or 45345  
other service performed by the division of industrial compliance 45346  
pursuant to this chapter shall be prescribed by the director of 45347  
commerce. The fees shall be reasonably related to the costs of 45348  
such examination or other service. 45349

(G) The director of commerce, subject to the approval of the 45350  
controlling board, may establish fees in excess of the fees 45351  
provided in divisions (A) ~~and~~, (B), (C), (D), and (E) of this 45352  
section, ~~provided that the fees do not exceed the amounts~~ 45353  
~~established in divisions (A) and (B) of this section by more than~~ 45354  
~~fifty per cent.~~ Any moneys collected under this section shall be 45355  
paid into the state treasury to the credit of the industrial 45356  
compliance operating fund created in section 121.084 of the 45357  
Revised Code. 45358

(H) Any person who fails to pay an inspection fee required 45359  
for any inspection conducted by the division pursuant to this 45360  
chapter within forty-five days after the inspection is conducted 45361  
shall pay a late payment fee equal to twenty-five per cent of the 45362  
inspection fee. 45363

(I) In addition to the fees assessed in divisions (A), (B), 45364  
(C), ~~and~~ (D), and (E) of this section, the board of building 45365

standards shall assess a fee of three dollars and twenty-five 45366  
cents for each certificate of operation or renewal thereof issued 45367  
under ~~division~~ divisions (A), (B), (C), (D), or (E) of this 45368  
section and for each permit issued under section 4105.16 of the 45369  
Revised Code. The board shall adopt rules, in accordance with 45370  
Chapter 119. of the Revised Code, specifying the manner by which 45371  
the superintendent of industrial compliance shall collect and 45372  
remit to the board the fees assessed under this division and 45373  
requiring that remittance of the fees be made at least quarterly. 45374

(J) For purposes of this section: 45375

(1) "Escalator" means a power driven, inclined, continuous 45376  
stairway used for raising or lowering passengers. 45377

(2) "Moving walk" means a passenger carrying device on which 45378  
passengers stand or walk, with a passenger carrying surface that 45379  
is uninterrupted and remains parallel to its direction of motion. 45380

**Sec. 4112.15.** There is hereby created in the state treasury 45381  
the civil rights commission general reimbursement fund, which 45382  
shall be used to pay operating costs of the commission. All 45383  
amounts received by the commission, and all amounts awarded by a 45384  
court to the commission, for attorney's fees, court costs, expert 45385  
witness fees, and other litigation expenses shall be paid into the 45386  
state treasury to the credit of the fund. All ~~money paid to~~ 45387  
amounts received by the commission for copies of commission 45388  
documents and for other goods and services furnished by the 45389  
commission shall be ~~credited~~ paid into the state treasury to the 45390  
credit of the fund. 45391

**Sec. 4115.10.** (A) No person, firm, corporation, or public 45392  
authority that constructs a public improvement with its own 45393  
forces, the total overall project cost of which is fairly 45394  
estimated to be more than the amounts set forth in division (B)(1) 45395

or (2) of section 4115.03 of the Revised Code, adjusted biennially 45396  
by the director of commerce pursuant to section 4115.034 of the 45397  
Revised Code, shall violate the wage provisions of sections 45398  
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 45399  
require any employee to work for less than the rate of wages so 45400  
fixed, or violate the provisions of section 4115.07 of the Revised 45401  
Code. Any employee upon any public improvement, except an employee 45402  
to whom or on behalf of whom restitution is made pursuant to 45403  
division (C) of section 4115.13 of the Revised Code, who is paid 45404  
less than the fixed rate of wages applicable thereto may recover 45405  
from such person, firm, corporation, or public authority that 45406  
constructs a public improvement with its own forces the difference 45407  
between the fixed rate of wages and the amount paid to the 45408  
employee and in addition thereto a sum equal to twenty-five per 45409  
cent of that difference. The person, firm, corporation, or public 45410  
authority who fails to pay the rate of wages so fixed also shall 45411  
pay a penalty to the director of seventy-five per cent of the 45412  
difference between the fixed rate of wages and the amount paid to 45413  
the employees on the public improvement. The director shall 45414  
deposit all moneys received from penalties paid to the director 45415  
pursuant to this section into the penalty enforcement fund, which 45416  
is hereby created in the state treasury. The director shall use 45417  
the fund for the enforcement of sections 4115.03 to 4115.16 of the 45418  
Revised Code. The employee may file suit for recovery within ~~sixty~~ 45419  
ninety days of the director's determination of a violation of 45420  
sections 4115.03 to 4115.16 of the Revised Code or is barred from 45421  
further action under this division. Where the employee prevails in 45422  
a suit, the employer shall pay the costs and reasonable attorney's 45423  
fees allowed by the court. 45424

(B) Any employee upon any public improvement who is paid less 45425  
than the prevailing rate of wages applicable thereto may file a 45426  
complaint in writing with the director upon a form furnished by 45427  
the director. ~~At the written request~~ The complaint shall include 45428

documented evidence to demonstrate that the employee was paid less 45429  
than the prevailing wage in violation of this chapter. Upon 45430  
receipt of a properly completed written complaint of any employee 45431  
paid less than the prevailing rate of wages applicable, the 45432  
director shall take an assignment of a claim in trust for the 45433  
assigning employee and bring any legal action necessary to collect 45434  
the claim. The employer shall pay the costs and reasonable 45435  
attorney's fees allowed by the court if the employer is found in 45436  
violation of sections 4115.03 to 4115.16 of the Revised Code. 45437

(C) If after investigation pursuant to section 4115.13 of the 45438  
Revised Code, the director determines there is a violation of 45439  
sections 4115.03 to 4115.16 of the Revised Code and a period of 45440  
sixty days has elapsed from the date of the determination, and if: 45441

(1) No employee has brought suit pursuant to division (A) of 45442  
this section; 45443

(2) No employee has requested that the director take an 45444  
assignment of a wage claim pursuant to division (B) of this 45445  
section; 45446

The director shall bring any legal action necessary to 45447  
collect any amounts owed to employees and the director. The 45448  
director shall pay over to the affected employees the amounts 45449  
collected to which the affected employees are entitled under 45450  
division (A) of this section. In any action in which the director 45451  
prevails, the employer shall pay the costs and reasonable 45452  
attorney's fees allowed by the court. 45453

(D) Where persons are employed and their rate of wages has 45454  
been determined as provided in section 4115.04 of the Revised 45455  
Code, no person, either for self or any other person, shall 45456  
request, demand, or receive, either before or after the person is 45457  
engaged, that the person so engaged pay back, return, donate, 45458  
contribute, or give any part or all of the person's wages, salary, 45459

or thing of value, to any person, upon the statement, 45460  
representation, or understanding that failure to comply with such 45461  
request or demand will prevent the procuring or retaining of 45462  
employment, and no person shall, directly or indirectly, aid, 45463  
request, or authorize any other person to violate this section. 45464  
This division does not apply to any agent or representative of a 45465  
duly constituted labor organization acting in the collection of 45466  
dues or assessments of such organization. 45467

(E) The director shall enforce sections 4115.03 to 4115.16 of 45468  
the Revised Code. 45469

(F) For the purpose of supplementing existing resources and 45470  
to assist in enforcing division (E) of this section, the director 45471  
may contract with a person registered as a public accountant under 45472  
Chapter 4701. of the Revised Code to conduct an audit of a person, 45473  
firm, corporation, or public authority. 45474

Sec. 4115.21. A person who files a complaint with the 45475  
director of commerce alleging a violation of sections 4115.03 to 45476  
4115.16 of the Revised Code shall file the complaint within two 45477  
years after the completion of the public improvement upon which 45478  
the violation is alleged to have occurred or be barred from 45479  
further administrative action under this chapter. 45480

**Sec. 4117.02.** (A) There is hereby created the state 45481  
employment relations board, consisting of three members to be 45482  
appointed by the governor with the advice and consent of the 45483  
senate. Members shall be knowledgeable about labor relations or 45484  
personnel practices. No more than two of the three members shall 45485  
belong to the same political party. A member of the board during 45486  
the member's period of service shall hold no other public office 45487  
or public or private employment and shall allow no other 45488  
responsibilities to interfere or conflict with the member's duties 45489

as a full-time board member. Of the initial appointments made to 45490  
the board, one shall be for a term ending October 6, 1984, one 45491  
shall be for a term ending October 6, 1985, and one shall be for a 45492  
term ending October 6, 1986. Thereafter, terms of office shall be 45493  
for six years, each term ending on the same day of the same month 45494  
of the year as did the term that it succeeds. Each member shall 45495  
hold office from the date of the member's appointment until the 45496  
end of the term for which the member is appointed. Any member 45497  
appointed to fill a vacancy occurring prior to the expiration of 45498  
the term for which the member's predecessor was appointed shall 45499  
hold office for the remainder of the term. Any member shall 45500  
continue in office subsequent to the expiration of the member's 45501  
term until the member's successor takes office or until a period 45502  
of sixty days has elapsed, whichever occurs first. The 45503

~~The governor shall designate one member to serve as~~ 45504  
~~chairperson of the board.~~ The governor may remove any member of 45505  
the board, upon notice and public hearing, for neglect of duty or 45506  
malfeasance in office, but for no other cause. 45507

(B) A (1) The governor shall designate one member of the 45508  
board to serve as chairperson of the board. The chairperson is the 45509  
head of the board and its chief executive officer. 45510

(2) The chairperson shall exercise all administrative powers 45511  
and duties conferred upon the board under this chapter and shall 45512  
do all of the following: 45513

(a) Except as provided in division (F)(2) of this section, 45514  
employ, promote, supervise, and remove all employees of the board, 45515  
and establish, change, or abolish positions and assign or reassign 45516  
the duties of those employees as the chairperson determines 45517  
necessary to achieve the most efficient performance of the board's 45518  
duties under this chapter; 45519

(b) Maintain the office of the board in Columbus and manage 45520

the office's daily operations, including securing facilities, 45521  
equipment, and supplies necessary to house the board, employees of 45522  
the board, and files and records under the board's control; 45523

(c) Prepare and submit to the office of budget and management 45524  
a budget for each biennium according to section 107.03 of the 45525  
Revised Code, and include in the budget the costs of the board and 45526  
its staff and the board's costs in discharging any duty imposed by 45527  
law upon the board, the chairperson, or any of the board's 45528  
employees or agents. 45529

(C) The vacancy on the board does not impair the right of the 45530  
remaining members to exercise all the powers of the board, and two 45531  
members of the board, at all times, constitute a quorum. The board 45532  
shall have an official seal of which courts shall take judicial 45533  
notice. 45534

~~(C)~~(D) The board shall make an annual report in writing to 45535  
the governor and to the general assembly, stating in detail the 45536  
work it has done. 45537

~~(D)~~(E) Compensation of the chairperson and members shall be 45538  
in accordance with division (J) of section 124.15 of the Revised 45539  
Code. The chairperson and the members are eligible for 45540  
reappointment. In addition to such compensation, all members shall 45541  
be reimbursed for their necessary expenses incurred in the 45542  
performance of their work as members. 45543

~~(E)~~(F)(1) The chairperson, after consulting with the other 45544  
board members and receiving the consent of at least one other 45545  
board member, shall appoint an executive director and. The 45546  
chairperson also shall appoint attorneys, and attorney-trial 45547  
examiners, mediators, arbitrators, members of fact finding panels, 45548  
directors for local areas, and other employees as it finds 45549  
necessary for the proper performance of its duties and may 45550  
prescribe their duties. The 45551

(2) The board shall appoint mediators, arbitrators, members of fact-finding panels, and directors for local areas, and shall prescribe their job duties. 45552  
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(G)(1) The executive director shall serve at the pleasure of the chairperson. The executive director, under the direction of the chairperson, shall do all of the following: 45555  
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(a) Act as chief administrative officer for the board; 45558

(b) Ensure that all employees of the board comply with the rules of the board; 45559  
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(c) Do all things necessary for the efficient and effective implementation of the duties of the board. 45561  
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(2) The duties of the executive director described in division (G)(1) of this section do not relieve the chairperson from final responsibility for the proper performance of the duties described in that division. 45563  
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(H) The attorney general shall be the legal adviser of the board and shall appear for and represent the board and its agents in all legal proceedings. The board may utilize regional, local, or other agencies, and utilize voluntary and uncompensated services as needed. The board may contract with the federal mediation and conciliation service for the assistance of mediators, arbitrators, and other personnel the service makes available. The board and the chairperson, respectively, shall appoint all employees on the basis of training, practical experience, education, and character, notwithstanding the requirements established by section 119.09 of the Revised Code. The board shall give special regard to the practical training and experience that employees have for the particular position involved. All full-time employees of the board excepting the executive director, the head of the bureau of mediation, and the personal secretaries and assistants of the board members are in 45567  
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the classified service. All employees of the board shall be paid 45583  
in accordance with Chapter 124. of the Revised Code. 45584

~~(F)~~(I) The board shall select and assign examiners and other 45585  
agents whose functions are to conduct hearings with due regard to 45586  
their impartiality, judicial temperament, and knowledge. If in any 45587  
proceeding under this chapter, any party prior to five days before 45588  
the hearing thereto files with the board a sworn statement 45589  
charging that the examiner or other agent designated to conduct 45590  
the hearing is biased or partial in the proceeding, the board may 45591  
disqualify the person and designate another examiner or agent to 45592  
conduct the proceeding. At least ten days before any hearing, the 45593  
board shall notify all parties to a proceeding of the name of the 45594  
examiner or agent designated to conduct the hearing. 45595

~~(G)~~(J) The principal office of the board is in Columbus, but 45596  
it may meet and exercise any or all of its powers at any other 45597  
place within the state. The board may, by one or more of its 45598  
employees, or any agents or agencies it designates, conduct in any 45599  
part of this state any proceeding, hearing, investigation, 45600  
inquiry, or election necessary to the performance of its 45601  
functions; provided, that no person so designated may later sit in 45602  
determination of an appeal of the decision of that cause or 45603  
matter. 45604

~~(H)~~(K) In addition to the powers and functions provided in 45605  
other sections of this chapter, the board shall do all of the 45606  
following: 45607

(1) Create a bureau of mediation within the state employment 45608  
relations board, to perform the functions provided in section 45609  
4117.14 of the Revised Code. This bureau shall also establish, 45610  
after consulting representatives of employee organizations and 45611  
public employers, panels of qualified persons to be available to 45612  
serve as members of fact-finding panels and arbitrators. 45613

(2) Conduct studies of problems involved in representation	45614
and negotiation and make recommendations for legislation;	45615
(3) Hold hearings pursuant to this chapter and, for the	45616
purpose of the hearings and inquiries, administer oaths and	45617
affirmations, examine witnesses and documents, take testimony and	45618
receive evidence, compel the attendance of witnesses and the	45619
production of documents by the issuance of subpoenas, and delegate	45620
these powers to any members of the board or any attorney-trial	45621
examiner appointed by the board for the performance of its	45622
functions;	45623
(4) Train representatives of employee organizations and	45624
public employers in the rules and techniques of collective	45625
bargaining procedures;	45626
(5) Make studies and analyses of, and act as a clearinghouse	45627
of information relating to, conditions of employment of public	45628
employees throughout the state and request assistance, services,	45629
and data from any public employee organization, public employer,	45630
or governmental unit. Public employee organizations, public	45631
employers, and governmental units shall provide such assistance,	45632
services, and data as will enable the board to carry out its	45633
functions and powers.	45634
(6) Make available to employee organizations, public	45635
employers, mediators, fact-finding panels, arbitrators, and joint	45636
study committees statistical data relating to wages, benefits, and	45637
employment practices in public and private employment applicable	45638
to various localities and occupations to assist them to resolve	45639
issues in negotiations;	45640
(7) Notwithstanding section 119.13 of the Revised Code,	45641
establish standards of persons who practice before it;	45642
(8) Adopt, amend, and rescind rules and procedures and	45643
exercise other powers appropriate to carry out this chapter.	45644

Before the adoption, amendment, or rescission of rules and 45645  
procedures under this section, the board shall do all of the 45646  
following: 45647

(a) Maintain a list of interested public employers and 45648  
employee organizations and mail notice to such groups of any 45649  
proposed rule or procedure, amendment thereto, or rescission 45650  
thereof at least thirty days before any public hearing thereon; 45651

(b) Mail a copy of each proposed rule or procedure, amendment 45652  
thereto, or rescission thereof to any person who requests a copy 45653  
within five days after receipt of the request therefor; 45654

(c) Consult with appropriate statewide organizations 45655  
representing public employers or employees who would be affected 45656  
by the proposed rule or procedure. 45657

Although the board is expected to discharge these duties 45658  
diligently, failure to mail any notice or copy, or to so consult 45659  
with any person, is not jurisdictional and shall not be construed 45660  
to invalidate any proceeding or action of the board. 45661

~~(I)~~(L) In case of neglect or refusal to obey a subpoena 45662  
issued to any person, the court of common pleas of the county in 45663  
which the investigation or the public hearing occurs, upon 45664  
application by the board, may issue an order requiring the person 45665  
to appear before the board and give testimony about the matter 45666  
under investigation. The court may punish a failure to obey the 45667  
order as contempt. 45668

~~(J)~~(M) Any subpoena, notice of hearing, or other process or 45669  
notice of the board issued under this section may be served 45670  
personally, by certified mail, or by leaving a copy at the 45671  
principal office or personal residence of the respondent required 45672  
to be served. A return, made and verified by the individual making 45673  
the service and setting forth the manner of service, is proof of 45674  
service, and a return post office receipt, when certified mail is 45675

used, is proof of service. All process in any court to which 45676  
application is made under this chapter may be served in the county 45677  
wherein the persons required to be served reside or are found. 45678

~~(K)~~(N) All expenses of the board, including all necessary 45679  
traveling and subsistence expenses incurred by the members or 45680  
employees of the board under its orders, shall be paid pursuant to 45681  
itemized vouchers approved by the chairperson of the board, the 45682  
executive director, or both, or such other person as the ~~board~~ 45683  
chairperson designates for that purpose. 45684

~~(L)~~(O) Whenever the board determines that a substantial 45685  
controversy exists with respect to the application or 45686  
interpretation of this chapter and the matter is of public or 45687  
great general interest, the board shall certify its final order 45688  
directly to the court of appeals having jurisdiction over the area 45689  
in which the principal office of the public employer directly 45690  
affected by the application or interpretation is located. The 45691  
chairperson shall file with the clerk of the court a certified 45692  
copy of the transcript of the proceedings before the board 45693  
pertaining to the final order. If upon hearing and consideration 45694  
the court decides that the final order of the board is unlawful or 45695  
is not supported by substantial evidence on the record as a whole, 45696  
the court shall reverse and vacate the final order or modify it 45697  
and enter final judgment in accordance with the modification; 45698  
otherwise, the court shall affirm the final order. The notice of 45699  
the final order of the board to the interested parties shall 45700  
contain a certification by the chairperson of the board that the 45701  
final order is of public or great general interest and that a 45702  
certified transcript of the record of the proceedings before the 45703  
board had been filed with the clerk of the court as an appeal to 45704  
the court. For the purposes of this division, the board has 45705  
standing to bring its final order properly before the court of 45706  
appeals. 45707

~~(M)~~(P) Except as otherwise specifically provided in this 45708  
section, the board is subject to Chapter 119. of the Revised Code, 45709  
including the procedure for submission of proposed rules to the 45710  
general assembly for legislative review under division (H) of 45711  
section 119.03 of the Revised Code. 45712

**Sec. 4117.14.** (A) The procedures contained in this section 45713  
govern the settlement of disputes between an exclusive 45714  
representative and a public employer concerning the termination or 45715  
modification of an existing collective bargaining agreement or 45716  
negotiation of a successor agreement, or the negotiation of an 45717  
initial collective bargaining agreement. 45718

(B)(1) In those cases where there exists a collective 45719  
bargaining agreement, any public employer or exclusive 45720  
representative desiring to terminate, modify, or negotiate a 45721  
successor collective bargaining agreement shall: 45722

(a) Serve written notice upon the other party of the proposed 45723  
termination, modification, or successor agreement. The party must 45724  
serve the notice not less than sixty days prior to the expiration 45725  
date of the existing agreement or, in the event the existing 45726  
collective bargaining agreement does not contain an expiration 45727  
date, not less than sixty days prior to the time it is proposed to 45728  
make the termination or modifications or to make effective a 45729  
successor agreement. 45730

(b) Offer to bargain collectively with the other party for 45731  
the purpose of modifying or terminating any existing agreement or 45732  
negotiating a successor agreement; 45733

(c) Notify the state employment relations board of the offer 45734  
by serving upon the board a copy of the written notice to the 45735  
other party and a copy of the existing collective bargaining 45736  
agreement. 45737

(2) In the case of initial negotiations between a public 45738  
employer and an exclusive representative, where a collective 45739  
bargaining agreement has not been in effect between the parties, 45740  
any party may serve notice upon the board and the other party 45741  
setting forth the names and addresses of the parties and offering 45742  
to meet, for a period of ninety days, with the other party for the 45743  
purpose of negotiating a collective bargaining agreement. 45744

If the settlement procedures specified in divisions (B), (C), 45745  
and (D) of this section govern the parties, where those procedures 45746  
refer to the expiration of a collective bargaining agreement, it 45747  
means the expiration of the sixty-day period to negotiate a 45748  
collective bargaining agreement referred to in this subdivision, 45749  
or in the case of initial negotiations, it means the ninety day 45750  
period referred to in this subdivision. 45751

(3) The parties shall continue in full force and effect all 45752  
the terms and conditions of any existing collective bargaining 45753  
agreement, without resort to strike or lock-out, for a period of 45754  
sixty days after the party gives notice or until the expiration 45755  
date of the collective bargaining agreement, whichever occurs 45756  
later, or for a period of ninety days where applicable. 45757

(4) Upon receipt of the notice, the parties shall enter into 45758  
collective bargaining. 45759

(C) In the event the parties are unable to reach an 45760  
agreement, they may submit, at any time prior to forty-five days 45761  
before the expiration date of the collective bargaining agreement, 45762  
the issues in dispute to any mutually agreed upon dispute 45763  
settlement procedure which supersedes the procedures contained in 45764  
this section. 45765

(1) The procedures may include: 45766

(a) Conventional arbitration of all unsettled issues; 45767

(b) Arbitration confined to a choice between the last offer 45768

of each party to the agreement as a single package; 45769

(c) Arbitration confined to a choice of the last offer of 45770  
each party to the agreement on each issue submitted; 45771

(d) The procedures described in division (C)(1)(a), (b), or 45772  
(c) of this section and including among the choices for the 45773  
arbitrator, the recommendations of the fact finder, if there are 45774  
recommendations, either as a single package or on each issue 45775  
submitted; 45776

(e) Settlement by a citizens' conciliation council composed 45777  
of three residents within the jurisdiction of the public employer. 45778  
The public employer shall select one member and the exclusive 45779  
representative shall select one member. The two members selected 45780  
shall select the third member who shall chair the council. If the 45781  
two members cannot agree upon a third member within five days 45782  
after their appointments, the board shall appoint the third 45783  
member. Once appointed, the council shall make a final settlement 45784  
of the issues submitted to it pursuant to division (G) of this 45785  
section. 45786

(f) Any other dispute settlement procedure mutually agreed to 45787  
by the parties. 45788

(2) If, fifty days before the expiration date of the 45789  
collective bargaining agreement, the parties are unable to reach 45790  
an agreement, any party may request the state employment relations 45791  
board to intervene. The request shall set forth the names and 45792  
addresses of the parties, the issues involved, and, if applicable, 45793  
the expiration date of any agreement. 45794

The board shall intervene and investigate the dispute to 45795  
determine whether the parties have engaged in collective 45796  
bargaining. 45797

If an impasse exists or forty-five days before the expiration 45798  
date of the collective bargaining agreement if one exists, the 45799

board shall appoint a mediator to assist the parties in the 45800  
collective bargaining process. 45801

~~(3) If the mediator after assisting the parties advises the~~ 45802  
~~board that the parties have reached an impasse, or not later than~~ 45803  
~~thirty one days prior to the expiration date of the agreement~~ Any 45804  
time after the appointment of a mediator, either party may request 45805  
the appointment of a fact-finding panel. Within fifteen days after 45806  
receipt of a request for a fact-finding panel, the board shall 45807  
appoint ~~within one day~~ a fact-finding panel of not more than three 45808  
members who have been selected by the parties in accordance with 45809  
rules established by the board, from a list of qualified persons 45810  
maintained by the board. 45811

(a) The fact-finding panel shall, in accordance with rules 45812  
and procedures established by the board that include the 45813  
regulation of costs and expenses of fact-finding, gather facts and 45814  
make recommendations for the resolution of the matter. The board 45815  
shall by its rules require each party to specify in writing the 45816  
unresolved issues and its position on each issue to the 45817  
fact-finding panel. The fact-finding panel shall make final 45818  
recommendations as to all the unresolved issues. 45819

(b) The board may continue mediation, order the parties to 45820  
engage in collective bargaining until the expiration date of the 45821  
agreement, or both. 45822

(4) The following guidelines apply to fact-finding: 45823

(a) The fact-finding panel may establish times and place of 45824  
hearings which shall be, where feasible, in the jurisdiction of 45825  
the state. 45826

(b) The fact-finding panel shall conduct the hearing pursuant 45827  
to rules established by the board. 45828

(c) Upon request of the fact-finding panel, the board shall 45829  
issue subpoenas for hearings conducted by the panel. 45830

(d) The fact-finding panel may administer oaths. 45831

(e) The board shall prescribe guidelines for the fact-finding 45832  
panel to follow in making findings. In making its recommendations, 45833  
the fact-finding panel shall take into consideration the factors 45834  
listed in divisions (G)(7)(a) to (f) of this section. 45835

(f) The fact-finding panel may attempt mediation at any time 45836  
during the fact-finding process. From the time of appointment 45837  
until the fact-finding panel makes a final recommendation, it 45838  
shall not discuss the recommendations for settlement of the 45839  
dispute with parties other than the direct parties to the dispute. 45840

(5) The fact-finding panel, acting by a majority of its 45841  
members, shall transmit its findings of fact and recommendations 45842  
on the unresolved issues to the public employer and employee 45843  
organization involved and to the board no later than fourteen days 45844  
after the appointment of the fact-finding panel, unless the 45845  
parties mutually agree to an extension. The ~~state parties~~ shall 45846  
~~pay one half share~~ the cost of the fact-finding panel. ~~The parties~~ 45847  
~~each shall pay one half of the remaining costs in a manner agreed~~ 45848  
~~to by the parties.~~ 45849

(6)(a) Not later than seven days after the findings and 45850  
recommendations are sent, the legislative body, by a three-fifths 45851  
vote of its total membership, and in the case of the public 45852  
employee organization, the membership, by a three-fifths vote of 45853  
the total membership, may reject the recommendations; if neither 45854  
rejects the recommendations, the recommendations shall be deemed 45855  
agreed upon as the final resolution of the issues submitted and a 45856  
collective bargaining agreement shall be executed between the 45857  
parties, including the fact-finding panel's recommendations, 45858  
except as otherwise modified by the parties by mutual agreement. 45859  
If either the legislative body or the public employee organization 45860  
rejects the recommendations, the board shall publicize the 45861  
findings of fact and recommendations of the fact-finding panel. 45862

The board shall adopt rules governing the procedures and methods 45863  
for public employees to vote on the recommendations of the 45864  
fact-finding panel. 45865

(b) As used in division (C)(6)(a) of this section, 45866  
"legislative body" means the controlling board when the state or 45867  
any of its agencies, authorities, commissions, boards, or other 45868  
branch of public employment is party to the fact-finding process. 45869

(D) If the parties are unable to reach agreement within seven 45870  
days after the publication of findings and recommendations from 45871  
the fact-finding panel or the collective bargaining agreement, if 45872  
one exists, has expired, then the: 45873

(1) Public employees, who are members of a police or fire 45874  
department, members of the state highway patrol, deputy sheriffs, 45875  
dispatchers employed by a police, fire or sheriff's department or 45876  
the state highway patrol or civilian dispatchers employed by a 45877  
public employer other than a police, fire, or sheriff's department 45878  
to dispatch police, fire, sheriff's department, or emergency 45879  
medical or rescue personnel and units, an exclusive nurse's unit, 45880  
employees of the state school for the deaf or the state school for 45881  
the blind, employees of any public employee retirement system, 45882  
corrections officers, guards at penal or mental institutions, 45883  
special police officers appointed in accordance with sections 45884  
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 45885  
employed at mental health forensic facilities, or youth leaders 45886  
employed at juvenile correctional facilities, shall submit the 45887  
matter to a final offer settlement procedure pursuant to a board 45888  
order issued forthwith to the parties to settle by a conciliator 45889  
selected by the parties. The parties shall request from the board 45890  
a list of five qualified conciliators and the parties shall select 45891  
a single conciliator from the list by alternate striking of names. 45892  
If the parties cannot agree upon a conciliator within five days 45893  
after the board order, the board shall on the sixth day after its 45894

order appoint a conciliator from a list of qualified persons 45895  
maintained by the board or shall request a list of qualified 45896  
conciliators from the American arbitration association and appoint 45897  
therefrom. 45898

(2) Public employees other than those listed in division 45899  
(D)(1) of this section have the right to strike under Chapter 45900  
4117. of the Revised Code provided that the employee organization 45901  
representing the employees has given a ten-day prior written 45902  
notice of an intent to strike to the public employer and to the 45903  
board, and further provided that the strike is for full, 45904  
consecutive work days and the beginning date of the strike is at 45905  
least ten work days after the ending date of the most recent prior 45906  
strike involving the same bargaining unit; however, the board, at 45907  
its discretion, may attempt mediation at any time. 45908

(E) Nothing in this section shall be construed to prohibit 45909  
the parties, at any time, from voluntarily agreeing to submit any 45910  
or all of the issues in dispute to any other alternative dispute 45911  
settlement procedure. An agreement or statutory requirement to 45912  
arbitrate or to settle a dispute pursuant to a final offer 45913  
settlement procedure and the award issued in accordance with the 45914  
agreement or statutory requirement is enforceable in the same 45915  
manner as specified in division (B) of section 4117.09 of the 45916  
Revised Code. 45917

(F) Nothing in this section shall be construed to prohibit a 45918  
party from seeking enforcement of a collective bargaining 45919  
agreement or a conciliator's award as specified in division (B) of 45920  
section 4117.09 of the Revised Code. 45921

(G) The following guidelines apply to final offer settlement 45922  
proceedings under division (D)(1) of this section: 45923

(1) The parties shall submit to final offer settlement those 45924  
issues that are subject to collective bargaining as provided by 45925

section 4117.08 of the Revised Code and upon which the parties 45926  
have not reached agreement and other matters mutually agreed to by 45927  
the public employer and the exclusive representative; except that 45928  
the conciliator may attempt mediation at any time. 45929

(2) The conciliator shall hold a hearing within thirty days 45930  
of the board's order to submit to a final offer settlement 45931  
procedure, or as soon thereafter as is practicable. 45932

(3) The conciliator shall conduct the hearing pursuant to 45933  
rules developed by the board. The conciliator shall establish the 45934  
hearing time and place, but it shall be, where feasible, within 45935  
the jurisdiction of the state. Not later than five calendar days 45936  
before the hearing, each of the parties shall submit to the 45937  
conciliator, to the opposing party, and to the board, a written 45938  
report summarizing the unresolved issues, the party's final offer 45939  
as to the issues, and the rationale for that position. 45940

(4) Upon the request by the conciliator, the board shall 45941  
issue subpoenas for the hearing. 45942

(5) The conciliator may administer oaths. 45943

(6) The conciliator shall hear testimony from the parties and 45944  
provide for a written record to be made of all statements at the 45945  
hearing. The board shall submit for inclusion in the record and 45946  
for consideration by the conciliator the written report and 45947  
recommendation of the fact-finders. 45948

(7) After hearing, the conciliator shall resolve the dispute 45949  
between the parties by selecting, on an issue-by-issue basis, from 45950  
between each of the party's final settlement offers, taking into 45951  
consideration the following: 45952

(a) Past collectively bargained agreements, if any, between 45953  
the parties; 45954

(b) Comparison of the issues submitted to final offer 45955

settlement relative to the employees in the bargaining unit 45956  
involved with those issues related to other public and private 45957  
employees doing comparable work, giving consideration to factors 45958  
peculiar to the area and classification involved; 45959

(c) The interests and welfare of the public, the ability of 45960  
the public employer to finance and administer the issues proposed, 45961  
and the effect of the adjustments on the normal standard of public 45962  
service; 45963

(d) The lawful authority of the public employer; 45964

(e) The stipulations of the parties; 45965

(f) Such other factors, not confined to those listed in this 45966  
section, which are normally or traditionally taken into 45967  
consideration in the determination of the issues submitted to 45968  
final offer settlement through voluntary collective bargaining, 45969  
mediation, fact-finding, or other impasse resolution procedures in 45970  
the public service or in private employment. 45971

(8) Final offer settlement awards made under Chapter 4117. of 45972  
the Revised Code are subject to Chapter 2711. of the Revised Code. 45973

(9) If more than one conciliator is used, the determination 45974  
must be by majority vote. 45975

(10) The conciliator shall make written findings of fact and 45976  
promulgate a written opinion and order upon the issues presented 45977  
to the conciliator, and upon the record made before the 45978  
conciliator and shall mail or otherwise deliver a true copy 45979  
thereof to the parties and the board. 45980

(11) Increases in rates of compensation and other matters 45981  
with cost implications awarded by the conciliator may be effective 45982  
only at the start of the fiscal year next commencing after the 45983  
date of the final offer settlement award; provided that if a new 45984  
fiscal year has commenced since the issuance of the board order to 45985

submit to a final offer settlement procedure, the awarded 45986  
increases may be retroactive to the commencement of the new fiscal 45987  
year. The parties may, at any time, amend or modify a 45988  
conciliator's award or order by mutual agreement. 45989

(12) The parties shall bear equally the cost of the final 45990  
offer settlement procedure. 45991

(13) Conciliators appointed pursuant to this section shall be 45992  
residents of the state. 45993

(H) All final offer settlement awards and orders of the 45994  
conciliator made pursuant to Chapter 4117. of the Revised Code are 45995  
subject to review by the court of common pleas having jurisdiction 45996  
over the public employer as provided in Chapter 2711. of the 45997  
Revised Code. If the public employer is located in more than one 45998  
court of common pleas district, the court of common pleas in which 45999  
the principal office of the chief executive is located has 46000  
jurisdiction. 46001

(I) The issuance of a final offer settlement award 46002  
constitutes a binding mandate to the public employer and the 46003  
exclusive representative to take whatever actions are necessary to 46004  
implement the award. 46005

**Sec. 4123.27.** Information contained in the annual statement 46006  
provided for in section 4123.26 of the Revised Code, and such 46007  
other information as may be furnished to the bureau of workers' 46008  
compensation by employers in pursuance of that section, is for the 46009  
exclusive use and information of the bureau in the discharge of 46010  
its official duties, and shall not be open to the public nor be 46011  
used in any court in any action or proceeding pending therein 46012  
unless the bureau is a party to the action or proceeding; but the 46013  
information contained in the statement may be tabulated and 46014  
published by the bureau in statistical form for the use and 46015  
information of other state departments and the public. No person 46016

in the employ of the bureau, except those who are authorized by 46017  
the administrator of workers' compensation, shall divulge any 46018  
information secured by the person while in the employ of the 46019  
bureau in respect to the transactions, property, claim files, 46020  
records, or papers of the bureau or in respect to the business or 46021  
mechanical, chemical, or other industrial process of any company, 46022  
firm, corporation, person, association, partnership, or public 46023  
utility to any person other than the administrator or to the 46024  
superior of such employee of the bureau. 46025

Notwithstanding the restrictions imposed by this section, the 46026  
governor, select or standing committees of the general assembly, 46027  
the auditor of state, the attorney general, or their designees, 46028  
pursuant to the authority granted in this chapter and Chapter 46029  
4121. of the Revised Code, may examine any records, claim files, 46030  
or papers in possession of the industrial commission or the 46031  
bureau. They also are bound by the privilege that attaches to 46032  
these papers. 46033

The administrator shall report to the director of job and 46034  
family services or to the county director of job and family 46035  
services the name, address, and social security number or other 46036  
identification number of any person receiving workers' 46037  
compensation whose name or social security number or other 46038  
identification number is the same as that of a person required by 46039  
a court or child support enforcement agency to provide support 46040  
payments to a recipient or participant of public assistance, and 46041  
whose name is submitted to the administrator by the director under 46042  
section 5101.36 of the Revised Code. The administrator also shall 46043  
inform the director of the amount of workers' compensation paid to 46044  
the person during such period as the director specifies. 46045

Within fourteen days after receiving from the director of job 46046  
and family services a list of the names and social security 46047  
numbers of recipients or participants of public assistance 46048

pursuant to section 5101.181 of the Revised Code, the 46049  
administrator shall inform the auditor of state of the name, 46050  
current or most recent address, and social security number of each 46051  
person receiving workers' compensation pursuant to this chapter 46052  
whose name and social security number are the same as that of a 46053  
person whose name or social security number was submitted by the 46054  
director. The administrator also shall inform the auditor of state 46055  
of the amount of workers' compensation paid to the person during 46056  
such period as the director specifies. 46057

The bureau and its employees, except for purposes of 46058  
furnishing the auditor of state with information required by this 46059  
section, shall preserve the confidentiality of recipients or 46060  
participants of public assistance in compliance with division (A) 46061  
of section 5101.181 of the Revised Code. 46062

For the purposes of this section, "public assistance" means 46063  
medical assistance provided through the medical assistance program 46064  
established under section 5111.01 of the Revised Code, Ohio works 46065  
first provided under Chapter 5107. of the Revised Code, 46066  
prevention, retention, and contingency benefits and services 46067  
provided under Chapter 5108. of the Revised Code, ~~or~~ disability 46068  
financial assistance provided under Chapter 5115. of the Revised 46069  
Code, or disability medical assistance provided under Chapter 46070  
5115. of the Revised Code. 46071

**Sec. 4123.41.** (A) By the first day of January of each year, 46072  
the bureau of workers' compensation shall furnish to the county 46073  
auditor of each county and the chief fiscal officer of each taxing 46074  
district in a county and of each district activity and institution 46075  
mentioned in section 4123.39 of the Revised Code forms containing 46076  
the premium rates applicable to the county, district, district 46077  
activity, or institution as an employer, on which to report the 46078  
amount of money expended by the county, district, district 46079

activity, or institution during the previous twelve calendar 46080  
months for the services of employees under this chapter. 46081

(B) Each county auditor and each fiscal officer of a 46082  
district, district activity, and institution shall calculate on 46083  
the form it receives from the bureau under division (A) of this 46084  
section the premium due as its proper contribution to the public 46085  
insurance fund and issue ~~his~~ a warrant in favor of the bureau for 46086  
the amount due from the county, district, district activity, or 46087  
institution to the public insurance fund according to the 46088  
following schedule: 46089

(1) On or before the fifteenth day of May of each year, no 46090  
less than forty-five per cent of the amount due; 46091

(2) On or before the first day of September of each year, no 46092  
less than the total amount due. 46093

The legislative body of any county, district, district 46094  
activity, or institution may reimburse the fund from which the 46095  
contribution is made by transferring to the fund from any other 46096  
fund of the county, district, district activity, or institution, 46097  
the proportionate amount of the contribution that should be 46098  
chargeable to the fund, whether the fund is derived from taxation 46099  
or otherwise. The proportionate amount of the contribution 46100  
chargeable to the fund may be based on payroll, relative exposure, 46101  
relative loss experience, or any combination of these factors, as 46102  
determined by the legislative body. Within sixty days before a 46103  
legislative body changes the method used for calculating the 46104  
proportionate amount of the contribution chargeable to the fund, 46105  
it shall notify, consult with, and give information supporting the 46106  
change to any elected official affected by the change. A transfer 46107  
made pursuant to division (B)(2) of this section is not subject to 46108  
section 5705.16 of the Revised Code. 46109

(C) The bureau may investigate the correctness of the 46110

information provided by the county auditor and chief fiscal 46111  
officer under division (B) of this section, and if the bureau 46112  
determines at any time that the county, district, district 46113  
activity, or institution has not reported the correct information, 46114  
the administrator of workers' compensation may make deductions or 46115  
additions as the facts warrant and take those facts into 46116  
consideration in determining the current or future contributions 46117  
to be made by the county, district, district activity, or 46118  
institution. If the county, district, district activity, or 46119  
institution does not furnish the report in the time required by 46120  
this section, the administrator may fix the amount of contribution 46121  
the county, district, district activity, or institution must make 46122  
and certify that amount for payment. 46123

(D) The administrator shall provide a discount to any county, 46124  
district, district activity, or institution that pays its total 46125  
amount due to the public insurance fund on or before the fifteenth 46126  
day of May of each year as its proper contribution for premiums. 46127  
The administrator shall base the discount provided under this 46128  
division on the savings generated by the early payment to the 46129  
public insurance fund. The administrator may provide the discount 46130  
through a refund to the county, district, district activity, or 46131  
institution or an offset against the future contributions due to 46132  
the public insurance fund from the county, district, district 46133  
activity, or institution. 46134

(E) The administrator may impose an interest penalty for late 46135  
payment of any amount due from a county, district, district 46136  
activity, and institution at the interest rate established by the 46137  
state tax commissioner pursuant to section 5703.47 of the Revised 46138  
Code. 46139

**Sec. 4141.04.** The director of job and family services shall 46140  
maintain or ensure the existence of public employment offices that 46141

are free to the general public. These offices shall exist in such 46142  
number and in such places as are necessary for the proper 46143  
administration of this chapter, to perform such duties as are 46144  
within the purview of the act of congress entitled "an act to 46145  
provide for the establishment of a national employment system and 46146  
for cooperation with the states in the promotion of such system, 46147  
and for other purposes," approved June 6, 1933, as amended, which 46148  
is known as the "Wagner-Peyser Act." The director shall cooperate 46149  
with any official or agency of the United States having powers or 46150  
duties under that act of congress and shall do and perform all 46151  
things necessary to secure to this state the benefits of that act 46152  
of congress in the promotion and maintenance of a system of public 46153  
employment offices. That act of congress is hereby accepted by 46154  
this state, in conformity with that act of congress and Title III 46155  
of the "Social Security Act," and the "Federal Unemployment Tax 46156  
Act," 26 U.S.C.A. 3301, as amended, and this state will observe 46157  
and comply with the requirements thereof. The department of job 46158  
and family services is hereby designated and constituted the 46159  
agency of this state for the purposes of that act of congress. 46160

The director may cooperate with or enter into agreements with 46161  
the railroad retirement board with respect to the establishment, 46162  
maintenance, and use of employment service facilities that are 46163  
free to the general public. 46164

All moneys received by this state under the act of congress 46165  
known as the Wagner-Peyser Act shall be ~~paid~~ deposited into the 46166  
state treasury to the credit of the special employment service 46167  
account in the ~~unemployment compensation administration~~ federal 46168  
operating fund, which is hereby created. Those moneys are hereby 46169  
made available to the director to be expended as provided by this 46170  
section and by that act of congress. For the purpose of 46171  
establishing and maintaining public employment offices that are 46172  
free to the general public, the director may enter into agreements 46173

with the railroad retirement board or any other agency of the 46174  
United States charged with the administration of an unemployment 46175  
compensation law, with any political subdivision of this state, or 46176  
with any private, nonprofit organization and as a part of any such 46177  
agreement the director may accept moneys, services, or quarters as 46178  
a contribution to the employment service account. 46179

The director shall maintain labor market information and 46180  
employment statistics as necessary for the administration of this 46181  
chapter. 46182

The director shall appoint an employee of the department to 46183  
serve as an ex officio member of the governor's council to 46184  
maintain a liaison between the department and the governor's 46185  
council on people with disabilities. 46186

**Sec. 4141.09.** (A) There is hereby created an unemployment 46187  
compensation fund to be administered by the state without 46188  
liability on the part of the state beyond the amounts paid into 46189  
the fund and earned by the fund. The unemployment compensation 46190  
fund shall consist of all contributions, payments in lieu of 46191  
contributions described in sections 4141.241 and 4141.242 of the 46192  
Revised Code, reimbursements of the federal share of extended 46193  
benefits described in section 4141.301 of the Revised Code, 46194  
collected under sections 4141.01 to 4141.46 of the Revised Code, 46195  
together with all interest earned upon any moneys deposited with 46196  
the secretary of the treasury of the United States to the credit 46197  
of the account of this state in the unemployment trust fund 46198  
established and maintained pursuant to section 904 of the "Social 46199  
Security Act," any property or securities acquired through the use 46200  
of moneys belonging to the fund, and all earnings of such property 46201  
or securities. The unemployment compensation fund shall be used to 46202  
pay benefits and refunds as provided by such sections and for no 46203  
other purpose. 46204

(B) The treasurer of state shall be the custodian of the unemployment compensation fund and shall administer such fund in accordance with the directions of the director of job and family services. All disbursements therefrom shall be paid by the treasurer of state on warrants drawn by the director. Such warrants may bear the facsimile signature of the director printed thereon and that of a deputy or other employee of the director charged with the duty of keeping the account of the unemployment compensation fund and with the preparation of warrants for the payment of benefits to the persons entitled thereto. Moneys in the clearing and benefit accounts shall not be commingled with other state funds, except as provided in division (C) of this section, but shall be maintained in separate accounts on the books of the depository bank. Such money shall be secured by the depository bank to the same extent and in the same manner as required by sections 135.01 to 135.21 of the Revised Code; and collateral pledged for this purpose shall be kept separate and distinct from any collateral pledged to secure other funds of this state. All sums recovered for losses sustained by the unemployment compensation fund shall be deposited therein. The treasurer of state shall be liable on the treasurer's official bond for the faithful performance of the treasurer's duties in connection with the unemployment compensation fund, such liability to exist in addition to any liability upon any separate bond.

(C) The treasurer of state shall maintain within the unemployment compensation fund three separate accounts which shall be a clearing account, an unemployment trust fund account, and a benefit account. All moneys payable to the unemployment compensation fund, upon receipt thereof by the director, shall be forwarded to the treasurer of state, who shall immediately deposit them in the clearing account. Refunds of contributions, or payments in lieu of contributions, payable pursuant to division (E) of this section may be paid from the clearing account upon

warrants signed by a deputy or other employee of the director 46238  
charged with the duty of keeping the record of the clearing 46239  
account and with the preparation of warrants for the payment of 46240  
refunds to persons entitled thereto. After clearance thereof, all 46241  
moneys in the clearing account shall be deposited with the 46242  
secretary of the treasury of the United States to the credit of 46243  
the account of this state in the unemployment trust fund 46244  
established and maintained pursuant to section 904 of the "Social 46245  
Security Act," in accordance with requirements of the "Federal 46246  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 46247  
3304(a)(3), any law in this state relating to the deposit, 46248  
administration, release, or disbursement of moneys in the 46249  
possession or custody of this state to the contrary 46250  
notwithstanding. The benefit account shall consist of all moneys 46251  
requisitioned from this state's account in the unemployment trust 46252  
fund. Federal funds, other than funds received by the director 46253  
under divisions (I) and (J) of this section, received for payment 46254  
of federal benefits may be deposited into the benefit account 46255  
solely for payment of benefits under a federal program 46256  
administered by this state. Moneys so requisitioned shall be used 46257  
solely for the payment of benefits and for no other purpose. 46258  
Moneys in the clearing and benefit accounts may be deposited by 46259  
the treasurer of state, under the direction of the director, in 46260  
any bank or public depository in which general funds of the state 46261  
may be deposited, but no public deposit insurance charge or 46262  
premium shall be paid out of the fund. 46263

(D) Moneys shall be requisitioned from this state's account 46264  
in the unemployment trust fund solely for the payment of benefits 46265  
and in accordance with regulations prescribed by the director. The 46266  
director shall requisition from the unemployment trust fund such 46267  
amounts, not exceeding the amount standing to this state's account 46268  
therein, as are deemed necessary for the payment of benefits for a 46269  
reasonable future period. Upon receipt thereof, the treasurer of 46270

state shall deposit such moneys in the benefit account. 46271  
Expenditures of such money in the benefit account and refunds from 46272  
the clearing account shall not require specific appropriations or 46273  
other formal release by state officers of money in their custody. 46274  
Any balance of moneys requisitioned from the unemployment trust 46275  
fund which remains unclaimed or unpaid in the benefit account 46276  
after the expiration of the period for which such sums were 46277  
requisitioned shall either be deducted from estimates for and may 46278  
be utilized for the payment of benefits during succeeding periods, 46279  
or, in the discretion of the director, shall be redeposited with 46280  
the secretary of the treasury of the United States to the credit 46281  
of this state's account in the unemployment trust fund, as 46282  
provided in division (C) of this section. Unclaimed or unpaid 46283  
federal funds redeposited with the secretary of the treasury of 46284  
the United States shall be credited to the appropriate federal 46285  
account. 46286

(E) No claim for an adjustment or a refund on contribution, 46287  
payment in lieu of contributions, interest, or forfeiture alleged 46288  
to have been erroneously or illegally assessed or collected, or 46289  
alleged to have been collected without authority, and no claim for 46290  
an adjustment or a refund of any sum alleged to have been 46291  
excessive or in any manner wrongfully collected shall be allowed 46292  
unless an application, in writing, therefor is made within four 46293  
years from the date on which such payment was made. If the 46294  
director ~~determins~~ determines that such contribution, payment in 46295  
lieu of contributions, ~~interest~~ interest, or forfeiture, or any 46296  
portion ~~thereof~~ thereof, was erroneously collected, the director 46297  
shall allow such employer to make an adjustment thereof without 46298  
interest in connection with subsequent contribution payments, or 46299  
payments in lieu of contributions, by the employer, or the 46300  
director may refund said amount, without interest, from the 46301  
clearing account of the unemployment compensation fund, except as 46302  
provided in division (B) of section 4141.11 of the Revised Code. 46303

For like cause and within the same period, adjustment or refund 46304  
may be so made on the director's own initiative. An overpayment of 46305  
contribution, payment in lieu of contributions, interest, or 46306  
forfeiture for which an employer has not made application for 46307  
refund prior to the date of sale of the employer's business shall 46308  
accrue to the employer's successor in interest. 46309

An application for an adjustment or a refund, or any portion 46310  
thereof, that is rejected is binding upon the employer unless, 46311  
within thirty days after the mailing of a written notice of 46312  
rejection to the employer's last known address, or, in the absence 46313  
of mailing of such notice, within thirty days after the delivery 46314  
of such notice, the employer files an application for a review and 46315  
redetermination setting forth the reasons therefor. The director 46316  
shall promptly examine the application for review and 46317  
redetermination, and if a review is granted, the employer shall be 46318  
promptly notified thereof, and shall be granted an opportunity for 46319  
a prompt hearing. 46320

(F) If the director finds that contributions have been paid 46321  
to the director in error, and that such contributions should have 46322  
been paid to a department of another state or of the United States 46323  
charged with the administration of an unemployment compensation 46324  
law, the director may upon request by such department or upon the 46325  
director's own initiative transfer to such department the amount 46326  
of such contributions, less any benefits paid to claimants whose 46327  
wages were the basis for such contributions. The director may 46328  
request and receive from such department any contributions or 46329  
adjusted contributions paid in error to such department which 46330  
should have been paid to the director. 46331

(G) In accordance with section 303(c)(3) of the Social 46332  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 46333  
of 1954 for continuing certification of Ohio unemployment 46334  
compensation laws for administrative grants and for tax credits, 46335

any interest required to be paid on advances under Title XII of 46336  
the Social Security Act shall be paid in a timely manner and shall 46337  
not be paid, directly or indirectly, by an equivalent reduction in 46338  
the Ohio unemployment taxes or otherwise, by the state from 46339  
amounts in the unemployment compensation fund. 46340

(H) The treasurer of state, under the direction of the 46341  
director and in accordance with the "Cash Management Improvement 46342  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 46343  
amounts of interest earned by the state on funds in the benefit 46344  
account established pursuant to division (C) of this section into 46345  
the department of job and family services banking fees fund, which 46346  
is hereby created in the state treasury for the purpose of paying 46347  
related banking costs incurred by the state for the period for 46348  
which the interest is calculated, except that if the deposited 46349  
interest exceeds the banking costs incurred by the state for the 46350  
period for which the interest is calculated, the treasurer of 46351  
state shall deposit the excess interest into the unemployment 46352  
trust fund. 46353

(I) The treasurer of state, under the direction of the 46354  
director, shall deposit federal funds received by the director for 46355  
the payment of benefits, job search, relocation, transportation, 46356  
and subsistence allowances pursuant to the "Trade Act of 1974," 88 46357  
Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American 46358  
Free Trade Implementation Act of 1993," 107 Stat. 2057, 19 46359  
U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 46360  
993, 19 U.S.C.A. 3801, as amended, into the Trade Act benefit 46361  
account, which is hereby created for the purpose of ~~paying for~~ 46362  
~~benefits, training, and support services~~ making payments specified 46363  
under ~~that act~~ those acts. 46364

(J) The treasurer of state, under the direction of the 46365  
director, shall deposit federal funds received by the director for 46366  
training and administration pursuant to the "Trade Act of 1974," 46367

88 Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American 46368  
Free Trade Agreement Implementation Act," 107 Stat. 2057 (1993), 46369  
19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 46370  
Stat. 993, 19 U.S.C.A. 3801, as amended, into the ~~North American~~ 46371  
Free Trade Act training and administration account, which is 46372  
hereby created for the purpose of ~~paying for benefits, training,~~ 46373  
~~and support services~~ making payments specified under ~~that act~~ 46374  
those acts. 46375

**Sec. 4141.23.** (A) Contributions shall accrue and become 46376  
payable by each employer for each calendar year or other period as 46377  
prescribed by this chapter. Such contributions become due and 46378  
shall be paid by each employer to the director of job and family 46379  
services for the unemployment compensation fund in accordance with 46380  
such regulations as the director prescribes, and shall not be 46381  
deducted, in whole or in part, from the remuneration of 46382  
individuals in the employer's employ. 46383

In the payment of any contributions, a fractional part of a 46384  
dollar may be disregarded unless it amounts to fifty cents or 46385  
more, in which case it may be increased to the next higher dollar. 46386

(B)(1) Any contribution or payment in lieu of contribution, 46387  
due from an employer on or before December 31, 1992, shall, if not 46388  
paid when due, bear interest at the rate of ten per cent per 46389  
annum. In such computation any fraction of a month shall be 46390  
considered as a full month. 46391

(2) Any contribution, payment in lieu of contribution, 46392  
interest, forfeiture, or fine due from an employer on or after 46393  
January 1, 1993, shall, if not paid when due, bear interest at the 46394  
annual rate of fourteen per cent compounded monthly on the 46395  
aggregate receivable balance due. In such computation any fraction 46396  
of a month shall be considered as a full month. 46397

(C) The director may waive the interest assessed under 46398

division (B)(2) of this section if the employer meets all of the 46399  
following conditions within thirty days after the date the 46400  
director mails or delivers the notice of assessment of interest: 46401

(1) Provides to the director a written request for a waiver 46402  
of interest clearly demonstrating that the employer's failure to 46403  
timely pay contributions, payments in lieu of contributions, 46404  
interest, forfeiture, and fines was a result of circumstances 46405  
beyond the control of the employer or the employer's agent, except 46406  
that negligence on the part of the employer or the employer's 46407  
agent shall not be considered beyond the control of the employer 46408  
or the employer's agent; 46409

(2) Furnishes to the director all quarterly reports required 46410  
under section 4141.20 of the Revised Code; 46411

(3) Pays in full all contributions, payments in lieu of 46412  
contributions, interest, forfeiture, and fines for each quarter 46413  
for which such payments are due. 46414

The director shall deny an employer's request for a waiver of 46415  
interest after finding that the employer's failure to timely 46416  
furnish reports or make payments as required under this chapter 46417  
was due to an attempt to evade payment. 46418

(D) Any contribution, interest, forfeiture, or fine required 46419  
to be paid under this chapter by any employer shall, if not paid 46420  
when due, become a lien upon the real and personal property of 46421  
such employer. Upon failure of such employer to pay the 46422  
contributions, interest, forfeiture, or fine required to be paid 46423  
under this chapter, the director shall file notice of such lien, 46424  
for which there shall be no charge, in the office of the county 46425  
recorder of the county in which it is ascertained that such 46426  
employer owns real estate or personal property. The director shall 46427  
notify the employer by mail of the lien. The absence of proof that 46428  
the notice was sent does not affect the validity of the lien. Such 46429

lien shall not be valid as against the claim of any mortgagee, 46430  
pledgee, purchaser, judgment creditor, or other lienholder of 46431  
record at the time such notice is filed. 46432

If the employer acquires real or personal property after 46433  
notice of lien is filed, such lien shall not be valid as against 46434  
the claim of any mortgagee, pledgee, subsequent bona fide 46435  
purchaser for value, judgment creditor, or other lienholder of 46436  
record to such after-acquired property, unless the notice of lien 46437  
is refiled after such property was acquired by the employer and 46438  
before the competing lien attached to such after-acquired property 46439  
or before the conveyance to such subsequent bona fide purchaser 46440  
for value. 46441

Such notice shall be recorded in a book kept by the recorder 46442  
called the "unemployment compensation lien record" and indexed 46443  
therein in an alphabetical index under the name of such employer. 46444  
When such unpaid contributions, interest, forfeiture, or fines 46445  
have been paid, the employer may record with the recorder of the 46446  
county in which such notice of lien has been filed and recorded, 46447  
notice of such payment. For recording ~~such~~ the notice of payment 46448  
the recorder shall charge and receive from the employer a base fee 46449  
of two dollars for services and a housing trust fund fee of two 46450  
dollars pursuant to section 317.36 of the Revised Code. 46451

(E) Notwithstanding other provisions in this section, the 46452  
director may reduce, in whole or in part, the amount of interest, 46453  
forfeiture, or fines required to be paid under this chapter if the 46454  
director determines that the reduction is in the best interest of 46455  
the unemployment compensation fund. 46456

(F) Assessment of contributions shall not be made after four 46457  
years from the date on which such contributions became payable, 46458  
and no action in court for the collection of contributions without 46459  
assessment of such contributions shall be begun after the 46460  
expiration of five years from the date such contributions became 46461

payable. In case of a false or fraudulent report or of a willful attempt in any manner to evade contributions, such contributions may be assessed or a proceeding in court for the collection of such contributions may be begun without assessment at any time. When the assessment of contributions has been made within such four-year period provided, action in court to collect such contributions may be begun within, but not later than, six years after such assessment.

(G) In the event of a distribution of an employer's assets, pursuant to an order of any court under the law of this state, including any receivership, assignment for benefit of creditors, adjudicated insolvency, or similar proceedings, contributions, interest, forfeiture, or fine then or thereafter due have the same priority as provided by law for the payment of taxes due the state and shall be paid out of the trust fund in the same manner as provided for other claims for unpaid taxes due the state.

(H) If the attorney general finds after investigation that any claim for delinquent contributions, interest, forfeitures, or fines owing to the director is uncollectible, in whole or in part, the attorney general shall recommend to the director the cancellation of such claim or any part thereof. The director may thereupon effect such cancellation.

**Sec. 4301.03.** The liquor control commission may adopt and promulgate, repeal, rescind, and amend, in the manner required by this section, rules, standards, requirements, and orders necessary to carry out this chapter and Chapter 4303. of the Revised Code, but all rules of the board of liquor control ~~which~~ that were in effect immediately prior to April 17, 1963, shall remain in full force and effect as rules of the liquor control commission until and unless amended or repealed by the liquor control commission. The rules of the commission may include the following:

(A) Rules with reference to applications for and the issuance 46493  
of permits for the manufacture, distribution, transportation, and 46494  
sale of beer and intoxicating liquor, and the sale of alcohol; and 46495  
rules governing the procedure of the division of liquor control in 46496  
the suspension, revocation, and cancellation of those permits; 46497

(B) Rules and orders providing in detail for the conduct of 46498  
any retail business authorized under permits issued pursuant to 46499  
this chapter and Chapter 4303. of the Revised Code, with a view to 46500  
ensuring compliance with those chapters and laws relative to them, 46501  
and the maintenance of public decency, sobriety, and good order in 46502  
any place licensed under the permits. No rule or order shall 46503  
prohibit the sale of lottery tickets issued pursuant to Chapter 46504  
3770. of the Revised Code by any retail business authorized under 46505  
permits issued pursuant to that chapter. 46506

No rule or order shall prohibit pari-mutuel wagering on 46507  
simulcast horse races at a satellite facility that has been issued 46508  
a D liquor permit under Chapter 4303. of the Revised Code. No rule 46509  
or order shall prohibit a charitable organization that holds a D-4 46510  
permit from selling or serving beer or intoxicating liquor under 46511  
its permit in a portion of its premises merely because that 46512  
portion of its premises is used at other times for the conduct of 46513  
a ~~charitable~~ bingo game, as described in division (S) of section 46514  
2915.01 of the Revised Code. However, such an organization shall 46515  
not sell or serve beer or intoxicating liquor or permit beer or 46516  
intoxicating liquor to be consumed or seen in the same location in 46517  
its premises where a ~~charitable~~ bingo game, as described in 46518  
division (S)(1) of section 2915.01 of the Revised Code, is being 46519  
conducted while the game is being conducted. As used in this 46520  
division, "charitable organization" has the same meaning as in 46521  
division (H) of section 2915.01 of the Revised Code, ~~and~~ 46522  
~~"charitable bingo game" has the same meaning as in division (R) of~~ 46523  
~~that section~~. No rule or order pertaining to visibility into the 46524

premises of a permit holder after the legal hours of sale shall be 46525  
adopted or maintained by the commission. 46526

(C) Standards, not in conflict with those prescribed by any 46527  
law of this state or the United States, to secure the use of 46528  
proper ingredients and methods in the manufacture of beer, mixed 46529  
beverages, and wine to be sold within this state; 46530

(D) Rules determining the nature, form, and capacity of all 46531  
packages and bottles to be used for containing beer or 46532  
intoxicating liquor, except for spirituous liquor to be kept or 46533  
sold, governing the form of all seals and labels to be used on 46534  
those packages and bottles, and requiring the label on every 46535  
package, bottle, and container to state the ingredients in the 46536  
contents and, except on beer, the terms of weight, volume, or 46537  
proof spirits, and whether the same is beer, wine, alcohol, or any 46538  
intoxicating liquor except for spirituous liquor; 46539

(E) Uniform rules governing all advertising with reference to 46540  
the sale of beer and intoxicating liquor throughout the state and 46541  
advertising upon and in the premises licensed for the sale of beer 46542  
or intoxicating liquor; 46543

(F) Rules restricting and placing conditions upon the 46544  
transfer of permits; 46545

(G) Rules and orders limiting the number of permits of any 46546  
class within the state or within any political subdivision of the 46547  
state; and, for that purpose, adopting reasonable classifications 46548  
of persons or establishments to which any authorized class of 46549  
permits may be issued within any political subdivision; 46550

(H) Rules and orders with reference to sales of beer and 46551  
intoxicating liquor on Sundays and holidays and with reference to 46552  
the hours of the day during which and the persons to whom 46553  
intoxicating liquor of any class may be sold, and rules with 46554  
reference to the manner of sale; 46555

(I) Rules requiring permit holders buying beer to pay and 46556  
permit holders selling beer to collect minimum cash deposits for 46557  
kegs, cases, bottles, or other returnable containers of the beer; 46558  
requiring the repayment, or credit, of the minimum cash deposit 46559  
charges upon the return of the empty containers; and requiring the 46560  
posting of such form of indemnity or such other conditions with 46561  
respect to the charging, collection, and repayment of minimum cash 46562  
deposit charges for returnable containers of beer as are necessary 46563  
to ensure the return of the empty containers or the repayment upon 46564  
that return of the minimum cash deposits paid; 46565

(J) Rules establishing the method by which alcohol products 46566  
may be imported for sale by wholesale distributors and the method 46567  
by which manufacturers and suppliers may sell alcohol products to 46568  
wholesale distributors. 46569

Every rule, standard, requirement, or order of the commission 46570  
and every repeal, amendment, or rescission of them shall be posted 46571  
for public inspection in the principal office of the commission 46572  
and the principal office of the division of liquor control, and a 46573  
certified copy of them shall be filed in the office of the 46574  
secretary of state. An order applying only to persons named in it 46575  
shall be served on the persons affected by personal delivery of a 46576  
certified copy, or by mailing a certified copy to each person 46577  
affected by it or, in the case of a corporation, to any officer or 46578  
agent of the corporation upon whom a service of summons may be 46579  
served in a civil action. The posting and filing required by this 46580  
section constitutes sufficient notice to all persons affected by 46581  
such rule or order which is not required to be served. General 46582  
rules of the commission promulgated pursuant to this section shall 46583  
be published in the manner the commission determines. 46584

**Sec. 4301.19.** The division of liquor control shall sell 46585  
spirituous liquor only, whether from a warehouse or from a state 46586

liquor store. All sales shall be in sealed containers and for 46587  
resale as authorized by ~~Chapters 4301.~~ this chapter and Chapter 46588  
4303. of the Revised Code or for consumption off the premises 46589  
only. Except as otherwise provided in this section, sale of 46590  
containers holding one-half pint or less of spirituous liquor by 46591  
the division shall be made at retail only, and not for the purpose 46592  
of resale by any purchaser, by special order placed with a state 46593  
retail liquor store and subject to rules established by the 46594  
superintendent of liquor control. The division ~~shall~~ may sell at 46595  
wholesale spirituous liquor in fifty milliliter sealed containers 46596  
to ~~hotels that sell spirituous liquor by means of a controlled~~ 46597  
~~access alcohol and beverage cabinet in accordance with division~~ 46598  
~~(B) of section 4301.21~~ any holder of a permit issued under Chapter 46599  
4303. of the Revised Code, ~~but only for purposes of resale by the~~ 46600  
~~hotel in sealed containers by means of a controlled access alcohol~~ 46601  
~~and beverage cabinet~~ that authorizes the sale of spirituous liquor 46602  
for consumption on the premises where sold. A person appointed by 46603  
the division to act as an agent for the sale of spirituous liquor 46604  
pursuant to section 4301.17 of the Revised Code may provide and 46605  
accept gift certificates and may accept credit cards and debit 46606  
cards for the retail purchase of spirituous liquor. Deliveries 46607  
shall be made in ~~such~~ the manner ~~as~~ the superintendent determines 46608  
by rule. 46609

If any ~~persons desire~~ person desires to purchase any variety 46610  
or brand of spirituous liquor which is not in stock at the state 46611  
liquor store where the ~~same~~ variety or brand is ordered, the 46612  
division shall immediately procure the ~~same~~ variety or brand after 46613  
a reasonable deposit is made by the purchaser in such proportion 46614  
of the approximate cost of the order as is prescribed by the rules 46615  
of the superintendent. The purchaser shall be immediately notified 46616  
upon the arrival of the spirituous liquor at the store at which it 46617  
was ordered. Unless ~~such~~ the purchaser pays for the ~~same~~ variety 46618  
or brand and accepts delivery within five days after the giving of 46619

~~such~~ the notice, the division may place ~~such~~ the spirituous liquor 46620  
in stock for general sale, and the deposit of the purchaser shall 46621  
be forfeited. 46622

**Sec. 4301.30.** All fees collected by the division of liquor 46623  
control shall be deposited in the state treasury to the credit of 46624  
the undivided liquor permit fund, which is hereby created, at the 46625  
time prescribed under section 4301.12 of the Revised Code. Each 46626  
payment shall be accompanied by a statement showing separately the 46627  
amount collected for each class of permits in each municipal 46628  
corporation and in each township outside the limits of any 46629  
municipal corporation in such township. An amount equal to ~~fifty~~ 46630  
~~dollars for each fee received for a D-2 permit, which is not~~ 46631  
~~placed in operation immediately upon a D-3 permit premises, and~~ 46632  
~~twenty-five dollars for each fee received for a C-2 permit,~~ 46633  
forty-five per cent of the fund shall be paid from the ~~undivided~~ 46634  
~~liquor permit~~ fund into the general revenue fund. 46635

~~Prior to the fees received for a D-2 permit, which is not in~~ 46636  
~~operation immediately upon a D-3 permit premises, and a C-2 permit~~ 46637  
~~being paid into the general revenue fund, an amount equal to~~ 46638  
~~twenty-one~~ Twenty per cent of the undivided liquor permit fund 46639  
shall be paid into the statewide treatment and prevention fund, 46640  
which is hereby created in the state treasury. This amount shall 46641  
be appropriated by the general assembly, together with an amount 46642  
equal to one and one-half per cent of the gross profit of the 46643  
~~department~~ division of liquor control derived under division 46644  
(B)(4) of section 4301.10 of the Revised Code, to the department 46645  
of alcohol and drug addiction services. In planning for the 46646  
allocation of and in allocating these amounts for the purposes of 46647  
Chapter 3793. of the Revised Code, the department of alcohol and 46648  
drug addiction services shall comply with the nondiscrimination 46649  
provisions of Title VI of the Civil Rights Act of 1964, and any 46650  
rules adopted ~~thereunder~~ under that act. 46651

~~The moneys remaining in~~ Thirty-five per cent of the undivided 46652  
liquor permit fund shall be distributed by the superintendent of 46653  
liquor control at quarterly calendar periods as follows: 46654

(A) To each municipal corporation, the aggregate amount shown 46655  
by the statements to have been collected from permits ~~therein in~~ 46656  
the municipal corporation, for the use of the general fund of the 46657  
municipal corporation; 46658

(B) To each township, the aggregate amount shown by the 46659  
statements to have been collected from permits in its territory, 46660  
outside the limits of any municipal corporation located ~~therein in~~ 46661  
the township, for the use of the general fund of the township, or 46662  
for fire protection purposes, including buildings and equipment in 46663  
the township or in an established fire district within the 46664  
township, to the extent that the funds are derived from liquor 46665  
permits within the territory comprising such fire district. 46666

For the purpose of the distribution required by this section, 46667  
E, H, and D permits covering boats or vessels are deemed to have 46668  
been issued in the municipal corporation or township wherein the 46669  
owner or operator of the vehicle, boat, vessel, or dining car 46670  
equipment to which the permit relates has the owner's or 46671  
operator's principal office or place of business within the state. 46672

Such distributions are subject to diminutions for refunds as 46673  
prescribed in section 4301.41 of the Revised Code. If the liquor 46674  
control commission is of the opinion that the police or other 46675  
officers of any municipal corporation or township entitled to 46676  
share in such a distribution are refusing or culpably neglecting 46677  
to enforce this chapter and Chapter 4303. of the Revised Code, or 46678  
the penal laws of this state relating to the manufacture, 46679  
importation, transportation, distribution, and sale of beer and 46680  
intoxicating liquors, or if the prosecuting officer of a municipal 46681  
corporation or ~~the~~ a municipal court ~~thereof~~ fails to comply with 46682  
the request of the commission authorized by division (A)(4) of 46683

section 4301.10 of the Revised Code, the commission by certified 46684  
mail may notify the chief executive officer of the municipal 46685  
corporation or the board of township trustees of the township of 46686  
~~such~~ the failure and require the immediate cooperation of the 46687  
responsible officers of the municipal corporation or township with 46688  
the division of liquor control in the enforcement of ~~such~~ those 46689  
chapters and ~~such~~ penal laws. Within thirty days after the notice 46690  
is served, the commission shall determine whether ~~or not~~ the 46691  
requirement has been complied with. If the commission determines 46692  
that the requirement has not been complied with, it may issue an 46693  
order to the superintendent to withhold the distributive share of 46694  
the municipal corporation or township until further order of the 46695  
commission. This action of the commission is reviewable within 46696  
thirty days thereafter in the court of common pleas of Franklin 46697  
county. 46698

**Sec. 4301.361.** (A) If a majority of the electors voting on 46699  
questions set forth in section 4301.351 of the Revised Code in a 46700  
precinct vote "yes" on question (B)(1) or (C)(1), or, if both 46701  
questions (B)(1) and (B)(2), or questions (C)(1) and (C)(2), are 46702  
submitted, "yes" on both questions or "yes" on question (B)(1) or 46703  
(C)(1) but "no" on question (B)(2) or (C)(2), sales of 46704  
intoxicating liquor shall be allowed in the manner and under the 46705  
conditions specified in question (B)(1) or (C)(1), under a D-6 46706  
permit, within the precinct concerned, during the period the 46707  
election is in effect as defined in section 4301.37 of the Revised 46708  
Code. 46709

(B) If only question (B)(2) or (C)(2) is submitted to the 46710  
voters or if questions (B)(2) and (B)(3) or (C)(2) and (C)(3) are 46711  
submitted and a majority of the electors voting in a precinct vote 46712  
"yes" on question (B)(2) or (C)(2) as set forth in section 46713  
4301.351 of the Revised Code, sales of intoxicating liquor shall 46714  
be allowed in the manner and under the conditions specified in 46715

question (B)(2) or (C)(2), under a D-6 permit, within the precinct 46716  
concerned, during the period the election is in effect as defined 46717  
in section 4301.37 of the Revised Code, even if question (B)(1) or 46718  
(C)(1) was also submitted and a majority of the electors voting in 46719  
the precinct voted "no." 46720

(C) If question (B)(3) or (C)(3) is submitted and a majority 46721  
of electors voting on question (B)(3) or (C)(3) as set forth in 46722  
section 4301.351 of the Revised Code in a precinct vote "yes," 46723  
sales of wine and mixed beverages shall be allowed in the manner 46724  
and under the conditions specified in question (B)(3) or (C)(3), 46725  
under a D-6 permit, within the precinct concerned, during the 46726  
period the election is in effect as defined in section 4301.37 of 46727  
the Revised Code. 46728

(D) If questions (B)(1), (B)(2), and (B)(3), or questions 46729  
(C)(1), (C)(2), and (C)(3), as set forth in section 4301.351 of 46730  
the Revised Code, are all submitted and a majority of the electors 46731  
voting in such precinct vote "no" on all three questions, no sales 46732  
of intoxicating liquor shall be made within the precinct concerned 46733  
after two-thirty a.m. on Sunday as specified in the questions 46734  
submitted, during the period the election is in effect as defined 46735  
in section 4301.37 of the Revised Code. 46736

(E) If question (C)(1) as set forth in section 4301.351 of 46737  
the Revised Code is submitted to the voters in a precinct in which 46738  
question (B)(1) as set forth in that section previously was 46739  
submitted and approved, and the results of the election on 46740  
question (B)(1) are still in effect in the precinct; or if 46741  
question (C)(2) as set forth in that section is submitted to the 46742  
voters in a precinct in which question (B)(2) as set forth in that 46743  
section previously was submitted and approved, and the results of 46744  
the election on question (B)(2) are still in effect in the 46745  
precinct; or if question (C)(3) as set forth in that section is 46746  
submitted to the voters in a precinct in which question (B)(3) as 46747

set forth in that section previously was submitted and approved, 46748  
and the results of the election on question (B)(3) are still in 46749  
effect in the precinct; and if a majority of the electors voting 46750  
on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall 46751  
continue to be allowed in the precinct in the manner and under the 46752  
conditions specified in the previously approved question (B)(1), 46753  
(B)(2), or (B)(3), as applicable. 46754

(F) If question (B)(4) as set forth in section 4301.351 of 46755  
the Revised Code is submitted and a majority of the electors 46756  
voting in the precinct vote "yes," sales of intoxicating liquor 46757  
shall be allowed at outdoor performing arts centers in the manner 46758  
and under the conditions specified in question (B)(4) under a D-6 46759  
permit, within the precinct concerned, during the period the 46760  
election is in effect as defined in section 4301.37 of the Revised 46761  
Code. If question (B)(4) as set forth in section 4301.351 of the 46762  
Revised Code is submitted and a majority of the electors voting in 46763  
the precinct vote "no," no sales of intoxicating liquor shall be 46764  
allowed at outdoor performing arts centers in the precinct 46765  
concerned under a D-6 permit, after 2:30 a.m. on Sunday, during 46766  
the period the election is in effect as defined in section 4301.37 46767  
of the Revised Code. 46768

**Sec. 4301.364.** (A) If a majority of the electors in a 46769  
precinct vote "yes" on question (B)(1) or (C)(1) as set forth in 46770  
section 4301.354 of the Revised Code, the sale of intoxicating 46771  
liquor, of the same types as may be legally sold in the precinct 46772  
on other days of the week, shall be permitted in the portion of 46773  
the precinct affected by the results of the election in the manner 46774  
and under the conditions specified in the question, subject only 46775  
to ~~Chapters 4301.~~ this chapter and Chapter 4303. of the Revised 46776  
Code. 46777

(B) If a majority of the electors in a precinct vote "yes" on 46778

question (B)(2) or (C)(2) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same types as may be legally sold in the precinct on other days of the week, shall be permitted in the portion of the precinct affected by the results of the election in the manner and under the conditions specified in the question, subject only to ~~Chapters 4301.~~ this chapter and Chapter 4303. of the Revised Code.

(C) If a majority of the electors in a precinct vote "yes" on question (B)(3) or (C)(3) as set forth in section 4301.354 of the Revised Code, the sale of wine and mixed beverages shall be permitted in the portion of the precinct affected by the results of the election in the manner and under the conditions specified in the question, subject only to ~~Chapters 4301.~~ this chapter and Chapter 4303. of the Revised Code.

(D) If a majority of the electors in a precinct vote "no" on question (B)(1) or (C)(1) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(E) If a majority of the electors in a precinct vote "no" on question (B)(2) or (C)(2) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(F) If a majority of the electors in a precinct vote "no" on question (B)(3) or (C)(3) as set forth in section 4301.354 of the Revised Code, no sale of wine or mixed beverages shall be permitted in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(G) If question (C)(1) as set forth in section 4301.354 of the Revised Code is submitted to the voters in a precinct in which question (B)(1) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(1) are still in effect in the precinct; or if question (C)(2) as set forth in that section is submitted to the voters in a precinct in which question (B)(2) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(2) are still in effect in the precinct; or if question (C)(3) as set forth in that section is submitted to the voters in a precinct in which question (B)(3) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(3) are still in effect in the precinct; and if a majority of the electors voting on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall continue to be allowed in the precinct in the manner and under the conditions specified in the previously approved question (B)(1), (B)(2), or (B)(3), as applicable.

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of the Revised Code:

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces.

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale.

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on the sale or distribution of wine in Ohio, except for known sacramental purposes, at the rate of thirty cents per wine gallon for wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol

by volume, ninety-eight cents per wine gallon for wine containing 46842  
more than fourteen per cent but not more than twenty-one per cent 46843  
of alcohol by volume, one dollar and eight cents per wine gallon 46844  
for vermouth, and one dollar and forty-eight cents per wine gallon 46845  
for sparkling and carbonated wine and champagne, the tax to be 46846  
paid by the holders of A-2 and B-5 permits or by any other person 46847  
selling or distributing wine upon which no tax has been paid. From 46848  
the tax paid under this section on wine, vermouth, and sparkling 46849  
and carbonated wine and champagne, the treasurer of state shall 46850  
credit to the Ohio grape industries fund created under section 46851  
924.54 of the Revised Code a sum equal to one cent per gallon for 46852  
each gallon upon which the tax is paid. 46853

(C) For the purpose of providing revenues for the support of 46854  
the state, there is hereby levied a tax on prepared and bottled 46855  
highballs, cocktails, cordials, and other mixed beverages at the 46856  
rate of one dollar and twenty cents per wine gallon to be paid by 46857  
holders of A-4 permits or by any other person selling or 46858  
distributing those products upon which no tax has been paid. Only 46859  
one sale of the same article shall be used in computing the amount 46860  
of tax due. The tax on mixed beverages to be paid by holders of 46861  
A-4 permits under this section shall not attach until the 46862  
ownership of the mixed beverage is transferred for valuable 46863  
consideration to a wholesaler or retailer, and no payment of the 46864  
tax shall be required prior to that time. 46865

(D) During the period of July 1, ~~2001~~ 2003, through June 30, 46866  
~~2003~~ 2005, from the tax paid under this section on wine, vermouth, 46867  
and sparkling and carbonated wine and champagne, the treasurer of 46868  
state shall credit to the Ohio grape industries fund created under 46869  
section 924.54 of the Revised Code a sum equal to two cents per 46870  
gallon upon which the tax is paid. The amount credited under this 46871  
division is in addition to the amount credited to the Ohio grape 46872  
industries fund under division (B) of this section. 46873

(E) For the purpose of providing revenues for the support of 46874  
the state, there is hereby levied a tax on cider at the rate of 46875  
twenty-four cents per wine gallon to be paid by the holders of A-2 46876  
and B-5 permits or by any other person selling or distributing 46877  
cider upon which no tax has been paid. Only one sale of the same 46878  
article shall be used in computing the amount of the tax due. 46879

**Sec. 4303.02.** Permit A-1 may be issued to a manufacturer to 46880  
manufacture beer and sell beer products in bottles or containers 46881  
for home use and to retail and wholesale permit holders under 46882  
rules promulgated by the division of liquor control. The fee for 46883  
this permit is three thousand ~~one~~ nine hundred ~~twenty-five~~ six 46884  
dollars for each plant during the year covered by the permit. 46885

**Sec. 4303.021.** Permit A-1-A may be issued to the holder of an 46886  
A-1 or A-2 permit to sell beer and any intoxicating liquor at 46887  
retail, only by the individual drink in glass or from a container, 46888  
provided such A-1-A permit premises are situated on the same 46889  
parcel or tract of land as the related A-1 or A-2 manufacturing 46890  
permit premises or are separated therefrom only by public streets 46891  
or highways or by other lands owned by the holder of the A-1 or 46892  
A-2 permit and used by the holder in connection with or in 46893  
promotion of the holder's A-1 or A-2 permit business. The fee for 46894  
this permit is three thousand ~~one~~ nine hundred ~~twenty-five~~ six 46895  
dollars. The holder of an A-1-A permit may sell beer and any 46896  
intoxicating liquor during the same hours as the holders of D-5 46897  
permits under this chapter or Chapter 4301. of the Revised Code or 46898  
the rules of the liquor control commission and shall obtain a 46899  
license as a retail food establishment or a food service operation 46900  
pursuant to Chapter 3717. of the Revised Code and operate as a 46901  
restaurant for purposes of this chapter. 46902

Except as otherwise provided in this section, no new A-1-A 46903  
permit shall be issued to the holder of an A-1 or A-2 permit 46904

unless the sale of beer and intoxicating liquor under class D 46905  
permits is permitted in the precinct in which the A-1 or A-2 46906  
permit is located and, in the case of an A-2 permit, unless the 46907  
holder of the A-2 permit manufactures or has a storage capacity of 46908  
at least twenty-five thousand gallons of wine per year. The 46909  
immediately preceding sentence does not prohibit the issuance of 46910  
an A-1-A permit to an applicant for such a permit who is the 46911  
holder of an A-1 permit and whose application was filed with the 46912  
division of liquor control before June 1, 1994. The liquor control 46913  
commission shall not restrict the number of A-1-A permits which 46914  
may be located within a precinct. 46915

**Sec. 4303.03.** Permit A-2 may be issued to a manufacturer to 46916  
manufacture wine from grapes or other fruits grown in the state, 46917  
if obtainable, otherwise to import such fruits after submitting an 46918  
affidavit of nonavailability to the division of liquor control; to 46919  
import and purchase wine in bond for blending purposes, the total 46920  
amount of wine so imported during the year covered by the permit 46921  
not to exceed forty per cent of all the wine manufactured and 46922  
imported; to manufacture, purchase, and import brandy for 46923  
fortifying purposes; and to sell such products either in glass or 46924  
container for consumption on the premises where manufactured, for 46925  
home use, and to retail and wholesale permit holders under such 46926  
rules as are adopted by the division. 46927

The fee for this permit is ~~sixty-three~~ one hundred twenty-six 46928  
dollars for each plant producing one hundred wine barrels, of 46929  
fifty gallons each, or less annually. ~~Such~~ This initial fee shall 46930  
be increased at the rate of ten cents per such barrel for all wine 46931  
manufactured in excess of one hundred barrels during the year 46932  
covered by the permit. 46933

**Sec. 4303.04.** Permit A-3 may be issued to a manufacturer to 46934  
manufacture alcohol and spirituous liquor and sell such products 46935

to the division of liquor control or to the holders of a like 46936  
permit or to the holders of A-4 permits for blending or 46937  
manufacturing purposes; to import alcohol into this state upon 46938  
such terms as are prescribed by the division; to sell alcohol to 46939  
manufacturers, hospitals, infirmaries, medical or educational 46940  
institutions using it for medicinal, mechanical, chemical, or 46941  
scientific purposes, and to holders of I permits; to import into 46942  
this state spirituous liquor and wine for blending or other 46943  
manufacturing purposes; and to export spirituous liquor from this 46944  
state for sale outside the state. 46945

The fee for this permit is three thousand ~~one~~ nine hundred 46946  
~~twenty-five~~ six dollars for each plant; but, if a plant's 46947  
production capacity is less than five hundred wine barrels of 46948  
fifty gallons each, annually, the fee is two dollars per barrel. 46949

**Sec. 4303.05.** Permit A-4 may be issued to a manufacturer to 46950  
manufacture prepared highballs, cocktails, cordials, and other 46951  
mixed drinks containing not less than four per cent of alcohol by 46952  
volume and not more than twenty-one per cent of alcohol by volume, 46953  
and to sell such products to wholesale and retail permit holders 46954  
in sealed containers only under such rules as are adopted by the 46955  
division of liquor control. The holder of such permit may import 46956  
into the state spirituous liquor and wine only for blending or 46957  
other manufacturing purposes under such rules as are prescribed by 46958  
the division. 46959

The holder of such permit may also purchase spirituous liquor 46960  
for manufacturing and blending purposes from the holder of an A-3 46961  
permit issued by the division. The formulas and the beverages 46962  
manufactured by the holder of an A-4 permit ~~must~~ shall be 46963  
submitted to the division for its analysis and approval before 46964  
~~such~~ the beverages may be sold to or distributed in this state by 46965  
holders of retail and wholesale permits. All labels and 46966

advertising matter used by the holders of ~~such~~ A-4 permits ~~must~~ 46967  
shall be approved by the division before they may be used in this 46968  
state. The fee for ~~this~~ an A-4 permit is three thousand ~~one~~ nine 46969  
hundred ~~twenty-five~~ six dollars for each plant. 46970

**Sec. 4303.06.** Permit B-1 may be issued to a wholesale 46971  
distributor of beer to purchase from the holders of A-1 permits 46972  
and to import and distribute or sell beer for home use and to 46973  
retail permit holders under rules adopted by the division of 46974  
liquor control. The fee for this permit is ~~two~~ three thousand ~~five~~ 46975  
one hundred twenty-five dollars for each distributing plant or 46976  
warehouse during the year covered by the permit. 46977

**Sec. 4303.07.** Permit B-2 may be issued to a wholesale 46978  
distributor of wine to purchase from holders of A-2 and B-5 46979  
permits and distribute or sell such product, in the original 46980  
container in which it was placed by the B-5 permit holder or 46981  
manufacturer at the place where manufactured, to A-1-A, C-2, D-2, 46982  
D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 46983  
D-5h, D-5i, D-5j, D-5k, and E permit holders, and for home use. 46984  
The fee for this permit is ~~two~~ five hundred ~~fifty~~ dollars for each 46985  
distributing plant or warehouse. The initial fee shall be 46986  
increased ten cents per wine barrel of fifty gallons for all wine 46987  
distributed and sold in this state in excess of twelve hundred 46988  
fifty such barrels during the year covered by the permit. 46989

**Sec. 4303.08.** Permit B-3 may be issued to a wholesale 46990  
distributor of wine to bottle, distribute, or sell sacramental 46991  
wine for religious rites upon an application signed, dated, and 46992  
approved as required by section 4301.23 of the Revised Code. The 46993  
fee for this permit is ~~sixty-two~~ one hundred twenty-four dollars. 46994

**Sec. 4303.09.** Permit B-4 may be issued to a wholesale 46995

distributor to purchase from the holders of A-4 permits and to 46996  
import, distribute, and sell prepared and bottled highballs, 46997  
cocktails, cordials, and other mixed beverages containing not less 46998  
than four per cent of alcohol by volume and not more than 46999  
twenty-one per cent of alcohol by volume to retail permit holders, 47000  
and for home use, under ~~such~~ rules ~~as are~~ adopted by the division 47001  
of liquor control. The formula and samples of all such beverages 47002  
to be handled by the permit holder ~~must~~ shall be submitted to the 47003  
division for analysis and the approval of the division before such 47004  
beverages may be sold and distributed in this state. All labels 47005  
and advertising matter used by the holders of ~~such permits must~~ 47006  
this permit shall be approved by the division before they may be 47007  
used in this state. The fee for this permit shall be computed on 47008  
the basis of annual sales, and the initial fee is ~~two~~ five hundred 47009  
~~fifty~~ dollars for each distributing plant or warehouse. ~~Such~~ The 47010  
initial fee shall be increased at the rate of ten cents per wine 47011  
barrel of fifty gallons for all such beverages distributed and 47012  
sold in this state in excess of one thousand such barrels during 47013  
the year covered by the permit. 47014

**Sec. 4303.10.** Permit B-5 may be issued to a wholesale 47015  
distributor of wine to purchase wine from the holders of A-2 47016  
permits, to purchase and import wine in bond or otherwise, in bulk 47017  
or in containers of any size, and to bottle wine for distribution 47018  
and sale to holders of A-1-A, B-2, B-3, B-5, C-2, D-2, D-3, D-4, 47019  
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 47020  
D-5j, D-5k, and E permits and for home use in sealed containers. 47021  
No wine shall be bottled by a B-5 permit holder in containers 47022  
supplied by any person who intends the wine for home use. The fee 47023  
for this permit is one thousand ~~two~~ five hundred ~~fifty~~ sixty-three 47024  
dollars. 47025

**Sec. 4303.11.** Permit C-1 may be issued to the owner or 47026

operator of a retail store to sell beer in containers and not for 47027  
consumption on the premises where sold in original containers 47028  
having a capacity of not more than five and one-sixth gallons. The 47029  
fee for this permit is ~~one two hundred twenty-six~~ fifty-two 47030  
dollars for each location. 47031

**Sec. 4303.12.** Permit C-2 may be issued to the owner or 47032  
operator of a retail store to sell wine in sealed containers only 47033  
and not for consumption on the premises where sold in original 47034  
containers. The holder of ~~such~~ this permit may also sell and 47035  
distribute in original packages and not for consumption on the 47036  
premises where sold or for resale, prepared and bottled highballs, 47037  
cocktails, cordials, and other mixed beverages manufactured and 47038  
distributed by holders of A-4 and B-4 permits, and containing not 47039  
less than four per cent of alcohol by volume, and not more than 47040  
twenty-one per cent of alcohol by volume. The fee for this permit 47041  
is ~~one three hundred eighty-eight~~ seventy-six dollars for each 47042  
location. 47043

**Sec. 4303.121.** Effective October 1, 1982, permit C-2x shall 47044  
be issued to the holder of a C-2 permit who does not also hold a 47045  
C-1 permit, to sell beer only not for consumption on the premises 47046  
where sold, in original containers having a capacity of not more 47047  
than five and one-sixth gallons. Applicants for a C-2 permit as of 47048  
October 1, 1982 shall be issued a C-2x permit subject to the 47049  
restrictions for the issuance of the C-2 permit. The fee for a 47050  
C-2x permit is ~~one two hundred twenty-six~~ fifty-two dollars. 47051

**Sec. 4303.13.** Permit D-1 may be issued to the owner or 47052  
operator of a hotel ~~or~~ of a retail food establishment or a food 47053  
service operation licensed pursuant to Chapter 3717. of the 47054  
Revised Code that operates as a restaurant for purposes of this 47055  
chapter, or of a club, amusement park, drugstore, lunch stand, 47056

boat, or vessel, and shall be issued to a person described in 47057  
division (B) of this section, to sell beer at retail either in 47058  
glass or container, for consumption on the premises where sold; 47059  
and, ~~except as otherwise provided in division (B) of this section,~~ 47060  
to sell beer at retail in other receptacles or in original 47061  
containers having a capacity of not more than five and one-sixth 47062  
gallons not for consumption on the premises where sold. The fee 47063  
for this permit is ~~one~~ three hundred eighty-eight ~~seventy-six~~ 47064  
dollars for each location, boat, or vessel. 47065

**Sec. 4303.14.** Permit D-2 may be issued to the owner or 47066  
operator of a hotel ~~or~~ of a retail food establishment or a food 47067  
service operation licensed pursuant to Chapter 3717. of the 47068  
Revised Code that operates as a restaurant for purposes of this 47069  
chapter, or of a club, boat, or vessel, to sell wine and prepared 47070  
and bottled cocktails, cordials, and other mixed beverages 47071  
manufactured and distributed by holders of A-4 and B-4 permits at 47072  
retail, either in glass or container, for consumption on the 47073  
premises where sold. The holder of ~~such~~ this permit may also sell 47074  
wine and prepared and bottled cocktails, cordials, and other mixed 47075  
beverages in original packages and not for consumption on the 47076  
premises where sold or for resale. The fee for this permit is ~~two~~ 47077  
five hundred eighty-two ~~sixty-four~~ dollars for each location, 47078  
boat, or vessel. 47079

**Sec. 4303.141.** Effective October 1, 1982, permit D-2x shall 47080  
be issued to the holder of a D-2 permit who does not also hold a 47081  
D-1 permit, to sell beer at retail either in glass or container 47082  
for consumption on the premises where sold and to sell beer at 47083  
retail in other receptacles or original containers having a 47084  
capacity of not more than five and one-sixth gallons not for 47085  
consumption on the premises where sold. Applicants for a D-2 47086  
permit as of October 1, 1982, shall be issued a D-2x permit 47087

subject to the quota restrictions for the issuance of the D-2 47088  
permit. The fee for a D-2x permit is ~~one~~ three hundred 47089  
~~eighty-eight~~ seventy-six dollars. 47090

**Sec. 4303.15.** Permit D-3 may be issued to the owner or 47091  
operator of a hotel ~~or~~ of a retail food establishment or a food 47092  
service operation licensed pursuant to Chapter 3717. of the 47093  
Revised Code that operates as a restaurant for purposes of this 47094  
chapter, or of a club, boat, or vessel, to sell spirituous liquor 47095  
at retail, only by the individual drink in glass or from the 47096  
container, for consumption on the premises where sold. No sales of 47097  
intoxicating liquor shall be made by a holder of a D-3 permit 47098  
after one a.m. The fee for this permit is ~~six~~ seven hundred fifty 47099  
dollars for each location, boat, or vessel. 47100

**Sec. 4303.151.** On October 1, 1982, permit D-3x shall be 47101  
issued to the holder of a D-3 permit, to sell wine by the 47102  
individual drink in glass or from the container, for consumption 47103  
on the premises where sold. Applications for a D-3 permit on 47104  
October 1, 1982, may be issued a D-3x permit subject to the quota 47105  
restrictions for the issuance of a D-3 permit. The fee for a D-3x 47106  
permit is ~~one~~ three hundred ~~fifty~~ dollars. 47107

**Sec. 4303.16.** Permit D-3a may be issued to the holder of a 47108  
D-3 permit whenever ~~his~~ the holder's place of business is operated 47109  
after one a.m. and spirituous liquor is sold or consumed after 47110  
~~such~~ that hour. The holder of such permit may sell spirituous 47111  
liquor during the same hours as the holders of D-5 permits under 47112  
this chapter and Chapter 4301. of the Revised Code or the rules of 47113  
the liquor control commission. The fee for a D-3a permit is ~~seven~~ 47114  
nine hundred ~~fifty~~ thirty-eight dollars in addition to the fee 47115  
required for a D-3 permit. 47116

If the holder of a D-3a permit is also the holder of a D-1 47117

permit, ~~he~~ the holder may sell beer after one a.m. and during the 47118  
same hours as the holder of a D-5 permit. If the holder of a D-3a 47119  
permit is also the holder of a D-2 permit, ~~he~~ the holder may sell 47120  
intoxicating liquor after one a.m. and during the same hours as 47121  
the holder of a D-5 permit. The holder of a D-3a permit may 47122  
furnish music and entertainment to ~~his~~ the holder's patrons, 47123  
subject to the same rules as govern D-5 permit holders. 47124

**Sec. 4303.17.** Permit D-4 may be issued to a club ~~which~~ that 47125  
has been in existence for three years or more prior to the 47126  
issuance of ~~such~~ the permit to sell beer and any intoxicating 47127  
liquor to its members only, in glass or container, for consumption 47128  
on the premises where sold. The fee for this permit is ~~three~~ four 47129  
hundred ~~seventy-five~~ sixty-nine dollars. No such permit shall be 47130  
granted or retained until all elected officers of such 47131  
organization controlling such club have filed with the division of 47132  
liquor control a statement certifying that such club is operated 47133  
in the interest of the membership of a reputable organization, 47134  
which is maintained by a dues paying membership, setting forth the 47135  
amount of initiation fee and yearly dues. All such matters shall 47136  
be contained in a statement signed under oath and accompanied by a 47137  
surety bond in the sum of one thousand dollars. Such bond shall be 47138  
declared forfeited in the full amount of the penal sum of the bond 47139  
for any false statement contained in such certificate and the 47140  
surety shall pay the amount of the bond to the division. The 47141  
roster of membership of a D-4 permit holder shall be submitted 47142  
under oath on the request of the superintendent of liquor control. 47143  
Any information acquired by the superintendent or the division 47144  
with respect to such membership shall not be open to public 47145  
inspection or examination and may be divulged by the 47146  
superintendent and the division only in hearings before the liquor 47147  
control commission or in a court action in which the division or 47148  
the superintendent is named a party. 47149

The requirement that a club shall have been in existence for 47150  
three years in order to qualify for a D-4 permit does not apply to 47151  
units of organizations chartered by congress or to a subsidiary 47152  
unit of a national fraternal organization if the parent 47153  
organization has been in existence for three years or more at the 47154  
time application for a permit is made by such unit. 47155

No rule or order of the division or commission shall prohibit 47156  
a charitable organization that holds a D-4 permit from selling or 47157  
serving beer or intoxicating liquor under its permit in a portion 47158  
of its premises merely because that portion of its premises is 47159  
used at other times for the conduct of a ~~charitable~~ bingo game as 47160  
described in division (S) of section 2915.01 of the Revised Code. 47161  
However, such an organization shall not sell or serve beer or 47162  
intoxicating liquor or permit beer or intoxicating liquor to be 47163  
consumed or seen in the same location in its premises where a 47164  
~~charitable~~ bingo game, as described in division (S)(1) of section 47165  
2915.01 of the Revised Code, is being conducted while the game is 47166  
being conducted. As used in this section, "charitable 47167  
organization" has the same meaning as in division (H) of section 47168  
2915.01 and ~~"charitable bingo game" has the same meaning as in~~ 47169  
~~division (R) of section 2915.01~~ of the Revised Code. 47170

**Sec. 4303.171.** Permit D-4a may be issued to an airline 47171  
company ~~which~~ that leases and operates a premises exclusively for 47172  
the benefit of the members and their guests of a private club 47173  
sponsored by the airline company, at a publicly owned airport, as 47174  
defined in section 4563.01 of the Revised Code, at which 47175  
commercial airline companies operate regularly scheduled flights 47176  
on which space is available to the public, to sell beer and any 47177  
intoxicating liquor to members of the private club and their 47178  
guests, only by the individual drink in glass and from the 47179  
container, for consumption on the premises where sold. In addition 47180  
to the privileges authorized in this section, the holder of a D-4a 47181

permit may exercise the same privileges as a holder of a D-4 47182  
permit. The holder of a D-4a permit shall make no sales of beer or 47183  
intoxicating liquor after two-thirty a.m. 47184

A D-4a permit shall not be transferred to another location. 47185  
No quota restriction shall be placed upon the number of such 47186  
permits which may be issued. 47187

The fee for this permit is ~~six~~ seven hundred fifty dollars. 47188

**Sec. 4303.18.** Permit D-5 may be issued to the owner or 47189  
operator of a retail food establishment or a food service 47190  
operation licensed pursuant to Chapter 3717. of the Revised Code 47191  
that operates as a restaurant or night club for purposes of this 47192  
chapter, to sell beer and any intoxicating liquor at retail, only 47193  
by the individual drink in glass and from the container, for 47194  
consumption on the premises where sold, and to sell the same 47195  
products in the same manner and amounts not for consumption on the 47196  
premises as may be sold by holders of D-1 and D-2 permits. A 47197  
person who is the holder of both a D-3 and D-3a permit need not 47198  
obtain a D-5 permit. The fee for this permit is ~~one~~ two thousand 47199  
~~eight~~ three hundred ~~seventy-five~~ forty-four dollars. 47200

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 47201  
owner or operator of a hotel or motel that is required to be 47202  
licensed under section 3731.03 of the Revised Code, that contains 47203  
at least fifty rooms for registered transient guests, and that 47204  
qualifies under the other requirements of this section, or to the 47205  
owner or operator of a restaurant specified under this section, to 47206  
sell beer and any intoxicating liquor at retail, only by the 47207  
individual drink in glass and from the container, for consumption 47208  
on the premises where sold, and to registered guests in their 47209  
rooms, which may be sold by means of a controlled access alcohol 47210  
and beverage cabinet in accordance with division (B) of section 47211

4301.21 of the Revised Code; and to sell the same products in the 47212  
same manner and amounts not for consumption on the premises as may 47213  
be sold by holders of D-1 and D-2 permits. The premises of the 47214  
hotel or motel shall include a retail food establishment or a food 47215  
service operation licensed pursuant to Chapter 3717. of the 47216  
Revised Code that operates as a restaurant for purposes of this 47217  
chapter and that is affiliated with the hotel or motel and within 47218  
or contiguous to the hotel or motel, and that serves food within 47219  
the hotel or motel, but the principal business of the owner or 47220  
operator of the hotel or motel shall be the accommodation of 47221  
transient guests. In addition to the privileges authorized in this 47222  
division, the holder of a D-5a permit may exercise the same 47223  
privileges as the holder of a D-5 permit. 47224

The owner or operator of a hotel, motel, or restaurant who 47225  
qualified for and held a D-5a permit on August 4, 1976, may, if 47226  
the owner or operator held another permit before holding a D-5a 47227  
permit, either retain a D-5a permit or apply for the permit 47228  
formerly held, and the division of liquor control shall issue the 47229  
permit for which the owner or operator applies and formerly held, 47230  
notwithstanding any quota. 47231

A D-5a permit shall not be transferred to another location. 47232  
No quota restriction shall be placed on the number of such permits 47233  
that may be issued. 47234

The fee for this permit is ~~one two thousand eight three~~ 47235  
hundred ~~seventy-five~~ forty-four dollars. 47236

(B) Permit D-5b may be issued to the owner, operator, tenant, 47237  
lessee, or occupant of an enclosed shopping center to sell beer 47238  
and intoxicating liquor at retail, only by the individual drink in 47239  
glass and from the container, for consumption on the premises 47240  
where sold; and to sell the same products in the same manner and 47241  
amount not for consumption on the premises as may be sold by 47242  
holders of D-1 and D-2 permits. In addition to the privileges 47243

authorized in this division, the holder of a D-5b permit may 47244  
exercise the same privileges as a holder of a D-5 permit. 47245

A D-5b permit shall not be transferred to another location. 47246

One D-5b permit may be issued at an enclosed shopping center 47247  
containing at least two hundred twenty-five thousand, but less 47248  
than four hundred thousand, square feet of floor area. 47249

Two D-5b permits may be issued at an enclosed shopping center 47250  
containing at least four hundred thousand square feet of floor 47251  
area. No more than one D-5b permit may be issued at an enclosed 47252  
shopping center for each additional two hundred thousand square 47253  
feet of floor area or fraction of that floor area, up to a maximum 47254  
of five D-5b permits for each enclosed shopping center. The number 47255  
of D-5b permits that may be issued at an enclosed shopping center 47256  
shall be determined by subtracting the number of D-3 and D-5 47257  
permits issued in the enclosed shopping center from the number of 47258  
D-5b permits that otherwise may be issued at the enclosed shopping 47259  
center under the formulas provided in this division. Except as 47260  
provided in this section, no quota shall be placed on the number 47261  
of D-5b permits that may be issued. Notwithstanding any quota 47262  
provided in this section, the holder of any D-5b permit first 47263  
issued in accordance with this section is entitled to its renewal 47264  
in accordance with section 4303.271 of the Revised Code. 47265

The holder of a D-5b permit issued before April 4, 1984, 47266  
whose tenancy is terminated for a cause other than nonpayment of 47267  
rent, may return the D-5b permit to the division of liquor 47268  
control, and the division shall cancel that permit. Upon 47269  
cancellation of that permit and upon the permit holder's payment 47270  
of taxes, contributions, premiums, assessments, and other debts 47271  
owing or accrued upon the date of cancellation to this state and 47272  
its political subdivisions and a filing with the division of a 47273  
certification of that payment, the division shall issue to that 47274  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 47275

that person requests. The division shall issue the D-5 permit, or 47276  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 47277  
D-3, or D-5 permits currently issued in the municipal corporation 47278  
or in the unincorporated area of the township where that person's 47279  
proposed premises is located equals or exceeds the maximum number 47280  
of such permits that can be issued in that municipal corporation 47281  
or in the unincorporated area of that township under the 47282  
population quota restrictions contained in section 4303.29 of the 47283  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 47284  
be transferred to another location. If a D-5b permit is canceled 47285  
under the provisions of this paragraph, the number of D-5b permits 47286  
that may be issued at the enclosed shopping center for which the 47287  
D-5b permit was issued, under the formula provided in this 47288  
division, shall be reduced by one if the enclosed shopping center 47289  
was entitled to more than one D-5b permit under the formula. 47290

The fee for this permit is ~~one two thousand eight three~~ 47291  
hundred ~~seventy-five~~ forty-four dollars. 47292

(C) Permit D-5c may be issued to the owner or operator of a 47293  
retail food establishment or a food service operation licensed 47294  
pursuant to Chapter 3717. of the Revised Code that operates as a 47295  
restaurant for purposes of this chapter and that qualifies under 47296  
the other requirements of this section to sell beer and any 47297  
intoxicating liquor at retail, only by the individual drink in 47298  
glass and from the container, for consumption on the premises 47299  
where sold, and to sell the same products in the same manner and 47300  
amounts not for consumption on the premises as may be sold by 47301  
holders of D-1 and D-2 permits. In addition to the privileges 47302  
authorized in this division, the holder of a D-5c permit may 47303  
exercise the same privileges as the holder of a D-5 permit. 47304

To qualify for a D-5c permit, the owner or operator of a 47305  
retail food establishment or a food service operation licensed 47306  
pursuant to Chapter 3717. of the Revised Code that operates as a 47307

restaurant for purposes of this chapter, shall have operated the 47308  
restaurant at the proposed premises for not less than twenty-four 47309  
consecutive months immediately preceding the filing of the 47310  
application for the permit, have applied for a D-5 permit no later 47311  
than December 31, 1988, and appear on the division's quota waiting 47312  
list for not less than six months immediately preceding the filing 47313  
of the application for the permit. In addition to these 47314  
requirements, the proposed D-5c permit premises shall be located 47315  
within a municipal corporation and further within an election 47316  
precinct that, at the time of the application, has no more than 47317  
twenty-five per cent of its total land area zoned for residential 47318  
use. 47319

A D-5c permit shall not be transferred to another location. 47320  
No quota restriction shall be placed on the number of such permits 47321  
that may be issued. 47322

Any person who has held a D-5c permit for at least two years 47323  
may apply for a D-5 permit, and the division of liquor control 47324  
shall issue the D-5 permit notwithstanding the quota restrictions 47325  
contained in section 4303.29 of the Revised Code or in any rule of 47326  
the liquor control commission. 47327

The fee for this permit is one thousand ~~two~~ five hundred 47328  
~~fifty~~ sixty-three dollars. 47329

(D) Permit D-5d may be issued to the owner or operator of a 47330  
retail food establishment or a food service operation licensed 47331  
pursuant to Chapter 3717. of the Revised Code that operates as a 47332  
restaurant for purposes of this chapter and that is located at an 47333  
airport operated by a board of county commissioners pursuant to 47334  
section 307.20 of the Revised Code, at an airport operated by a 47335  
port authority pursuant to Chapter 4582. of the Revised Code, or 47336  
at an airport operated by a regional airport authority pursuant to 47337  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 47338  
sell beer and any intoxicating liquor at retail, only by the 47339

individual drink in glass and from the container, for consumption 47340  
on the premises where sold, and may sell the same products in the 47341  
same manner and amounts not for consumption on the premises where 47342  
sold as may be sold by the holders of D-1 and D-2 permits. In 47343  
addition to the privileges authorized in this division, the holder 47344  
of a D-5d permit may exercise the same privileges as the holder of 47345  
a D-5 permit. 47346

A D-5d permit shall not be transferred to another location. 47347  
No quota restrictions shall be placed on the number of such 47348  
permits that may be issued. 47349

The fee for this permit is ~~one two thousand eight three~~ 47350  
hundred ~~seventy-five~~ forty-four dollars. 47351

(E) Permit D-5e may be issued to any nonprofit organization 47352  
that is exempt from federal income taxation under the "Internal 47353  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 47354  
amended, or that is a charitable organization under any chapter of 47355  
the Revised Code, and that owns or operates a riverboat that meets 47356  
all of the following: 47357

(1) Is permanently docked at one location; 47358

(2) Is designated as an historical riverboat by the Ohio 47359  
historical society; 47360

(3) Contains not less than fifteen hundred square feet of 47361  
floor area; 47362

(4) Has a seating capacity of fifty or more persons. 47363

The holder of a D-5e permit may sell beer and intoxicating 47364  
liquor at retail, only by the individual drink in glass and from 47365  
the container, for consumption on the premises where sold. 47366

A D-5e permit shall not be transferred to another location. 47367  
No quota restriction shall be placed on the number of such permits 47368  
that may be issued. The population quota restrictions contained in 47369

section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is ~~nine~~ one thousand two hundred seventy-five nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority.

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from

the container, for consumption on the premises where sold. 47400

A D-5f permit shall not be transferred to another location. 47401

The division of liquor control shall not issue a D-5f permit 47402  
if the permit premises or proposed permit premises are located 47403  
within an area in which the sale of spirituous liquor by the glass 47404  
is prohibited. 47405

A fee for this permit is ~~one~~ two thousand ~~eight~~ three hundred 47406  
~~seventy-five~~ forty-four dollars. 47407

As used in this division, "navigable river" means a river 47408  
that is also a "navigable water" as defined in the "Federal Power 47409  
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 47410

(G) Permit D-5g may be issued to a nonprofit corporation that 47411  
is either the owner or the operator of a national professional 47412  
sports museum. The holder of a D-5g permit may sell beer and any 47413  
intoxicating liquor at retail, only by the individual drink in 47414  
glass and from the container, for consumption on the premises 47415  
where sold. The holder of a D-5g permit shall sell no beer or 47416  
intoxicating liquor for consumption on the premises where sold 47417  
after one a.m. A D-5g permit shall not be transferred to another 47418  
location. No quota restrictions shall be placed on the number of 47419  
D-5g permits that may be issued. The fee for this permit is one 47420  
thousand ~~five~~ eight hundred seventy-five dollars. 47421

(H) Permit D-5h may be issued to any nonprofit organization 47422  
that is exempt from federal income taxation under the "Internal 47423  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 47424  
amended, that owns or operates a fine arts museum and has no less 47425  
than five thousand bona fide members possessing full membership 47426  
privileges. The holder of a D-5h permit may sell beer and any 47427  
intoxicating liquor at retail, only by the individual drink in 47428  
glass and from the container, for consumption on the premises 47429  
where sold. The holder of a D-5h permit shall sell no beer or 47430

intoxicating liquor for consumption on the premises where sold 47431  
after one a.m. A D-5h permit shall not be transferred to another 47432  
location. No quota restrictions shall be placed on the number of 47433  
D-5h permits that may be issued. The fee for this permit is one 47434  
thousand ~~five~~ eight hundred seventy-five dollars. 47435

(I) Permit D-5i may be issued to the owner or operator of a 47436  
retail food establishment or a food service operation licensed 47437  
under Chapter 3717. of the Revised Code that operates as a 47438  
restaurant for purposes of this chapter and that meets all of the 47439  
following requirements: 47440

(1) It is located in a municipal corporation or a township 47441  
with a population of ~~fifty~~ seventy-five thousand or less. 47442

(2) It has inside seating capacity for at least one hundred 47443  
forty persons. 47444

(3) It has at least four thousand square feet of floor area. 47445

(4) It offers full-course meals, appetizers, and sandwiches. 47446

(5) Its receipts from beer and liquor sales do not exceed 47447  
twenty-five per cent of its total gross receipts. 47448

(6) The value of its real and personal property exceeds seven 47449  
hundred twenty-five thousand dollars. 47450

The holder of a D-5i permit shall cause an independent audit 47451  
to be performed at the end of one full year of operation following 47452  
issuance of the permit in order to verify the requirements of 47453  
division (I)(5) of this section. The results of the independent 47454  
audit shall be transmitted to the division. Upon determining that 47455  
the receipts of the holder from beer and liquor sales exceeded 47456  
twenty-five per cent of its total gross receipts, the division 47457  
shall suspend the permit of the permit holder under section 47458  
4301.25 of the Revised Code and may allow the permit holder to 47459  
elect a forfeiture under section 4301.252 of the Revised Code. 47460

The holder of a D-5i permit may sell beer and any 47461  
intoxicating liquor at retail, only by the individual drink in 47462  
glass and from the container, for consumption on the premises 47463  
where sold, and may sell the same products in the same manner and 47464  
amounts not for consumption on the premises where sold as may be 47465  
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 47466  
permit shall sell no beer or intoxicating liquor for consumption 47467  
on the premises where sold after two-thirty a.m. In addition to 47468  
the privileges authorized in this division, the holder of a D-5i 47469  
permit may exercise the same privileges as the holder of a D-5 47470  
permit. 47471

A D-5i permit shall not be transferred to another location. 47472  
The division of liquor control shall not renew a D-5i permit 47473  
unless the food service operation for which it is issued continues 47474  
to meet the requirements described in divisions (I)(1) to (6) of 47475  
this section. No quota restrictions shall be placed on the number 47476  
of D-5i permits that may be issued. The fee for this permit is ~~one~~ 47477  
two thousand eight ~~three~~ hundred ~~seventy-five~~ forty-four dollars. 47478

(J)(1) Permit D-5j may be issued to the owner or the operator 47479  
of a retail food establishment or a food service operation 47480  
licensed under Chapter 3717. of the Revised Code to sell beer and 47481  
intoxicating liquor at retail, only by the individual drink in 47482  
glass and from the container, for consumption on the premises 47483  
where sold and to sell beer and intoxicating liquor in the same 47484  
manner and amounts not for consumption on the premises where sold 47485  
as may be sold by the holders of D-1 and D-2 permits. The holder 47486  
of a D-5j permit may exercise the same privileges, and shall 47487  
observe the same hours of operation, as the holder of a D-5 47488  
permit. 47489

(2) The D-5j permit shall be issued only within a community 47490  
entertainment district that is designated under section 4301.80 of 47491  
the Revised Code and that meets one of the following 47492

<u>qualifications:</u>	47493
<u>(a) It is located in a municipal corporation with a population of at least one hundred thousand.</u>	47494 47495
<u>(b) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies:</u>	47496 47497 47498
<u>(i) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code.</u>	47499 47500 47501
<u>(ii) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.</u>	47502 47503 47504
<u>(c) It is located in a township with a population of at least forty thousand.</u>	47505 47506
(3) The location of a D-5j permit may be transferred only within the geographic boundaries of the community entertainment district in which it was issued and shall not be transferred outside the geographic boundaries of that district.	47507 47508 47509 47510
(4) Not more than one D-5j permit shall be issued within each community entertainment district for each five acres of land located within the district. Not more than fifteen D-5j permits may be issued within a single community entertainment district. Except as otherwise provided in division (J)(4) of this section, no quota restrictions shall be placed upon the number of D-5j permits that may be issued.	47511 47512 47513 47514 47515 47516 47517
(5) The fee for a D-5j permit is <del>one</del> <u>two</u> thousand <del>eight</del> <u>three</u> hundred <del>seventy-five</del> <u>forty-four</u> dollars.	47518 47519
(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.	47520 47521 47522

501(c)(3), as amended, that is the owner or operator of a 47523  
botanical garden recognized by the American association of 47524  
botanical gardens and arboreta, and that has not less than 47525  
twenty-five hundred bona fide members. 47526

(2) The holder of a D-5k permit may sell beer and any 47527  
intoxicating liquor at retail, only by the individual drink in 47528  
glass and from the container, on the premises where sold. 47529

(3) The holder of a D-5k permit shall sell no beer or 47530  
intoxicating liquor for consumption on the premises where sold 47531  
after one a.m. 47532

(4) A D-5k permit shall not be transferred to another 47533  
location. 47534

(5) No quota restrictions shall be placed on the number of 47535  
D-5k permits that may be issued. 47536

(6) The fee for the D-5k permit is one thousand ~~five~~ eight 47537  
hundred seventy-five dollars. 47538

**Sec. 4303.182.** (A) Except as otherwise provided in divisions 47539  
(B) to (G) of this section, permit D-6 shall be issued to the 47540  
holder of an A-1-A, A-2, C-2, D-2, D-3, D-4, D-4a, D-5, D-5a, 47541  
D-5b, D-5c, D-5d, D-5e, D-5f, ~~D-5g~~, D-5h, D-5i, D-5j, D-5k, or D-7 47542  
permit to allow sale under that permit between the hours of ten 47543  
a.m. and midnight, or between the hours of one p.m. and midnight, 47544  
on Sunday, as applicable, if that sale has been authorized under 47545  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 47546  
Code and under the restrictions of that authorization. 47547

(B) Permit D-6 shall be issued to the holder of any permit, 47548  
including a D-4a and D-5d permit, authorizing the sale of 47549  
intoxicating liquor issued for a premises located at any publicly 47550  
owned airport, as defined in section 4563.01 of the Revised Code, 47551  
at which commercial airline companies operate regularly scheduled 47552

flights on which space is available to the public, to allow sale 47553  
under such permit between the hours of ten a.m. and midnight on 47554  
Sunday, whether or not that sale has been authorized under section 47555  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 47556

(C) Permit D-6 shall be issued to the holder of a D-5a 47557  
permit, and to the holder of a D-3 or D-3a permit who is the owner 47558  
or operator of a hotel or motel that is required to be licensed 47559  
under section 3731.03 of the Revised Code, that contains at least 47560  
fifty rooms for registered transient guests, and that has on its 47561  
premises a retail food establishment or a food service operation 47562  
licensed pursuant to Chapter 3717. of the Revised Code that 47563  
operates as a restaurant for purposes of this chapter and is 47564  
affiliated with the hotel or motel and within or contiguous to the 47565  
hotel or motel and serving food within the hotel or motel, to 47566  
allow sale under such permit between the hours of ten a.m. and 47567  
midnight on Sunday, whether or not that sale has been authorized 47568  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 47569  
Revised Code. 47570

(D) The holder of a D-6 permit that is issued to a sports 47571  
facility may make sales under the permit between the hours of 47572  
eleven a.m. and midnight on any Sunday on which a professional 47573  
baseball, basketball, football, hockey, or soccer game is being 47574  
played at the sports facility. As used in this division, "sports 47575  
facility" means a stadium or arena that has a seating capacity of 47576  
at least four thousand and that is owned or leased by a 47577  
professional baseball, basketball, football, hockey, or soccer 47578  
franchise or any combination of those franchises. 47579

(E) Permit D-6 shall be issued to the holder of any permit 47580  
that authorizes the sale of beer or intoxicating liquor and that 47581  
is issued to a premises located in or at the Ohio historical 47582  
society area or the state fairgrounds, as defined in division (B) 47583  
of section 4301.40 of the Revised Code, to allow sale under that 47584

permit between the hours of ten a.m. and midnight on Sunday, 47585  
whether or not that sale has been authorized under section 47586  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 47587

(F) Permit D-6 shall be issued to the holder of any permit 47588  
that authorizes the sale of intoxicating liquor and that is issued 47589  
to an outdoor performing arts center to allow sale under that 47590  
permit between the hours of one p.m. and midnight on Sunday, 47591  
whether or not that sale has been authorized under section 47592  
4301.361 of the Revised Code. A D-6 permit issued under this 47593  
division is subject to the results of an election, held after the 47594  
D-6 permit is issued, on question (B)(4) as set forth in section 47595  
4301.351 of the Revised Code. Following the end of the period 47596  
during which an election may be held on question (B)(4) as set 47597  
forth in that section, sales of intoxicating liquor may continue 47598  
at an outdoor performing arts center under a D-6 permit issued 47599  
under this division, unless an election on that question is held 47600  
during the permitted period and a majority of the voters voting in 47601  
the precinct on that question vote "no." 47602

As used in this division, "outdoor performing arts center" 47603  
means an outdoor performing arts center that is located on not 47604  
less than eight hundred acres of land and that is open for 47605  
performances from the first day of April to the last day of 47606  
October of each year. 47607

(G) Permit D-6 shall be issued to the holder of any permit 47608  
that authorizes the sale of beer or intoxicating liquor and that 47609  
is issued to a golf course owned by the state, a conservancy 47610  
district, a park district created under Chapter 1545. of the 47611  
Revised Code, or another political subdivision to allow sale under 47612  
that permit between the hours of ten a.m. and midnight on Sunday, 47613  
whether or not that sale has been authorized under section 47614  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 47615

(H) Permit D-6 shall be issued to the holder of a D-5g permit 47616

to allow sale under that permit between the hours of ten a.m. and 47617  
midnight on Sunday, whether or not that sale has been authorized 47618  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 47619  
Revised Code. 47620

(I) If the restriction to licensed premises where the sale of 47621  
food and other goods and services exceeds fifty per cent of the 47622  
total gross receipts of the permit holder at the premises is 47623  
applicable, the division of liquor control may accept an affidavit 47624  
from the permit holder to show the proportion of the permit 47625  
holder's gross receipts derived from the sale of food and other 47626  
goods and services. If the liquor control commission determines 47627  
that affidavit to have been false, it shall revoke the permits of 47628  
the permit holder at the premises concerned. 47629

~~(I)~~(J) The fee for the D-6 permit is ~~two~~ five hundred ~~fifty~~ 47630  
dollars when it is issued to the holder of an A-1-A, A-2, D-2, 47631  
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, 47632  
D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 permit. The fee for the D-6 47633  
permit is ~~two~~ four hundred dollars when it is issued to the holder 47634  
of a C-2 permit. 47635

**Sec. 4303.183.** Permit D-7 may be issued to the holder of any 47636  
D-2 permit issued by the division of liquor control, or if there 47637  
is an insufficient number of D-2 permit holders to fill the resort 47638  
quota, to the operator of a retail food establishment or a food 47639  
service operation required to be licensed under Chapter 3717. of 47640  
the Revised Code that operates as a restaurant for purposes of 47641  
this chapter and which qualifies under the other requirements of 47642  
this section, to sell beer and any intoxicating liquor at retail, 47643  
only by the individual drink in glass and from the container, for 47644  
consumption on the premises where sold. Not less than fifty per 47645  
cent of the business on the permit premises shall be preparing and 47646  
serving meals for a consideration in order to qualify for and 47647

continue to hold such D-7 permit. The permit premises shall be 47648  
located in a resort area. 47649

"Resort area" means a municipal corporation, township, 47650  
county, or any combination thereof, which provides entertainment, 47651  
recreation, and transient housing facilities specifically intended 47652  
to provide leisure time activities for persons other than those 47653  
whose permanent residence is within the "resort area" and who 47654  
increase the population of the "resort area" on a seasonal basis, 47655  
and which experiences seasonal peaks of employment and 47656  
governmental services as a direct result of population increase 47657  
generated by the transient, recreating public. A resort season 47658  
shall begin on the first day of May and end on the last day of 47659  
October. Notwithstanding section 4303.27 of the Revised Code, such 47660  
permits may be issued for resort seasons without regard to the 47661  
calendar year or permit year. Quota restrictions on the number of 47662  
such permits shall take into consideration the transient 47663  
population during the resort season, the custom and habits of 47664  
visitors and tourists, and the promotion of the resort and tourist 47665  
industry. The fee for this permit is ~~three~~ four hundred 47666  
~~seventy-five~~ sixty-nine dollars per month. 47667

Any suspension of a D-7 permit shall be satisfied during the 47668  
resort season in which such suspension becomes final. If such 47669  
suspension becomes final during the off-season, or if the period 47670  
of the suspension extends beyond the last day of October, the 47671  
suspension or remainder thereof shall be satisfied during the next 47672  
resort season. 47673

The ownership of a D-7 permit may be transferred from one 47674  
permit holder to another. The holder of a D-7 permit may file an 47675  
application to transfer such permit to a new location within the 47676  
same resort area, provided that such permit holder shall be the 47677  
owner or operator of a retail food establishment or a food service 47678  
operation, required to be licensed under Chapter 3717. of the 47679

Revised Code, that operates as a restaurant for purposes of this 47680  
chapter, at such new location. 47681

**Sec. 4303.184.** (A) Subject to division (B) of this section, a 47682  
D-8 permit may be issued to the holder of a C-1, C-2, or C-2x 47683  
permit issued to a retail store that has either of the following 47684  
characteristics: 47685

(1) The store has at least five thousand five hundred square 47686  
feet of floor area, and it generates more than sixty per cent of 47687  
its sales in general merchandise items and food for consumption 47688  
off the premises where sold. 47689

(2) Wine constitutes at least sixty per cent of the value of 47690  
the store's inventory. 47691

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 47692  
or C-2x permit only if the premises of the permit holder are 47693  
located in a precinct, or at a particular location in a precinct, 47694  
in which the sale of beer, wine, or mixed beverages is permitted 47695  
for consumption off the premises where sold. Sales under a D-8 47696  
permit are not affected by whether sales for consumption on the 47697  
premises where sold are permitted in the precinct or at the 47698  
particular location where the D-8 premises are located. 47699

(C) The holder of a D-8 permit may sell tasting samples of 47700  
beer, wine, and mixed beverages, but not spirituous liquor, at 47701  
retail, for consumption on the premises where sold in an amount 47702  
not to exceed two ounces or another amount designated by rule of 47703  
the liquor control commission. A tasting sample shall not be sold 47704  
for general consumption. No D-8 permit holder shall allow any 47705  
authorized purchaser to consume more than four tasting samples of 47706  
beer, wine, or mixed beverages, or any combination of beer, wine, 47707  
or mixed beverages, per day. 47708

(D) The privileges authorized under a D-8 permit may only be 47709

exercised in conjunction with and during the hours of operation 47710  
authorized by a C-1, C-2, C-2x, or D-6 permit. 47711

(E) A D-8 permit shall not be transferred to another 47712  
location. 47713

(F) The fee for the D-8 permit is ~~two~~ five hundred ~~fifty~~ 47714  
dollars. 47715

(G) The holder of a D-8 permit shall cause an independent 47716  
audit to be performed at the end of the first full year of 47717  
operation following issuance of the permit, and at the end of each 47718  
second year thereafter, in order to verify that the permit holder 47719  
satisfies the applicable requirement of division (A)(1) or (2) of 47720  
this section. The permit holder shall transmit the results of the 47721  
independent audit to the division of liquor control. If the 47722  
results of the audit indicate noncompliance with division (A) of 47723  
this section, the division shall not renew the D-8 permit of the 47724  
permit holder. 47725

**Sec. 4303.19.** Permit E may be issued to the owner or operator 47726  
of any railroad, a sleeping car company operating dining cars, 47727  
buffet cars, club cars, lounge cars, or similar equipment, or an 47728  
airline providing charter or regularly scheduled aircraft 47729  
transportation service with dining, buffet, club, lounge, or 47730  
similar facilities, to sell beer or any intoxicating liquor in any 47731  
such car or aircraft to bona fide passengers at retail in glass 47732  
and from the container for consumption in such car or aircraft, 47733  
including sale on Sunday between the hours of one p.m. and 47734  
midnight. The fee for this permit is ~~two~~ five hundred ~~fifty~~ 47735  
dollars. 47736

**Sec. 4303.20.** Permit F may be issued to an association of ten 47737  
or more persons, a labor union, or a charitable organization, or 47738  
to an employer of ten or more persons sponsoring a function for 47739

~~his~~ the employer's employees, to purchase from the holders of A-1 47740  
and B-1 permits and to sell beer for a period lasting not to 47741  
exceed five days. No more than two such permits may be issued to 47742  
the same applicant in any thirty-day period. 47743

The special function for which ~~such~~ the permit is issued 47744  
shall include a social, recreational, benevolent, charitable, 47745  
fraternal, political, patriotic, or athletic purpose but shall not 47746  
include any function the proceeds of which are for the profit or 47747  
gain of any individual. The fee for this permit is ~~twenty~~ forty 47748  
dollars. 47749

**Sec. 4303.201.** (A) As used in this section: 47750

(1) "Convention facility" means any structure owned or leased 47751  
by a municipal corporation or county which was expressly designed 47752  
and constructed and is currently used for the purpose of 47753  
presenting conventions, public meetings, and exhibitions. 47754

(2) "Nonprofit organization" means any unincorporated 47755  
association or nonprofit corporation that is not formed for the 47756  
pecuniary gain or profit of, and whose net earnings or any part 47757  
thereof is not distributable to, its members, trustees, officers, 47758  
or other private persons; provided, that the payment of reasonable 47759  
compensation for services rendered and the distribution of assets 47760  
on dissolution shall not be considered pecuniary gain or profit or 47761  
distribution of earnings in an association or corporation all of 47762  
whose members are nonprofit corporations. Distribution of earnings 47763  
to member organizations does not deprive it of the status of a 47764  
nonprofit organization. 47765

(B) An F-1 permit may be issued to any nonprofit organization 47766  
to allow the nonprofit organization and its members and their 47767  
guests to lawfully bring beer, wine, and intoxicating liquor in 47768  
its original package, flasks, or other containers into a 47769  
convention facility for consumption therein, if both of the 47770

following requirements are met: 47771

(1) The superintendent of liquor control is satisfied the 47772  
organization meets the definition of a nonprofit organization as 47773  
set forth in division (A)(2) of this section, the nonprofit 47774  
organization's membership includes persons residing in two or more 47775  
states, and the organization's total membership is in excess of 47776  
five hundred. The superintendent may accept a sworn statement by 47777  
the president or other chief executive officer of the nonprofit 47778  
organization as proof of the matters required in this division. 47779

(2) The managing official or employee of the convention 47780  
facility has given written consent to the use of the convention 47781  
facility and to the application for the F-1 permit, as shown in 47782  
the nonprofit organization's application to the superintendent. 47783

(C) The superintendent shall specify individually the 47784  
effective period of each F-1 permit on the permit, which shall not 47785  
exceed three days. The fee for an F-1 permit is ~~one~~ two hundred 47786  
~~twenty-five~~ fifty dollars. The superintendent shall prepare and 47787  
make available application forms to request F-1 permits and may 47788  
require applicants to furnish such information as the 47789  
superintendent determines to be necessary for the administration 47790  
of this section. 47791

(D) No holder of an F-1 permit shall make a specific charge 47792  
for beer, wine, or intoxicating liquor by the drink, or in its 47793  
original package, flasks, or other containers in connection with 47794  
its use of the convention facility under the permit. 47795

**Sec. 4303.202.** (A) The division of liquor control may issue 47796  
an F-2 permit to an association or corporation, or to a recognized 47797  
subordinate lodge, chapter, or other local unit of an association 47798  
or corporation, to sell beer or intoxicating liquor by the 47799  
individual drink at an event to be held on premises located in a 47800  
political subdivision or part thereof where the sale of beer or 47801

intoxicating liquor on that day is otherwise permitted by law. 47802

The division of liquor control may issue an F-2 permit to an 47803  
association or corporation, or to a recognized subordinate lodge, 47804  
chapter, or other local unit of an association or corporation, to 47805  
sell beer, wine, and spirituous liquor by the individual drink at 47806  
an event to be held on premises located in a political subdivision 47807  
or part thereof where the sale of beer and wine, but not 47808  
spirituous liquor, is otherwise permitted by law on that day. 47809

Notwithstanding section 1711.09 of the Revised Code, this 47810  
section applies to any association or corporation or a recognized 47811  
subordinate lodge, chapter, or other local unit of an association 47812  
or corporation. 47813

In order to receive an F-2 permit, the association, 47814  
corporation, or local unit shall be organized not for profit, 47815  
shall be operated for a charitable, cultural, fraternal, or 47816  
educational purpose, and shall not be affiliated with the holder 47817  
of any class of liquor permit, other than a D-4 permit. 47818

The premises on which the permit is to be used shall be 47819  
clearly defined and sufficiently restricted to allow proper 47820  
supervision of the permit use by state and local law enforcement 47821  
personnel. An F-2 permit may be issued for the same premises for 47822  
which another class of permit is issued. 47823

No F-2 permit shall be effective for more than forty-eight 47824  
consecutive hours, and sales shall be confined to the same hours 47825  
permitted to the holder of a D-3 permit. The division shall not 47826  
issue more than two F-2 permits in one calendar year to the same 47827  
association, corporation, or local unit of an association or 47828  
corporation. The fee for an F-2 permit is ~~seventy-five~~ one hundred  
fifty dollars. 47829  
47830

If an applicant wishes the holder of a D-3, D-4, or D-5 47831  
permit to conduct the sale of beer and intoxicating liquor at the 47832

event, the applicant may request that the F-2 permit be issued 47833  
jointly to the association, corporation, or local unit and the 47834  
D-permit holder. If a permit is issued jointly, the association, 47835  
corporation, or local unit and the D-permit holder shall both be 47836  
held responsible for any conduct that violates laws pertaining to 47837  
the sale of alcoholic beverages, including sales by the D-permit 47838  
holder; otherwise, the association, corporation, or local unit 47839  
shall be held responsible. In addition to the permit fee paid by 47840  
the association, corporation, or local unit, the D-permit holder 47841  
shall pay a fee of ten dollars. A D-permit holder may receive an 47842  
unlimited number of joint F-2 permits. 47843

Any association, corporation, or local unit applying for an 47844  
F-2 permit shall file with the application a statement of the 47845  
organizational purpose of the association, corporation, or local 47846  
unit, the location and purpose of the event, and a list of its 47847  
officers. The application form shall contain a notice that a 47848  
person who knowingly makes a false statement on the application or 47849  
statement is guilty of the crime of falsification, a misdemeanor 47850  
of the first degree. In ruling on an application, the division 47851  
shall consider, among other things, the past activities of the 47852  
association, corporation, or local unit and any D-permit holder 47853  
while operating under other F-2 permits, the location of the event 47854  
for which the current application is made, and any objections of 47855  
local residents or law enforcement authorities. If the division 47856  
approves the application, it shall send copies of the approved 47857  
application to the proper law enforcement authorities prior to the 47858  
scheduled event. 47859

Using the procedures of Chapter 119. of the Revised Code, the 47860  
liquor control commission may adopt such rules as are necessary to 47861  
administer this section. 47862

(B) No association, corporation, local unit of an association 47863  
or corporation, or D-permit holder who holds an F-2 permit shall 47864

sell beer or intoxicating liquor beyond the hours of sale allowed 47865  
by the permit. This division imposes strict liability on the 47866  
holder of such permit and on any officer, agent, or employee of 47867  
such permit holder. 47868

**Sec. 4303.203.** (A) As used in this section: 47869

(1) "Convention facility" and "nonprofit corporation" have 47870  
the same meanings as in section 4303.201 of the Revised Code. 47871

(2) "Hotel" means a hotel described in section 3731.01 of the 47872  
Revised Code that has at least fifty rooms for registered 47873  
transient guests and that is required to be licensed pursuant to 47874  
section 3731.03 of the Revised Code. 47875

(B) An F-3 permit may be issued to an organization whose 47876  
primary purpose is to support, promote, and educate members of the 47877  
beer, wine, or mixed beverage industries, to allow the 47878  
organization to bring beer, wine, or mixed beverages in their 47879  
original packages or containers into a convention facility or 47880  
hotel for consumption in the facility or hotel, if all of the 47881  
following requirements are met: 47882

(1) The superintendent of liquor control is satisfied that 47883  
the organization is a nonprofit organization and that the 47884  
organization's membership is in excess of two hundred fifty 47885  
persons. 47886

(2) The general manager or the equivalent officer of the 47887  
convention facility or hotel provides a written consent for the 47888  
use of a portion of the facility or hotel by the organization and 47889  
a written statement that the facility's or hotel's permit 47890  
privileges will be suspended in the portion of the facility or 47891  
hotel in which the F-3 permit is in force. 47892

(3) The organization provides a written description that 47893  
clearly sets forth the portion of the convention facility or hotel 47894

in which the F-3 permit will be used. 47895

(4) The organization provides a written statement as to its 47896  
primary purpose and the purpose of its event at the convention 47897  
facility or hotel. 47898

(5) Division (C) of this section does not apply. 47899

(C) No F-3 permit shall be issued to any nonprofit 47900  
organization that is created by or for a specific manufacturer, 47901  
supplier, distributor, or retailer of beer, wine, or mixed 47902  
beverages. 47903

(D) Notwithstanding division (E) of section 4301.22 of the 47904  
Revised Code, a holder of an F-3 permit may obtain by donation 47905  
beer, wine, or mixed beverages from any manufacturer or producer 47906  
of beer, wine, or mixed beverages. 47907

(E) Nothing in this chapter prohibits the holder of an F-3 47908  
permit from bringing into the portion of the convention facility 47909  
or hotel covered by the permit beer, wine, or mixed beverages 47910  
otherwise not approved for sale in this state. 47911

(F) Notwithstanding division (E) of section 4301.22 of the 47912  
Revised Code, no holder of an F-3 permit shall make any charge for 47913  
any beer, wine, or mixed beverage served by the drink, or in its 47914  
original package or container, in connection with the use of the 47915  
portion of the convention facility or hotel covered by the permit. 47916

(G) The division of liquor control shall prepare and make 47917  
available an F-3 permit application form and may require 47918  
applicants for the permit to provide information, in addition to 47919  
that required by this section, that is necessary for the 47920  
administration of this section. 47921

(H) An F-3 permit shall be effective for a period not to 47922  
exceed five consecutive days. The division of liquor control shall 47923  
not issue more than three F-3 permits per calendar year to the 47924

same nonprofit organization. The fee for an F-3 permit is ~~one~~ 47925  
three hundred ~~fifty~~ dollars. 47926

**Sec. 4303.204.** (A) The division of liquor control may issue 47927  
an F-4 permit to an association or corporation organized 47928  
not-for-profit in this state to conduct an event that includes the 47929  
introduction, showcasing, or promotion of Ohio wines, if the event 47930  
has all of the following characteristics: 47931

(1) It is coordinated by that association or corporation, and 47932  
the association or corporation is responsible for the activities 47933  
at it. 47934

(2) It has as one of its purposes the intent to introduce, 47935  
showcase, or promote Ohio wines to persons who attend it. 47936

(3) It includes the sale of food for consumption on the 47937  
premises where sold. 47938

(4) It features at least three A-2 permit holders who sell 47939  
Ohio wine at it. 47940

(B) The holder of an F-4 permit may furnish, without charge, 47941  
wine that it has obtained from the A-2 permit holders that are 47942  
participating in the event for which the F-4 permit is issued, in 47943  
two-ounce samples for consumption on the premises where furnished 47944  
and may sell such wine by the glass for consumption on the 47945  
premises where sold. The holder of an A-2 permit that is 47946  
participating in the event for which the F-4 permit is issued may 47947  
sell wine that it has manufactured, in sealed containers for 47948  
consumption off the premises where sold. Wine may be furnished or 47949  
sold on the premises of the event for which the F-4 permit is 47950  
issued only where and when the sale of wine is otherwise permitted 47951  
by law. 47952

(C) The premises of the event for which the F-4 permit is 47953  
issued shall be clearly defined and sufficiently restricted to 47954

allow proper enforcement of the permit by state and local law enforcement officers. If an F-4 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges will be suspended in that portion of the premises in which the F-4 permit is in effect.

(D) No F-4 permit shall be effective for more than seventy-two consecutive hours. No sales or furnishing of wine shall take place under an F-4 permit after one a.m.

(E) The division shall not issue more than six F-4 permits to the same not-for-profit association or corporation in any one calendar year.

(F) An applicant for an F-4 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. The application for the permit shall list all of the A-2 permit holders that will participate in the event for which the F-4 permit is sought. The fee for the F-4 permit is ~~thirty~~ sixty dollars per day.

The division shall prepare and make available an F-4 permit application form and may require applicants for and holders of the F-4 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(G)(1) The holder of an F-4 permit is responsible for, and is subject to penalties for, any violations of this chapter or Chapter 4301. of the Revised Code or the rules adopted under this and that chapter.

(2) An F-4 permit holder shall not allow an A-2 permit holder to participate in the event for which the F-4 permit is issued if the A-2 or A-1-A permit of that A-2 permit holder is under suspension.

(3) The division may refuse to issue an F-4 permit to an

applicant who has violated any provision of this chapter or 47986  
Chapter 4301. of the Revised Code during the applicant's previous 47987  
operation under an F-4 permit, for a period of up to two years 47988  
after the date of the violation. 47989

(H)(1) Notwithstanding division (E) of section 4301.22 of the 47990  
Revised Code, an A-2 permit holder that participates in an event 47991  
for which an F-4 permit is issued may donate wine that it has 47992  
manufactured to the holder of that F-4 permit. The holder of an 47993  
F-4 permit may return unused and sealed containers of wine to the 47994  
A-2 permit holder that donated the wine at the conclusion of the 47995  
event for which the F-4 permit was issued. 47996

(2) The participation by an A-2 permit holder or its 47997  
employees in an event for which an F-4 permit is issued does not 47998  
violate section 4301.24 of the Revised Code. 47999

**Sec. 4303.205. (A) As used in this section:** 48000

(1) "Festival" means an event organized by a nonprofit 48001  
organization that includes food, music, and entertainment and the 48002  
participation of at least five riverboats. 48003

(2) "Nonprofit organization" has the same meaning as in 48004  
section 4303.201 of the Revised Code. 48005

(B) The division of liquor control may issue an F-5 permit to 48006  
the owner or operator of a riverboat that has a capacity in excess 48007  
of fifty-five persons, that is not regularly docked in this state, 48008  
and whose owner or operator has entered into a written contract 48009  
with a nonprofit organization for the riverboat to participate in 48010  
a festival. 48011

(C) The holder of an F-5 permit may sell beer and any 48012  
intoxicating liquor, only by the individual drink in glass and 48013  
from the container, for consumption on the premises where sold 48014  
until one a.m., on any day of the week, including Sunday. 48015

(D) The division shall prepare and make available an F-5 permit application form and may require applicants for the permit to provide information, in addition to that required by this section, that is necessary for the administration of this section. 48016  
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(E) Sales under an F-5 permit are not affected by whether sales of beer or intoxicating liquor for consumption on the premises where sold are permitted to be made by persons holding another type of permit in the precinct or at the particular location where the riverboat is located. 48020  
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(F) No F-5 permit shall be in effect for more than six consecutive days. 48025  
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(G) The division shall not issue more than one F-5 permit in any one calendar year for the same riverboat. 48027  
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(H) The fee for an F-5 permit is one hundred eighty dollars. 48029

**Sec. 4303.21.** Permit G may be issued to the owner of a pharmacy in charge of a licensed pharmacist to be named in ~~such~~ the permit for the sale at retail of alcohol for medicinal purposes in quantities at each sale of not more than one gallon upon the written prescription of a physician or dentist who is lawfully and regularly engaged in the practice of the physician's or dentist's profession in this state, and for the sale of industrial alcohol for mechanical, chemical, or scientific purposes to a person known by the seller to be engaged in ~~such~~ mechanical, chemical, or scientific pursuits; all subject to section 4303.34 of the Revised Code. The fee for this permit ~~if fifty~~ is one hundred dollars. 48030  
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**Sec. 4303.22.** Permit H may be issued for a fee of ~~one~~ three hundred ~~fifty~~ dollars to a carrier by motor vehicle who also holds a license issued by the public utilities commission to transport beer, intoxicating liquor, and alcohol, or any of them, in this 48042  
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state for delivery or use in this state. This section does not 48046  
prevent the division of liquor control from contracting with 48047  
common or contract carriers for the delivery or transportation of 48048  
liquor for the division, and any contract or common carrier so 48049  
contracting with the division is eligible for an H permit. 48050  
Manufacturers or wholesale distributors of beer or intoxicating 48051  
liquor other than spirituous liquor who transport or deliver their 48052  
own products to or from their premises licensed under this chapter 48053  
and Chapter 4301. of the Revised Code by their own trucks as an 48054  
incident to the purchase or sale of such beverages need not obtain 48055  
an H permit. Carriers by rail shall receive an H permit upon 48056  
application for it. 48057

This section does not prevent the division from issuing, upon 48058  
the payment of the permit fee, an H permit to any person, 48059  
partnership, firm, or corporation licensed by any other state to 48060  
engage in the business of manufacturing and brewing or producing 48061  
beer, wine, and mixed beverages or any person, partnership, firm, 48062  
or corporation licensed by the United States or any other state to 48063  
engage in the business of importing beer, wine, and mixed 48064  
beverages manufactured outside the United States. The 48065  
manufacturer, brewer, or importer of products manufactured outside 48066  
the United States, upon the issuance of an H permit, may 48067  
transport, ship, and deliver only its own products to holders of 48068  
B-1 or B-5 permits in Ohio in motor trucks and equipment owned and 48069  
operated by such class H permit holder. No H permit shall be 48070  
issued by the division to such applicant until the applicant files 48071  
with the division a liability insurance certificate or policy 48072  
satisfactory to the division, in a sum of not less than one 48073  
thousand nor more than five thousand dollars for property damage 48074  
and for not less than five thousand nor more than fifty thousand 48075  
dollars for loss sustained by reason of injury or death and with 48076  
such other terms as the division considers necessary to adequately 48077

protect the interest of the public, having due regard for the 48078  
number of persons and amount of property affected. The certificate 48079  
or policy shall insure the manufacturer, brewer, or importer of 48080  
products manufactured outside the United States against loss 48081  
sustained by reason of the death of or injury to persons, and for 48082  
loss of or damage to property, from the negligence of such class H 48083  
permit holder in the operation of its motor vehicles or equipment 48084  
in this state. 48085

**Sec. 4303.23.** Permit I may be issued to wholesale druggists 48086  
to purchase alcohol from the holders of A-3 permits and to import 48087  
alcohol into ~~Ohio~~ this state subject to ~~such~~ terms ~~as are~~ imposed 48088  
by the division of liquor control; to sell at wholesale to 48089  
physicians, dentists, druggists, veterinary surgeons, 48090  
manufacturers, hospitals, infirmaries, and medical or educational 48091  
institutions using such alcohol for medicinal, mechanical, 48092  
chemical, or scientific purposes, and to holders of G permits for 48093  
nonbeverage purposes only; and to sell alcohol at retail in total 48094  
quantities at each sale of not more than one quart, upon the 48095  
written prescription of a physician or dentist who is lawfully and 48096  
regularly engaged in the practice of ~~his~~ the physician's or 48097  
dentist's profession in this state. The sale of alcohol under this 48098  
section is subject to section 4303.34 of the Revised Code. The fee 48099  
for this permit is ~~one~~ two hundred dollars. 48100

"Wholesale druggists," as used in this section includes all 48101  
persons holding federal wholesale liquor dealers' licenses and who 48102  
are engaged in the sale of medicinal drugs, proprietary medicines, 48103  
and surgical and medical appliances and apparatus, at wholesale. 48104

**Sec. 4303.231.** Permit W may be issued to a manufacturer or 48105  
supplier of beer or intoxicating liquor to operate a warehouse for 48106  
the storage of beer or intoxicating liquor within this state and 48107  
to sell ~~such~~ those products from the warehouse only to holders of 48108

B permits in this state and to other customers outside this state 48109  
under rules promulgated by the liquor control commission. Each 48110  
holder of a B permit with a consent to import on file with the 48111  
division of liquor control may purchase beer or intoxicating 48112  
liquor if designated by the permit to make ~~such~~ those purchases, 48113  
from the holder of a W permit. The fee for a W permit is one 48114  
thousand ~~two~~ five hundred ~~fifty~~ sixty-three dollars for each 48115  
warehouse during the year covered by the permit. 48116

**Sec. 4501.06.** The taxes, fees, and fines levied, charged, or 48117  
referred to in division (C)(1) of section 4503.10, division (D) of 48118  
section 4503.182, and sections 4505.11, 4505.111, 4506.08, 48119  
4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 of the Revised 48120  
Code, unless otherwise designated by law, shall be deposited in 48121  
the state treasury to the credit of the state highway safety fund, 48122  
which is hereby created, and shall, after receipt of 48123  
certifications from the commissioners of the sinking fund 48124  
certifying, as required by sections 5528.15 and 5528.35 of the 48125  
Revised Code, that there are sufficient moneys to the credit of 48126  
the highway improvement bond retirement fund created by section 48127  
5528.12 of the Revised Code to meet in full all payments of 48128  
interest, principal, and charges for the retirement of bonds and 48129  
other obligations issued pursuant to Section 2g of Article VIII, 48130  
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 48131  
Code due and payable during the current calendar year, and that 48132  
there are sufficient moneys to the credit of the highway 48133  
obligations bond retirement fund created by section 5528.32 of the 48134  
Revised Code to meet in full all payments of interest, principal, 48135  
and charges for the retirement of highway obligations issued 48136  
pursuant to Section 2i of Article VIII, Ohio Constitution, and 48137  
sections 5528.30 and 5528.31 of the Revised Code due and payable 48138  
during the current calendar year, be used for the purpose of 48139  
enforcing and paying the expenses of administering the law 48140

relative to the registration and operation of motor vehicles on 48141  
the public roads or highways. Amounts credited to the fund may 48142  
also be used to pay the expenses of administering and enforcing 48143  
the laws under which such fees were collected. All investment 48144  
earnings of the state highway safety fund shall be credited to the 48145  
fund. 48146

**Sec. 4503.06.** (A) The owner of each manufactured or mobile 48147  
home that has acquired situs in this state shall pay either a real 48148  
property tax pursuant to Title LVII of the Revised Code or a 48149  
manufactured home tax pursuant to division (C) of this section. 48150

(B) The owner of a manufactured or mobile home shall pay real 48151  
property taxes if either of the following applies: 48152

(1) The manufactured or mobile home acquired situs in the 48153  
state or ownership in the home was transferred on or after January 48154  
1, 2000, and all of the following apply: 48155

(a) The home is affixed to a permanent foundation as defined 48156  
in division (C)(5) of section 3781.06 of the Revised Code; 48157

(b) The home is located on land that is owned by the owner of 48158  
the home; 48159

(c) The certificate of title has been inactivated by the 48160  
clerk of the court of common pleas that issued it, pursuant to 48161  
division (H) of section 4505.11 of the Revised Code. 48162

(2) The manufactured or mobile home acquired situs in the 48163  
state or ownership in the home was transferred before January 1, 48164  
2000, and all of the following apply: 48165

(a) The home is affixed to a permanent foundation as defined 48166  
in division (C)(5) of section 3781.06 of the Revised Code; 48167

(b) The home is located on land that is owned by the owner of 48168  
the home; 48169

(c) The owner of the home has elected to have the home taxed 48170  
as real property and, pursuant to section 4505.11 of the Revised 48171  
Code, has surrendered the certificate of title to the auditor of 48172  
the county containing the taxing district in which the home has 48173  
its situs, together with proof that all taxes have been paid; 48174

(d) The county auditor has placed the home on the real 48175  
property tax list and delivered the certificate of title to the 48176  
clerk of the court of common pleas that issued it and the clerk 48177  
has inactivated the certificate. 48178

(C)(1) Any mobile or manufactured home that is not taxed as 48179  
real property as provided in division (B) of this section is 48180  
subject to an annual manufactured home tax, payable by the owner, 48181  
for locating the home in this state. The tax as levied in this 48182  
section is for the purpose of supplementing the general revenue 48183  
funds of the local subdivisions in which the home has its situs 48184  
pursuant to this section. 48185

(2) The year for which the manufactured home tax is levied 48186  
commences on the first day of January and ends on the following 48187  
thirty-first day of December. The state shall have the first lien 48188  
on any manufactured or mobile home on the list for the amount of 48189  
taxes, penalties, and interest charged against the owner of the 48190  
home under this section. The lien of the state for the tax for a 48191  
year shall attach on the first day of January to a home that has 48192  
acquired situs on that date. The lien for a home that has not 48193  
acquired situs on the first day of January, but that acquires 48194  
situs during the year, shall attach on the next first day of 48195  
January. The lien shall continue until the tax, including any 48196  
penalty or interest, is paid. 48197

(3)(a) The situs of a manufactured or mobile home located in 48198  
this state on the first day of January is the local taxing 48199  
district in which the home is located on that date. 48200

(b) The situs of a manufactured or mobile home not located in this state on the first day of January, but located in this state subsequent to that date, is the local taxing district in which the home is located thirty days after it is acquired or first enters this state.

(4) The tax is collected by and paid to the county treasurer of the county containing the taxing district in which the home has its situs.

(D) The manufactured home tax shall be computed and assessed by the county auditor of the county containing the taxing district in which the home has its situs as follows:

(1) On a home that acquired situs in this state prior to January 1, 2000;

(a) By multiplying the assessable value of the home by the tax rate of the taxing district in which the home has its situs, and deducting from the product thus obtained any reduction authorized under section 4503.065 of the Revised Code. The tax levied under this formula shall not be less than thirty-six dollars, unless the home qualifies for a reduction in assessable value under section 4503.065 of the Revised Code, in which case there shall be no minimum tax and the tax shall be the amount calculated under this division.

(b) The assessable value of the home shall be forty per cent of the amount arrived at by the following computation:

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

For the first calendar year  
in which the  
home is owned by the

current owner		80%	48232
2nd calendar year	x	75%	48233
3rd "	x	70%	48234
4th "	x	65%	48235
5th "	x	60%	48236
6th "	x	55%	48237
7th "	x	50%	48238
8th "	x	45%	48239
9th "	x	40%	48240
10th and each year thereafter		35%	48241

The first calendar year means any period between the first 48242  
day of January and the thirty-first day of December of the first 48243  
year. 48244

(ii) If the cost to the owner, or market value at the time of 48245  
purchase, whichever is greater, of the home does not include the 48246  
furnishings and equipment, such cost or market value shall be 48247  
multiplied according to the following schedule: 48248

For the first calendar year			48249
in which the			48250
home is owned by the			48251
current owner		95%	48252
2nd calendar year	x	90%	48253
3rd "	x	85%	48254
4th "	x	80%	48255
5th "	x	75%	48256
6th "	x	70%	48257
7th "	x	65%	48258
8th "	x	60%	48259
9th "	x	55%	48260
10th and each year thereafter		50%	48261

The first calendar year means any period between the first 48262  
day of January and the thirty-first day of December of the first 48263

year. 48264

(2) On a home in which ownership was transferred or that 48265  
first acquired situs in this state on or after January 1, 2000: 48266

(a) By multiplying the assessable value of the home by the 48267  
effective tax rate, as defined in section 323.08 of the Revised 48268  
Code, for residential real property of the taxing district in 48269  
which the home has its situs, and deducting from the product thus 48270  
obtained the reductions required or authorized under section 48271  
319.302, division (B) of section 323.152, or section 4503.065 of 48272  
the Revised Code. 48273

(b) The assessable value of the home shall be thirty-five per 48274  
cent of its true value as determined under division (L) of this 48275  
section. 48276

(3) On or before the fifteenth day of January each year, the 48277  
auditor shall record the assessable value and the amount of tax on 48278  
the manufactured or mobile home on the tax list and deliver a 48279  
duplicate of the list to the county treasurer. In the case of an 48280  
emergency as defined in section 323.17 of the Revised Code, the 48281  
tax commissioner, by journal entry, may extend the times for 48282  
delivery of the duplicate for an additional fifteen days upon 48283  
receiving a written application from the county auditor regarding 48284  
an extension for the delivery of the duplicate, or from the county 48285  
treasurer regarding an extension of the time for the billing and 48286  
collection of taxes. The application shall contain a statement 48287  
describing the emergency that will cause the unavoidable delay and 48288  
must be received by the tax commissioner on or before the last day 48289  
of the month preceding the day delivery of the duplicate is 48290  
otherwise required. When an extension is granted for delivery of 48291  
the duplicate, the time period for payment of taxes shall be 48292  
extended for a like period of time. When a delay in the closing of 48293  
a tax collection period becomes unavoidable, the tax commissioner, 48294  
upon application by the county auditor and county treasurer, may 48295

order the time for payment of taxes to be extended if the tax commissioner determines that penalties have accrued or would otherwise accrue for reasons beyond the control of the taxpayers of the county. The order shall prescribe the final extended date for payment of taxes for that collection period.

(4) After January 1, 1999, the owner of a manufactured or mobile home taxed pursuant to division (D)(1) of this section may elect to have the home taxed pursuant to division (D)(2) of this section by filing a written request with the county auditor of the taxing district in which the home is located on or before the first day of December of any year. Upon the filing of the request, the county auditor shall determine whether all taxes levied under division (D)(1) of this section have been paid, and if those taxes have been paid, the county auditor shall tax the manufactured or mobile home pursuant to division (D)(2) of this section commencing in the next tax year.

(5) A manufactured or mobile home that acquired situs in this state prior to January 1, 2000, shall be taxed pursuant to division (D)(2) of this section if no manufactured home tax had been paid for the home and the home was not exempted from taxation pursuant to division (E) of this section for the year for which the taxes were not paid.

(6)(a) Immediately upon receipt of any manufactured home tax duplicate from the county auditor, but not less than twenty days prior to the last date on which the first one-half taxes may be paid without penalty as prescribed in division (F) of this section, the county treasurer shall cause to be prepared and mailed or delivered to each person charged on that duplicate with taxes, or to an agent designated by such person, the tax bill prescribed by the tax commissioner under division (D)(7) of this section. When taxes are paid by installments, the county treasurer shall mail or deliver to each person charged on such duplicate or

the agent designated by such person a second tax bill showing the 48328  
amount due at the time of the second tax collection. The second 48329  
half tax bill shall be mailed or delivered at least twenty days 48330  
prior to the close of the second half tax collection period. A 48331  
change in the mailing address of any tax bill shall be made in 48332  
writing to the county treasurer. Failure to receive a bill 48333  
required by this section does not excuse failure or delay to pay 48334  
any taxes shown on the bill or, except as provided in division 48335  
~~(A)~~(B)(1) of section 5715.39 of the Revised Code, avoid any 48336  
penalty, interest, or charge for such delay. 48337

(b) After delivery of the copy of the delinquent manufactured 48338  
home tax list under division (H) of this section, the county 48339  
treasurer may prepare and mail to each person in whose name a home 48340  
is listed an additional tax bill showing the total amount of 48341  
delinquent taxes charged against the home as shown on the list. 48342  
The tax bill shall include a notice that the interest charge 48343  
prescribed by division (G) of this section has begun to accrue. 48344

(7) Each tax bill prepared and mailed or delivered under 48345  
division (D)(6) of this section shall be in the form and contain 48346  
the information required by the tax commissioner. The commissioner 48347  
may prescribe different forms for each county and may authorize 48348  
the county auditor to make up tax bills and tax receipts to be 48349  
used by the county treasurer. The tax bill shall not contain or be 48350  
mailed or delivered with any information or material that is not 48351  
required by this section or that is not authorized by section 48352  
321.45 of the Revised Code or by the tax commissioner. In addition 48353  
to the information required by the commissioner, each tax bill 48354  
shall contain the following information: 48355

(a) The taxes levied and the taxes charged and payable 48356  
against the manufactured or mobile home; 48357

(b) The following notice: "Notice: If the taxes are not paid 48358  
within sixty days after the county auditor delivers the delinquent 48359

manufactured home tax list to the county treasurer, you and your 48360  
home may be subject to collection proceedings for tax 48361  
delinquency." Failure to provide such notice has no effect upon 48362  
the validity of any tax judgment to which a home may be subjected. 48363

(c) In the case of manufactured or mobile homes taxed under 48364  
division (D)(2) of this section, the following additional 48365  
information: 48366

(i) The effective tax rate. The words "effective tax rate" 48367  
shall appear in boldface type. 48368

(ii) The following notice: "Notice: If the taxes charged 48369  
against this home have been reduced by the 2-1/2 per cent tax 48370  
reduction for residences occupied by the owner but the home is not 48371  
a residence occupied by the owner, the owner must notify the 48372  
county auditor's office not later than March 31 of the year for 48373  
which the taxes are due. Failure to do so may result in the owner 48374  
being convicted of a fourth degree misdemeanor, which is 48375  
punishable by imprisonment up to 30 days, a fine up to \$250, or 48376  
both, and in the owner having to repay the amount by which the 48377  
taxes were erroneously or illegally reduced, plus any interest 48378  
that may apply. 48379

If the taxes charged against this home have not been reduced 48380  
by the 2-1/2 per cent tax reduction and the home is a residence 48381  
occupied by the owner, the home may qualify for the tax reduction. 48382  
To obtain an application for the tax reduction or further 48383  
information, the owner may contact the county auditor's office at 48384  
..... (insert the address and telephone number of the county 48385  
auditor's office)." 48386

(E)(1) A manufactured or mobile home is not subject to this 48387  
section when any of the following applies: 48388

(a) It is taxable as personal property pursuant to section 48389  
5709.01 of the Revised Code. Any manufactured or mobile home that 48390

is used as a residence shall be subject to this section and shall 48391  
not be taxable as personal property pursuant to section 5709.01 of 48392  
the Revised Code. 48393

(b) It bears a license plate issued by any state other than 48394  
this state unless the home is in this state in excess of an 48395  
accumulative period of thirty days in any calendar year. 48396

(c) The annual tax has been paid on the home in this state 48397  
for the current year. 48398

(d) The tax commissioner has determined, pursuant to section 48399  
5715.27 of the Revised Code, that the property is exempt from 48400  
taxation, or would be exempt from taxation under Chapter 5709. of 48401  
the Revised Code if it were classified as real property. 48402

(2) A travel trailer or park trailer, as these terms are 48403  
defined in section 4501.01 of the Revised Code, is not subject to 48404  
this section if it is unused or unoccupied and stored at the 48405  
owner's normal place of residence or at a recognized storage 48406  
facility. 48407

(3) A travel trailer or park trailer, as these terms are 48408  
defined in section 4501.01 of the Revised Code, is subject to this 48409  
section and shall be taxed as a manufactured or mobile home if it 48410  
has a situs longer than thirty days in one location and is 48411  
connected to existing utilities, unless either of the following 48412  
applies: 48413

(a) The situs is in a state facility or a camping or park 48414  
area as defined in division (B), (G), (H), or (R) of section 48415  
3733.01 of the Revised Code; 48416

(b) The situs is in a camping or park area that is a tract of 48417  
land that has been limited to recreational use by deed or zoning 48418  
restrictions and subdivided for sale of five or more individual 48419  
lots for the express or implied purpose of occupancy by either 48420  
self-contained recreational vehicles as defined in division (E) of 48421

section 3733.01 of the Revised Code or by dependent recreational 48422  
vehicles as defined in division (F) of section 3733.01 of the 48423  
Revised Code. 48424

(F) Except as provided in division (D)(3) of this section, 48425  
the manufactured home tax is due and payable as follows: 48426

(1) When a manufactured or mobile home has a situs in this 48427  
state, as provided in this section, on the first day of January, 48428  
one-half of the amount of the tax is due and payable on or before 48429  
the first day of March and the balance is due and payable on or 48430  
before the thirty-first day of July. At the option of the owner of 48431  
the home, the tax for the entire year may be paid in full on the 48432  
first day of March. 48433

(2) When a manufactured or mobile home first acquires a situs 48434  
in this state after the first day of January, no tax is due and 48435  
payable for that year. 48436

(G)(1) If one-half of the current taxes charged under this 48437  
section against a manufactured or mobile home, together with the 48438  
full amount of any delinquent taxes or any installment thereof 48439  
required to be paid under a written undertaking, are not paid on 48440  
or before the thirty-first day of January in that year, or on or 48441  
before the last day for such payment as extended pursuant to 48442  
section 4503.063 of the Revised Code, a penalty of ten per cent 48443  
shall be charged against the unpaid balance of such half of the 48444  
current taxes. If the total amount of all such taxes is not paid 48445  
on or before the thirty-first day of July, next thereafter, or on 48446  
or before the last day for such payment as extended pursuant to 48447  
section 4503.063 of the Revised Code, a like penalty shall be 48448  
charged on the balance of the total amount of such unpaid current 48449  
taxes. 48450

(2)(a) On the first day of the month following the last day 48451  
the second installment of taxes may be paid without penalty 48452

beginning in 2000, interest shall be charged against and computed 48453  
on all delinquent taxes other than the current taxes that became 48454  
delinquent taxes at the close of the last day such second 48455  
installment could be paid without penalty. The charge shall be for 48456  
interest that accrued during the period that began on the 48457  
preceding first day of December and ended on the last day of the 48458  
month that included the last date such second installment could be 48459  
paid without penalty. The interest shall be computed at the rate 48460  
per annum prescribed by section 5703.47 of the Revised Code and 48461  
shall be entered as a separate item on the delinquent manufactured 48462  
home tax list compiled under division (H) of this section. 48463

(b) On the first day of December beginning in 2000, the 48464  
interest shall be charged against and computed on all delinquent 48465  
taxes. The charge shall be for interest that accrued during the 48466  
period that began on the first day of the month following the last 48467  
date prescribed for the payment of the second installment of taxes 48468  
in the current year and ended on the immediately preceding last 48469  
day of November. The interest shall be computed at the rate per 48470  
annum prescribed by section 5703.47 of the Revised Code and shall 48471  
be entered as a separate item on the delinquent manufactured home 48472  
tax list. 48473

(c) After a valid undertaking has been entered into for the 48474  
payment of any delinquent taxes, no interest shall be charged 48475  
against such delinquent taxes while the undertaking remains in 48476  
effect in compliance with section 323.31 of the Revised Code. If a 48477  
valid undertaking becomes void, interest shall be charged against 48478  
the delinquent taxes for the periods that interest was not 48479  
permitted to be charged while the undertaking was in effect. The 48480  
interest shall be charged on the day the undertaking becomes void 48481  
and shall equal the amount of interest that would have been 48482  
charged against the unpaid delinquent taxes outstanding on the 48483  
dates on which interest would have been charged thereon under 48484

divisions (G)(1) and (2) of this section had the undertaking not 48485  
been in effect. 48486

(3) If the full amount of the taxes due at either of the 48487  
times prescribed by division (F) of this section is paid within 48488  
ten days after such time, the county treasurer shall waive the 48489  
collection of and the county auditor shall remit one-half of the 48490  
penalty provided for in this division for failure to make that 48491  
payment by the prescribed time. 48492

(4) The treasurer shall compile and deliver to the county 48493  
auditor a list of all tax payments the treasurer has received as 48494  
provided in division (G)(3) of this section. The list shall 48495  
include any information required by the auditor for the remission 48496  
of the penalties waived by the treasurer. The taxes so collected 48497  
shall be included in the settlement next succeeding the settlement 48498  
then in process. 48499

(H)(1) Beginning in 2000, the county auditor shall compile 48500  
annually a "delinquent manufactured home tax list" consisting of 48501  
homes the county treasurer's records indicate have taxes that were 48502  
not paid within the time prescribed by divisions (D)(3) and (F) of 48503  
this section, have taxes that remain unpaid from prior years, or 48504  
have unpaid tax penalties or interest that have been assessed. 48505

(2) Within thirty days after the settlement under division 48506  
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 48507  
the county auditor shall deliver a copy of the delinquent 48508  
manufactured home tax list to the county treasurer. The auditor 48509  
shall update and publish the delinquent manufactured home tax list 48510  
annually in the same manner as delinquent real property tax lists 48511  
are published. The county auditor shall apportion the cost of 48512  
publishing the list among taxing districts in proportion to the 48513  
amount of delinquent manufactured home taxes so published that 48514  
each taxing district is entitled to receive upon collection of 48515  
those taxes. 48516

(3) When taxes, penalties, or interest are charged against a person on the delinquent manufactured home tax list and are not paid within sixty days after the list is delivered to the county treasurer, the county treasurer shall, in addition to any other remedy provided by law for the collection of taxes, penalties, and interest, enforce collection of such taxes, penalties, and interest by civil action in the name of the treasurer against the owner for the recovery of the unpaid taxes following the procedures for the recovery of delinquent real property taxes in sections 323.25 to 323.28 of the Revised Code. The action may be brought in municipal or county court, provided the amount charged does not exceed the monetary limitations for original jurisdiction for civil actions in those courts.

It is sufficient, having made proper parties to the suit, for the treasurer to allege in the treasurer's bill of particulars or petition that the taxes stand chargeable on the books of the county treasurer against such person, that they are due and unpaid, and that such person is indebted in the amount of taxes appearing to be due the county. The treasurer need not set forth any other matter relating thereto. If it is found on the trial of the action that the person is indebted to the state, judgment shall be rendered in favor of the treasurer prosecuting the action. The judgment debtor is not entitled to the benefit of any law for stay of execution or exemption of property from levy or sale on execution in the enforcement of the judgment.

(I) The total amount of taxes collected shall be distributed in the following manner: four per cent shall be allowed as compensation to the county auditor for the county auditor's service in assessing the taxes; two per cent shall be allowed as compensation to the county treasurer for the services the county treasurer renders as a result of the tax levied by this section. Such amounts shall be paid into the county treasury, to the credit

of the county general revenue fund, on the warrant of the county auditor. Fees to be paid to the credit of the real estate assessment fund shall be collected pursuant to division (B) of section 319.54 of the Revised Code and paid into the county treasury, on the warrant of the county auditor. The balance of the taxes collected shall be distributed among the taxing subdivisions of the county in which the taxes are collected and paid in the same ratio as those taxes were collected for the benefit of the taxing subdivision. The taxes levied and revenues collected under this section shall be in lieu of any general property tax and any tax levied with respect to the privilege of using or occupying a manufactured or mobile home in Ohio except as provided in sections 4503.04 and 5741.02 of the Revised Code.

(J) An agreement to purchase or a bill of sale for a manufactured home shall show whether or not the furnishings and equipment are included in the purchase price.

(K) If the county treasurer and the county prosecuting attorney agree that an item charged on the delinquent manufactured home tax list is uncollectible, they shall certify that determination and the reasons to the county board of revision. If the board determines the amount is uncollectible, it shall certify its determination to the county auditor, who shall strike the item from the list.

(L)(1) The county auditor shall appraise at its true value any manufactured or mobile home in which ownership is transferred or which first acquires situs in this state on or after January 1, 2000, and any manufactured or mobile home the owner of which has elected, under division (D)(4) of this section, to have the home taxed under division (D)(2) of this section. The true value shall include the value of the home, any additions, and any fixtures, but not any furnishings in the home. In determining the true value of a manufactured or mobile home, the auditor shall consider all

facts and circumstances relating to the value of the home, 48581  
including its age, its capacity to function as a residence, any 48582  
obsolete characteristics, and other factors that may tend to prove 48583  
its true value. 48584

(2)(a) If a manufactured or mobile home has been the subject 48585  
of an arm's length sale between a willing seller and a willing 48586  
buyer within a reasonable length of time prior to the 48587  
determination of true value, the auditor shall consider the sale 48588  
price of the home to be the true value for taxation purposes. 48589

(b) The sale price in an arm's length transaction between a 48590  
willing seller and a willing buyer shall not be considered the 48591  
true value of the home if either of the following occurred after 48592  
the sale: 48593

(i) The home has lost value due to a casualty; 48594

(ii) An addition or fixture has been added to the home. 48595

(3) The auditor shall have each home viewed and appraised at 48596  
least once in each six-year period in the same year in which real 48597  
property in the county is appraised pursuant to Chapter 5713. of 48598  
the Revised Code, and shall update the appraised values in the 48599  
third calendar year following the appraisal. The person viewing or 48600  
appraising a home may enter the home to determine by actual view 48601  
any additions or fixtures that have been added since the last 48602  
appraisal. In conducting the appraisals and establishing the true 48603  
value, the auditor shall follow the procedures set forth for 48604  
appraising real property in sections 5713.01 and 5713.03 of the 48605  
Revised Code. 48606

(4) The auditor shall place the true value of each home on 48607  
the manufactured home tax list upon completion of an appraisal. 48608

(5)(a) If the auditor changes the true value of a home, the 48609  
auditor shall notify the owner of the home in writing, delivered 48610  
by mail or in person. The notice shall be given at least thirty 48611

days prior to the issuance of any tax bill that reflects the 48612  
change. Failure to receive the notice does not invalidate any 48613  
proceeding under this section. 48614

(b) Any owner of a home or any other person or party listed 48615  
in division (A)(1) of section 5715.19 of the Revised Code may file 48616  
a complaint against the true value of the home as appraised under 48617  
this section. The complaint shall be filed with the county auditor 48618  
on or before the thirty-first day of March of the current tax year 48619  
or the date of closing of the collection for the first half of 48620  
manufactured home taxes for the current tax year, whichever is 48621  
later. The auditor shall present to the county board of revision 48622  
all complaints filed with the auditor under this section. The 48623  
board shall hear and investigate the complaint and may take action 48624  
on it as provided under sections 5715.11 to 5715.19 of the Revised 48625  
Code. 48626

(c) If the county board of revision determines, pursuant to a 48627  
complaint against the valuation of a manufactured or mobile home 48628  
filed under this section, that the amount of taxes, assessments, 48629  
or other charges paid was in excess of the amount due based on the 48630  
valuation as finally determined, then the overpayment shall be 48631  
refunded in the manner prescribed in section 5715.22 of the 48632  
Revised Code. 48633

(d) Payment of all or part of a tax under this section for 48634  
any year for which a complaint is pending before the county board 48635  
of revision does not abate the complaint or in any way affect the 48636  
hearing and determination thereof. 48637

(M) If the county auditor determines that any tax, 48638  
assessment, charge, or any part thereof has been erroneously 48639  
charged as a result of a clerical error as defined in section 48640  
319.35 of the Revised Code, the county treasurer and the county 48641  
board of revision shall remove the erroneous charges on the 48642  
manufactured home tax list or delinquent manufactured home tax 48643

list, and refund any erroneous charges that have been collected, 48644  
with interest, in the same manner as is prescribed in section 48645  
319.36 of the Revised Code for erroneous charges against real 48646  
property. 48647

(N) As used in this section and section 4503.061 of the 48648  
Revised Code: 48649

(1) "Manufactured home taxes" includes taxes, penalties, and 48650  
interest charged under division (C) or (G) of this section and any 48651  
penalties charged under division (G) or (H)(5) of section 4503.061 48652  
of the Revised Code. 48653

(2) "Current taxes" means all manufactured home taxes charged 48654  
against a manufactured or mobile home that have not appeared on 48655  
the manufactured home tax list for any prior year. Current taxes 48656  
become delinquent taxes if they remain unpaid after the last day 48657  
prescribed for payment of the second installment of current taxes 48658  
without penalty, whether or not they have been certified 48659  
delinquent. 48660

(3) "Delinquent taxes" means: 48661

(a) Any manufactured home taxes that were charged against a 48662  
manufactured or mobile home for a prior year, including any 48663  
penalties or interest charged for a prior year, and that remain 48664  
unpaid; 48665

(b) Any current manufactured home taxes charged against a 48666  
manufactured or mobile home that remain unpaid after the last day 48667  
prescribed for payment of the second installment of current taxes 48668  
without penalty, whether or not they have been certified 48669  
delinquent, including any penalties or interest. 48670

**Sec. 4503.101.** (A) The registrar of motor vehicles shall 48671  
adopt rules to establish a system of motor vehicle registration 48672  
based upon the type of vehicle to be registered, the type of 48673

ownership of the vehicle, the class of license plate to be issued, 48674  
and any other factor the registrar determines to be relevant. 48675  
Except for commercial cars, buses, trailers, and semitrailers 48676  
taxed under section 4503.042 of the Revised Code; except for 48677  
rental vehicles owned by motor vehicle renting dealers; and except 48678  
as otherwise provided by rule, motor vehicles owned by an 48679  
individual shall be registered based upon the motor vehicle 48680  
owner's date of birth. Beginning with the 2004 registration year, 48681  
the registrar shall assign motor vehicles to the registration 48682  
periods established by rules adopted under this section. 48683

(B) The registrar shall adopt rules to permit motor vehicle 48684  
owners residing together at one address to select the date of 48685  
birth of any one of the owners as the date to register any or all 48686  
of the vehicles at that residence address, as shown in the records 48687  
of the bureau of motor vehicles. 48688

(C) The registrar shall adopt rules to assign and reassign 48689  
all commercial cars, ~~buses~~, trailers, and semitrailers taxed under 48690  
section 4503.042 of the Revised Code and all rental vehicles owned 48691  
by motor vehicle renting dealers to a system of registration so 48692  
that the registrations of approximately one-twelfth of all such 48693  
vehicles expire on the last day of each month of a calendar year. 48694  
To effect a reassignment from the registration period in effect on 48695  
~~the effective date of this amendment June 30, 2003,~~ to the new 48696  
registration periods established by the rules adopted under this 48697  
section as amended, the rules may require the motor vehicle to be 48698  
registered for more or less than a twelve-month period at the time 48699  
the motor vehicle's registration is subject to its initial renewal 48700  
following the effective date of such rules. If necessary to effect 48701  
an efficient transition, the rules may provide that the 48702  
registration reassignments take place over two consecutive 48703  
registration periods. The registration taxes to be charged shall 48704  
be determined by the registrar on the basis of the annual tax 48705

otherwise due on the motor vehicle, prorated in accordance with 48706  
the number of months for which the motor vehicle is registered, 48707  
except that the fee established by division (C)(1) of section 48708  
4503.10 of the Revised Code shall be collected in full for each 48709  
renewal that occurs during the transition period and shall not be 48710  
prorated. 48711

(D) The registrar shall adopt rules to permit any commercial 48712  
motor vehicle owner or motor vehicle renting dealer who owns two 48713  
or more motor vehicles to request the registrar to permit the 48714  
owner to separate the owner's fleet into up to four divisions for 48715  
assignment to separate dates upon which to register the vehicles, 48716  
provided that the registrar may disapprove any such request 48717  
whenever the registrar has reason to believe that an uneven 48718  
distribution of registrations throughout the calendar year has 48719  
developed or is likely to develop. 48720

(E) Every owner or lessee of a motor vehicle holding a 48721  
certificate of registration shall notify the registrar of any 48722  
change of the owner's or lessee's correct address within ten days 48723  
after the change occurs. The notification shall be in writing on a 48724  
form provided by the registrar or by electronic means approved by 48725  
the registrar and shall include the full name, date of birth if 48726  
applicable, license number, county of residence or place of 48727  
business, social security account number of an individual or 48728  
federal tax identification number of a business, and new address. 48729

(F) As used in this section, "motor vehicle renting dealer" 48730  
has the same meaning as in section 4549.65 of the Revised Code. 48731

**Sec. 4503.103.** (A)(1)(a) The registrar of motor vehicles may 48732  
adopt rules to permit any person or lessee, other than a person 48733  
receiving an apportioned license plate under the international 48734  
registration plan, who owns or leases one or more motor vehicles 48735  
to file a written application for registration for no more than 48736

five succeeding registration years. The rules adopted by the registrar may designate the classes of motor vehicles that are eligible for such registration. At the time of application, all annual taxes and fees shall be paid for each year for which the person is registering.

(b) The (i) Except as provided in division (A)(1)(b)(ii) of this section, the registrar shall adopt rules to permit any person, other than a person receiving an apportioned license plate under the international registration plan and other than the owner of a commercial car used solely in intrastate commerce, who owns a motor vehicle to file an application for registration for the next two succeeding registration years. At the time of application, the person shall pay the annual taxes and fees for each registration year, calculated in accordance with division (C) of section 4503.11 of the Revised Code. A person who is registering a vehicle under division (A)(1)(b) of this section shall pay for each year of registration the additional fee established under division (C)(1) of section 4503.10 of the Revised Code. The person shall also pay one and one-half times the amount of the deputy registrar service fee specified in division (D) of section 4503.10 of the Revised Code or the bureau of motor vehicles service fee specified in division (G) of that section, as applicable.

(ii) Division (A)(1)(b)(i) of this section does not apply to a person receiving an apportioned license plate under the international registration plan, or the owner of a commercial car used solely in intrastate commerce, or the owner of a bus as defined in section 4513.50 of the Revised Code.

(2) No person applying for a multi-year registration under division (A)(1) of this section is entitled to a refund of any taxes or fees paid.

(3) The registrar shall not issue to any applicant who has been issued a final, nonappealable order under division (B) of

this section a multi-year registration or renewal thereof under 48769  
this division or rules adopted under it for any motor vehicle that 48770  
is required to be inspected under section 3704.14 of the Revised 48771  
Code the district of registration of which, as determined under 48772  
section 4503.10 of the Revised Code, is or is located in the 48773  
county named in the order. 48774

(B) Upon receipt from the director of environmental 48775  
protection of a notice issued under division (J) of section 48776  
3704.14 of the Revised Code indicating that an owner of a motor 48777  
vehicle that is required to be inspected under that section who 48778  
obtained a multi-year registration for the vehicle under division 48779  
(A) of this section or rules adopted under that division has not 48780  
obtained an inspection certificate for the vehicle in accordance 48781  
with that section in a year intervening between the years of 48782  
issuance and expiration of the multi-year registration in which 48783  
the owner is required to have the vehicle inspected and obtain an 48784  
inspection certificate for it under division (F)(1)(a) of that 48785  
section, the registrar in accordance with Chapter 119. of the 48786  
Revised Code shall issue an order to the owner impounding the 48787  
certificate of registration and identification license plates for 48788  
the vehicle. The order also shall prohibit the owner from 48789  
obtaining or renewing a multi-year registration for any vehicle 48790  
that is required to be inspected under that section, the district 48791  
of registration of which is or is located in the same county as 48792  
the county named in the order during the number of years after 48793  
expiration of the current multi-year registration that equals the 48794  
number of years for which the current multi-year registration was 48795  
issued. 48796

An order issued under this division shall require the owner 48797  
to surrender to the registrar the certificate of registration and 48798  
license plates for the vehicle named in the order within five days 48799  
after its issuance. If the owner fails to do so within that time, 48800

the registrar shall certify that fact to the county sheriff or 48801  
local police officials who shall recover the certificate of 48802  
registration and license plates for the vehicle. 48803

(C) Upon the occurrence of either of the following 48804  
circumstances, the registrar in accordance with Chapter 119. of 48805  
the Revised Code shall issue to the owner a modified order 48806  
rescinding the provisions of the order issued under division (B) 48807  
of this section impounding the certificate of registration and 48808  
license plates for the vehicle named in that original order: 48809

(1) Receipt from the director of environmental protection of 48810  
a subsequent notice under division (J) of section 3704.14 of the 48811  
Revised Code that the owner has obtained the inspection 48812  
certificate for the vehicle as required under division (F)(1)(a) 48813  
of that section; 48814

(2) Presentation to the registrar by the owner of the 48815  
required inspection certificate for the vehicle. 48816

(D) The owner of a motor vehicle for which the certificate of 48817  
registration and license plates have been impounded pursuant to an 48818  
order issued under division (B) of this section, upon issuance of 48819  
a modified order under division (C) of this section, may apply to 48820  
the registrar for their return. A fee of two dollars and fifty 48821  
cents shall be charged for the return of the certificate of 48822  
registration and license plates for each vehicle named in the 48823  
application. 48824

**Sec. 4505.06.** (A)(1) Application for a certificate of title 48825  
shall be made in a form prescribed by the registrar of motor 48826  
vehicles and shall be sworn to before a notary public or other 48827  
officer empowered to administer oaths. The application shall be 48828  
filed with the clerk of any court of common pleas. An application 48829  
for a certificate of title may be filed electronically by any 48830  
electronic means approved by the registrar in any county with the 48831

clerk of the court of common pleas of that county. Any payments 48832  
required by this chapter shall be considered as accompanying any 48833  
electronically transmitted application when payment actually is 48834  
received by the clerk. Payment of any fee or taxes may be made by 48835  
electronic transfer of funds. 48836

(2) The application for a certificate of title shall be 48837  
accompanied by the fee prescribed in section 4505.09 of the 48838  
Revised Code. The fee shall be retained by the clerk who issues 48839  
the certificate of title and shall be distributed in accordance 48840  
with that section. If a clerk of a court of common pleas, other 48841  
than the clerk of the court of common pleas of an applicant's 48842  
county of residence, issues a certificate of title to the 48843  
applicant, the clerk shall transmit data related to the 48844  
transaction to the automated title processing system. 48845

(3) If a certificate of title previously has been issued for 48846  
a motor vehicle in this state, the application for a certificate 48847  
of title also shall be accompanied by that certificate of title 48848  
duly assigned, unless otherwise provided in this chapter. If a 48849  
certificate of title previously has not been issued for the motor 48850  
vehicle in this state, the application, unless otherwise provided 48851  
in this chapter, shall be accompanied by a manufacturer's or 48852  
importer's certificate or by a certificate of title of another 48853  
state from which the motor vehicle was brought into this state. If 48854  
the application refers to a motor vehicle last previously 48855  
registered in another state, the application also shall be 48856  
accompanied by the physical inspection certificate required by 48857  
section 4505.061 of the Revised Code. If the application is made 48858  
by two persons regarding a motor vehicle in which they wish to 48859  
establish joint ownership with right of survivorship, they may do 48860  
so as provided in section 2131.12 of the Revised Code. If the 48861  
applicant requests a designation of the motor vehicle in 48862  
beneficiary form so that upon the death of the owner of the motor 48863

vehicle, ownership of the motor vehicle will pass to a designated 48864  
transfer-on-death beneficiary or beneficiaries, the applicant may 48865  
do so as provided in section 2131.13 of the Revised Code. A person 48866  
who establishes ownership of a motor vehicle that is transferable 48867  
on death in accordance with section 2131.13 of the Revised Code 48868  
may terminate that type of ownership or change the designation of 48869  
the transfer-on-death beneficiary or beneficiaries by applying for 48870  
a certificate of title pursuant to this section. The clerk shall 48871  
retain the evidence of title presented by the applicant and on 48872  
which the certificate of title is issued, except that, if an 48873  
application for a certificate of title is filed electronically by 48874  
an electronic motor vehicle dealer on behalf of the purchaser of a 48875  
motor vehicle, the clerk shall retain the completed electronic 48876  
record to which the dealer converted the certificate of title 48877  
application and other required documents. ~~The electronic motor 48878  
vehicle dealer shall forward the actual application and all other 48879  
documents relating to the sale of the motor vehicle to any clerk 48880  
within thirty days after the certificate of title is issued.~~ The 48881  
registrar, after consultation with the attorney general, shall 48882  
adopt rules that govern the location at which, and the manner in 48883  
which, are stored the actual application and all other documents 48884  
relating to the sale of a motor vehicle when an electronic motor 48885  
vehicle dealer files the application for a certificate of title 48886  
electronically on behalf of the purchaser. 48887

The clerk shall use reasonable diligence in ascertaining 48888  
whether or not the facts in the application for a certificate of 48889  
title are true by checking the application and documents 48890  
accompanying it or the electronic record to which a dealer 48891  
converted the application and accompanying documents with the 48892  
records of motor vehicles in the clerk's office. If the clerk is 48893  
satisfied that the applicant is the owner of the motor vehicle and 48894  
that the application is in the proper form, the clerk, within five 48895  
business days after the application is filed, shall issue a 48896

physical certificate of title over the clerk's signature and 48897  
sealed with the clerk's seal unless the applicant specifically 48898  
requests the clerk not to issue a physical certificate of title 48899  
and instead to issue an electronic certificate of title. For 48900  
purposes of the transfer of a certificate of title, if the clerk 48901  
is satisfied that the secured party has duly discharged a lien 48902  
notation but has not canceled the lien notation with a clerk, the 48903  
clerk may cancel the lien notation on the automated title 48904  
processing system and notify the clerk of the county of origin. 48905

(4) In the case of the sale of a motor vehicle to a general 48906  
buyer or user by a dealer, by a motor vehicle leasing dealer 48907  
selling the motor vehicle to the lessee or, in a case in which the 48908  
leasing dealer subleased the motor vehicle, the sublessee, at the 48909  
end of the lease agreement or sublease agreement, or by a 48910  
manufactured home broker, the certificate of title shall be 48911  
obtained in the name of the buyer by the dealer, leasing dealer, 48912  
or manufactured home broker, as the case may be, upon application 48913  
signed by the buyer. The certificate of title shall be issued, or 48914  
the process of entering the certificate of title application 48915  
information into the automated title processing system if a 48916  
physical certificate of title is not to be issued shall be 48917  
completed, within five business days after the application for 48918  
title is filed with the clerk. If the buyer of the motor vehicle 48919  
previously leased the motor vehicle and is buying the motor 48920  
vehicle at the end of the lease pursuant to that lease, the 48921  
certificate of title shall be obtained in the name of the buyer by 48922  
the motor vehicle leasing dealer who previously leased the motor 48923  
vehicle to the buyer or by the motor vehicle leasing dealer who 48924  
subleased the motor vehicle to the buyer under a sublease 48925  
agreement. 48926

In all other cases, except as provided in section 4505.032 48927  
and division (D)(2) of section 4505.11 of the Revised Code, such 48928

certificates shall be obtained by the buyer. 48929

(5)(a)(i) If the certificate of title is being obtained in 48930  
the name of the buyer by a motor vehicle dealer or motor vehicle 48931  
leasing dealer and there is a security interest to be noted on the 48932  
certificate of title, the dealer or leasing dealer shall submit 48933  
the application for the certificate of title and payment of the 48934  
applicable tax to a clerk within seven business days after the 48935  
later of the delivery of the motor vehicle to the buyer or the 48936  
date the dealer or leasing dealer obtains the manufacturer's or 48937  
importer's certificate, or certificate of title issued in the name 48938  
of the dealer or leasing dealer, for the motor vehicle. Submission 48939  
of the application for the certificate of title and payment of the 48940  
applicable tax within the required seven business days may be 48941  
indicated by postmark or receipt by a clerk within that period. 48942

(ii) Upon receipt of the certificate of title with the 48943  
security interest noted on its face, the dealer or leasing dealer 48944  
shall forward the certificate of title to the secured party at the 48945  
location noted in the financing documents or otherwise specified 48946  
by the secured party. 48947

(iii) A motor vehicle dealer or motor vehicle leasing dealer 48948  
is liable to a secured party for a late fee of ten dollars per day 48949  
for each certificate of title application and payment of the 48950  
applicable tax that is submitted to a clerk more than seven 48951  
business days but less than twenty-one days after the later of the 48952  
delivery of the motor vehicle to the buyer or the date the dealer 48953  
or leasing dealer obtains the manufacturer's or importer's 48954  
certificate, or certificate of title issued in the name of the 48955  
dealer or leasing dealer, for the motor vehicle and, from then on, 48956  
twenty-five dollars per day until the application and applicable 48957  
tax are submitted to a clerk. 48958

(b) In all cases of transfer of a motor vehicle, the 48959  
application for certificate of title shall be filed within thirty 48960

days after the assignment or delivery of the motor vehicle. If an 48961  
application for a certificate of title is not filed within the 48962  
period specified in division (A)(5)(b) of this section, the clerk 48963  
shall collect a fee of five dollars for the issuance of the 48964  
certificate, except that no such fee shall be required from a 48965  
motor vehicle salvage dealer, as defined in division (A) of 48966  
section 4738.01 of the Revised Code, who immediately surrenders 48967  
the certificate of title for cancellation. The fee shall be in 48968  
addition to all other fees established by this chapter, and shall 48969  
be retained by the clerk. The registrar shall provide, on the 48970  
certificate of title form prescribed by section 4505.07 of the 48971  
Revised Code, language necessary to give evidence of the date on 48972  
which the assignment or delivery of the motor vehicle was made. 48973

(6) As used in division (A) of this section, "lease 48974  
agreement," "lessee," and "sublease agreement" have the same 48975  
meanings as in section 4505.04 of the Revised Code. 48976

(B) The clerk, except as provided in this section, shall 48977  
refuse to accept for filing any application for a certificate of 48978  
title and shall refuse to issue a certificate of title unless the 48979  
dealer or manufactured home broker or the applicant, in cases in 48980  
which the certificate shall be obtained by the buyer, submits with 48981  
the application payment of the tax levied by or pursuant to 48982  
Chapters 5739. and 5741. of the Revised Code based on the 48983  
purchaser's county of residence. Upon payment of the tax in 48984  
accordance with division (E) of this section, the clerk shall 48985  
issue a receipt prescribed by the registrar and agreed upon by the 48986  
tax commissioner showing payment of the tax or a receipt issued by 48987  
the commissioner showing the payment of the tax. When submitting 48988  
payment of the tax to the clerk, a dealer shall retain any 48989  
discount to which the dealer is entitled under section 5739.12 of 48990  
the Revised Code. 48991

For receiving and disbursing such taxes paid to the clerk by 48992

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

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

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

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

transferring the information supplied by the transferor, but is 49025  
not liable for any errors or omissions of the clerk or those of 49026  
the clerk's deputies in the performance of the clerk's duties 49027  
created by this chapter. 49028

The registrar shall prescribe an affidavit in which the 49029  
transferor shall swear to the true selling price and, except as 49030  
provided in this division, the true odometer reading of the motor 49031  
vehicle. The registrar may prescribe an affidavit in which the 49032  
seller and buyer provide information pertaining to the odometer 49033  
reading of the motor vehicle in addition to that required by this 49034  
section, as such information may be required by the United States 49035  
secretary of transportation by rule prescribed under authority of 49036  
subchapter IV of the "Motor Vehicle Information and Cost Savings 49037  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 49038

(2) Division (C)(1) of this section does not require the 49039  
giving of information concerning the odometer and odometer reading 49040  
of a motor vehicle when ownership of a motor vehicle is being 49041  
transferred as a result of a bequest, under the laws of intestate 49042  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 49043  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 49044  
beneficiaries pursuant to section 2131.13 of the ~~Revised~~ Revised 49045  
Code, or in connection with the creation of a security interest. 49046

(D) When the transfer to the applicant was made in some other 49047  
state or in interstate commerce, the clerk, except as provided in 49048  
this section, shall refuse to issue any certificate of title 49049  
unless the tax imposed by or pursuant to Chapter 5741. of the 49050  
Revised Code based on the purchaser's county of residence has been 49051  
paid as evidenced by a receipt issued by the tax commissioner, or 49052  
unless the applicant submits with the application payment of the 49053  
tax. Upon payment of the tax in accordance with division (E) of 49054  
this section, the clerk shall issue a receipt prescribed by the 49055  
registrar and agreed upon by the tax commissioner, showing payment 49056

of the tax. 49057

For receiving and disbursing such taxes paid to the clerk by 49058  
a resident of the clerk's county, the clerk may retain a poundage 49059  
fee of one and one one-hundredth per cent. The clerk shall not 49060  
retain a poundage fee from payments of taxes by persons who do not 49061  
reside in the clerk's county. 49062

A clerk, however, may retain from the taxes paid to the clerk 49063  
an amount equal to the poundage fees associated with certificates 49064  
of title issued by other clerks of courts of common pleas to 49065  
applicants who reside in the first clerk's county. The registrar, 49066  
in consultation with the tax commissioner and the clerks of the 49067  
courts of common pleas, shall develop a report from the automated 49068  
title processing system that informs each clerk of the amount of 49069  
the poundage fees that the clerk is permitted to retain from those 49070  
taxes because of certificates of title issued by the clerks of 49071  
other counties to applicants who reside in the first clerk's 49072  
county. 49073

When the vendor is not regularly engaged in the business of 49074  
selling motor vehicles, the vendor shall not be required to 49075  
purchase a vendor's license or make reports concerning those 49076  
sales. 49077

(E) The clerk shall accept any payment of a tax in cash, or 49078  
by cashier's check, certified check, draft, money order, or teller 49079  
check issued by any insured financial institution payable to the 49080  
clerk and submitted with an application for a certificate of title 49081  
under division (B) or (D) of this section. The clerk also may 49082  
accept payment of the tax by corporate, business, or personal 49083  
check, credit card, electronic transfer or wire transfer, debit 49084  
card, or any other accepted form of payment made payable to the 49085  
clerk. The clerk may require bonds, guarantees, or letters of 49086  
credit to ensure the collection of corporate, business, or 49087  
personal checks. Any service fee charged by a third party to a 49088

clerk for the use of any form of payment may be paid by the clerk 49089  
from the certificate of title administration fund created in 49090  
section 325.33 of the Revised Code, or may be assessed by the 49091  
clerk upon the applicant as an additional fee. Upon collection, 49092  
the additional fees shall be paid by the clerk into that 49093  
certificate of title administration fund. 49094

The clerk shall make a good faith effort to collect any 49095  
payment of taxes due but not made because the payment was returned 49096  
or dishonored, but the clerk is not personally liable for the 49097  
payment of uncollected taxes or uncollected fees. The clerk shall 49098  
notify the tax commissioner of any such payment of taxes that is 49099  
due but not made and shall furnish the information to the 49100  
commissioner that the commissioner requires. The clerk shall 49101  
deduct the amount of taxes due but not paid from the clerk's 49102  
periodic remittance of tax payments, in accordance with procedures 49103  
agreed upon by the tax commissioner. The commissioner may collect 49104  
taxes due by assessment in the manner provided in section 5739.13 49105  
of the Revised Code. 49106

Any person who presents payment that is returned or 49107  
dishonored for any reason is liable to the clerk for payment of a 49108  
penalty over and above the amount of the taxes due. The clerk 49109  
shall determine the amount of the penalty, and the penalty shall 49110  
be no greater than that amount necessary to compensate the clerk 49111  
for banking charges, legal fees, or other expenses incurred by the 49112  
clerk in collecting the returned or dishonored payment. The 49113  
remedies and procedures provided in this section are in addition 49114  
to any other available civil or criminal remedies. Subsequently 49115  
collected penalties, poundage fees, and title fees, less any title 49116  
fee due the state, from returned or dishonored payments collected 49117  
by the clerk shall be paid into the certificate of title 49118  
administration fund. Subsequently collected taxes, less poundage 49119  
fees, shall be sent by the clerk to the treasurer of state at the 49120

next scheduled periodic remittance of tax payments, with 49121  
information as the commissioner may require. The clerk may abate 49122  
all or any part of any penalty assessed under this division. 49123

(F) In the following cases, the clerk shall accept for filing 49124  
an application and shall issue a certificate of title without 49125  
requiring payment or evidence of payment of the tax: 49126

(1) When the purchaser is this state or any of its political 49127  
subdivisions, a church, or an organization whose purchases are 49128  
exempted by section 5739.02 of the Revised Code; 49129

(2) When the transaction in this state is not a retail sale 49130  
as defined by section 5739.01 of the Revised Code; 49131

(3) When the purchase is outside this state or in interstate 49132  
commerce and the purpose of the purchaser is not to use, store, or 49133  
consume within the meaning of section 5741.01 of the Revised Code; 49134

(4) When the purchaser is the federal government; 49135

(5) When the motor vehicle was purchased outside this state 49136  
for use outside this state; 49137

(6) When the motor vehicle is purchased by a nonresident of 49138  
this state for immediate removal from this state, and will be 49139  
permanently titled and registered in another state, as provided by 49140  
division (B)(23) of section 5739.02 of the Revised Code, and upon 49141  
presentation of a copy of the affidavit provided by that section, 49142  
and a copy of the exemption certificate provided by section 49143  
5739.03 of the Revised Code. 49144

The clerk shall forward all payments of taxes, less poundage 49145  
fees, to the treasurer of state in a manner to be prescribed by 49146  
the tax commissioner and shall furnish information to the 49147  
commissioner as the commissioner requires. 49148

(G) An application, as prescribed by the registrar and agreed 49149  
to by the tax commissioner, shall be filled out and sworn to by 49150

the buyer of a motor vehicle in a casual sale. The application 49151  
shall contain the following notice in bold lettering: "WARNING TO 49152  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 49153  
law to state the true selling price. A false statement is in 49154  
violation of section 2921.13 of the Revised Code and is punishable 49155  
by six months' imprisonment or a fine of up to one thousand 49156  
dollars, or both. All transfers are audited by the department of 49157  
taxation. The seller and buyer must provide any information 49158  
requested by the department of taxation. The buyer may be assessed 49159  
any additional tax found to be due." 49160

(H) For sales of manufactured homes or mobile homes occurring 49161  
on or after January 1, 2000, the clerk shall accept for filing, 49162  
pursuant to Chapter 5739. of the Revised Code, an application for 49163  
a certificate of title for a manufactured home or mobile home 49164  
without requiring payment of any tax pursuant to section 5739.02, 49165  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 49166  
issued by the tax commissioner showing payment of the tax. For 49167  
sales of manufactured homes or mobile homes occurring on or after 49168  
January 1, 2000, the applicant shall pay to the clerk an 49169  
additional fee of five dollars for each certificate of title 49170  
issued by the clerk for a manufactured or mobile home pursuant to 49171  
division (H) of section 4505.11 of the Revised Code and for each 49172  
certificate of title issued upon transfer of ownership of the 49173  
home. The clerk shall credit the fee to the county certificate of 49174  
title administration fund, and the fee shall be used to pay the 49175  
expenses of archiving those certificates pursuant to division (A) 49176  
of section 4505.08 and division (H)(3) of section 4505.11 of the 49177  
Revised Code. The tax commissioner shall administer any tax on a 49178  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 49179  
of the Revised Code. 49180

(I) Every clerk shall have the capability to transact by 49181  
electronic means all procedures and transactions relating to the 49182

issuance of motor vehicle certificates of title that are described 49183  
in the Revised Code as being accomplished by electronic means. 49184

**Sec. 4506.14.** (A) Commercial driver's licenses shall expire 49185  
as follows: 49186

(1) Except as provided in division (A)(3) of this section, 49187  
each such license issued to replace an operator's or chauffeur's 49188  
license shall expire on the original expiration date of the 49189  
operator's or chauffeur's license and, upon renewal, shall expire 49190  
on the licensee's birthday in the fourth year after the date of 49191  
issuance. 49192

(2) Except as provided in division (A)(3) of this section, 49193  
each such license issued as an original license to a person whose 49194  
residence is in this state shall expire on the licensee's birthday 49195  
in the fourth year after the date of issuance, and each such 49196  
license issued to a person whose temporary residence is in this 49197  
state shall expire in accordance with rules adopted by the 49198  
registrar of motor vehicles. A license issued to a person with a 49199  
temporary residence in this state is nonrenewable, but may be 49200  
replaced with a new license within ninety days prior to its 49201  
expiration upon the applicant's compliance with all applicable 49202  
requirements. 49203

(3) Each such license issued to replace the operator's or 49204  
chauffeur's license of a person who is less than twenty-one years 49205  
of age, and each such license issued as an original license to a 49206  
person who is less than twenty-one years of age, shall expire on 49207  
the licensee's twenty-first birthday. 49208

(B) No commercial driver's license shall be issued for a 49209  
period longer than four years and ninety days. Except as provided 49210  
in section 4507.12 of the Revised Code, the registrar may waive 49211  
the examination of any person applying for the renewal of a 49212  
commercial driver's license issued under this chapter, provided 49213

that the applicant presents either an unexpired commercial 49214  
driver's license or a commercial driver's license that has expired 49215  
not more than six months prior to the date of application. 49216

(C) Subject to the requirements of this chapter and except as 49217  
provided in division (A)(2) of this section in regard to a person 49218  
whose temporary residence is in this state, every commercial 49219  
driver's license shall be renewable ninety days before its 49220  
expiration upon payment of the fees required by section 4506.08 of 49221  
the Revised Code. Each person applying for renewal of a commercial 49222  
driver's license shall complete the application form prescribed by 49223  
section 4506.07 of the Revised Code and shall provide all 49224  
certifications required. If the person wishes to retain an 49225  
endorsement authorizing the person to transport hazardous 49226  
materials, the person shall take and successfully complete the 49227  
written test for the endorsement and shall submit to any 49228  
background check required by federal law. 49229

(D) Each person licensed as a driver under this chapter shall 49230  
notify the registrar of any change in the person's address within 49231  
ten days following that change. The notification shall be in 49232  
writing on a form provided by the registrar and shall include the 49233  
full name, date of birth, license number, county of residence, 49234  
social security number, and new address of the person. 49235

**Sec. 4506.15.** No person shall do any of the following: 49236

(A) Drive a commercial motor vehicle while having a 49237  
measurable or detectable amount of alcohol or of a controlled 49238  
substance in ~~his~~ the person's blood, breath, or urine; 49239

(B) Drive a commercial motor vehicle while having an alcohol 49240  
concentration of four-hundredths of one per cent or more; 49241

(C) Drive a commercial motor vehicle while under the 49242  
influence of a controlled substance; 49243

(D) Knowingly leave the scene of an accident involving a commercial motor vehicle driven by the person;	49244 49245
(E) Use a commercial motor vehicle in the commission of a felony;	49246 49247
(F) Refuse to submit to a test under section 4506.17 of the Revised Code;	49248 49249
(G) Violate an out-of-service order issued under this chapter;	49250 49251
(H) Violate any prohibition described in divisions (B) to (G) of this section while transporting hazardous materials;	49252 49253
<u>(I) Use a commercial motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised Code;</u>	49254 49255 49256 49257
<u>(J) Drive a commercial motor vehicle in violation of any provision of sections 4511.61 to 4511.63 of the Revised Code or any federal or local law or ordinance pertaining to railroad-highway grade crossings.</u>	49258 49259 49260 49261
<b>Sec. 4506.16.</b> (A) Whoever violates division (A) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, immediately shall be placed out-of-service for twenty-four hours, in addition to any disqualification required by this section and any other penalty imposed by the Revised Code.	49262 49263 49264 49265 49266 49267
(B) The registrar of motor vehicles shall disqualify any person from operating a commercial motor vehicle as follows:	49268 49269
(1) Upon a first conviction for a violation of divisions (B) to (G) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, one year, <del>in addition to any other penalty imposed by the Revised Code;</del>	49270 49271 49272 49273

~~(2) Upon a first conviction for a violation of division (H) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, three years, in addition to any other penalty imposed by the Revised Code;~~

~~(3) Upon and upon a second conviction for a violation of divisions (B) to (G) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, or any combination of such violations arising from two or more separate incidents, the person shall be disqualified for life or for any other period of time as determined by the United States secretary of transportation and designated by the director of public safety by rule, in addition to any other penalty imposed by the Revised Code;~~

~~(4)(2) Upon a first conviction for a violation of division (H) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, three years;~~

~~(3) Upon conviction of a violation of division ~~(E)~~(I) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction in connection with the manufacture, distribution, or dispensing of a controlled substance or the possession with intent to manufacture, distribute, or dispense a controlled substance, the person shall be disqualified for life, in addition to any other penalty imposed by the Revised Code;~~

~~(4) Upon a first conviction for a violation of division (J) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, occurring in a three-year period, the person shall be disqualified for not less than sixty days, upon a second conviction occurring in the three-year period, the person shall be disqualified for not less than one hundred twenty days, and upon a subsequent conviction occurring within a three-year period, the person shall be disqualified for not less~~

<u>than one year;</u>	49306
(5) Upon conviction of two serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days, <del>in addition to any other penalty imposed by the Revised Code;</del>	49307 49308 49309 49310 49311 49312
(6) Upon conviction of three serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days, <del>in addition to any other penalty imposed by the Revised Code.</del>	49313 49314 49315 49316 49317 49318
(C) For the purposes of this section, conviction of a violation for which disqualification is required may be evidenced by any of the following:	49319 49320 49321
(1) A judgment entry of a court of competent jurisdiction in this or any other state;	49322 49323
(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;	49324 49325
(3) A computer record obtained from or through the commercial driver's license information system;	49326 49327
(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.	49328 49329 49330
(D) Any record described in division (C) of this section shall be deemed to be self-authenticating when it is received by the bureau of motor vehicles.	49331 49332 49333
(E) When disqualifying a driver, the registrar shall cause the records of the bureau to be updated to reflect that action	49334 49335

within ten days after it occurs. 49336

(F) The registrar immediately shall notify a driver who is 49337  
finally convicted of any offense described in section 4506.15 of 49338  
the Revised Code or division (B)(3), (4), (5), or (6) of this 49339  
section and thereby is subject to disqualification, of the offense 49340  
or offenses involved, of the length of time for which 49341  
disqualification is to be imposed, and that the driver may request 49342  
a hearing within thirty days of the mailing of the notice to show 49343  
cause why the driver should not be disqualified from operating a 49344  
commercial motor vehicle. If a request for such a hearing is not 49345  
made within thirty days of the mailing of the notice, the order of 49346  
disqualification is final. The registrar may designate hearing 49347  
examiners who, after affording all parties reasonable notice, 49348  
shall conduct a hearing to determine whether the disqualification 49349  
order is supported by reliable evidence. The registrar shall adopt 49350  
rules to implement this division. 49351

(G) Any person who is disqualified from operating a 49352  
commercial motor vehicle under this section may apply to the 49353  
registrar for a driver's license to operate a motor vehicle other 49354  
than a commercial motor vehicle, provided the person's commercial 49355  
driver's license is not otherwise suspended or revoked. A person 49356  
whose commercial driver's license is suspended or revoked shall 49357  
not apply to the registrar for or receive a driver's license under 49358  
Chapter 4507. of the Revised Code during the period of suspension 49359  
or revocation. 49360

(H) The disqualifications imposed under this section are in 49361  
addition to any other penalty imposed by the Revised Code. 49362

**Sec. 4506.20.** (A) Each employer shall require every applicant 49363  
for employment as a driver of a commercial motor vehicle to 49364  
provide the information specified in section 4506.20 of the 49365  
Revised Code. 49366

(B) No employer shall knowingly permit or authorize any driver employed by ~~him~~ the employer to drive a commercial motor vehicle during any period in which any of the following apply:

(1) The driver's commercial driver's license is suspended, revoked, or canceled by any state or a foreign jurisdiction;

(2) The driver has lost ~~his~~ the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;

(3) The driver is subject to an out-of-service order in any state or foreign jurisdiction;

(4) The driver has more than one driver's license.

(C) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of section 4506.15 of the Revised Code.

(D) Whoever violates division (C) of this section may be assessed a fine not to exceed ten thousand dollars.

**Sec. 4506.24.** (A) A restricted commercial driver's license and waiver for farm-related service industries may be issued by the registrar of motor vehicles to allow a person to operate a commercial motor vehicle during seasonal periods determined by the registrar and subject to the restrictions set forth in this section.

(B) Upon receiving an application for a restricted commercial driver's license under section 4506.07 of the Revised Code and payment of a fee as provided in section 4506.08 of the Revised Code, the registrar may issue such license to any person who meets all of the following requirements:

(1) Has at least one year of driving experience in any type of vehicle;

(2) Holds a valid driver's license, other than a restricted license, issued under Chapter 4507. of the Revised Code;	49396 49397
(3) Certifies that during the <del>one-year</del> <u>two-year</u> period immediately preceding application, all of the following apply:	49398 49399
(a) The person has not had more than one license;	49400
(b) The person has not had any license suspended, revoked, or canceled;	49401 49402
(c) The person has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code;	49403 49404 49405
(d) The person has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the person was at fault.	49406 49407 49408 49409
(4) Certifies and also provides evidence that the person is employed in one or more of the following farm-related service industries requiring the person to operate a commercial motor vehicle:	49410 49411 49412 49413
(a) Custom harvesters;	49414
(b) Farm retail outlets and suppliers;	49415
(c) Agri-chemical business;	49416
(d) Livestock feeders.	49417
(C) An annual waiver for farm-related service industries may be issued to authorize the holder of a restricted commercial driver's license to operate a commercial motor vehicle during seasonal periods designated by the registrar. The registrar shall determine the format of the waiver. The total number of days that a person may operate a commercial motor vehicle pursuant to a waiver for farm-related service industries shall not exceed one hundred eighty days in any twelve-month period. Each time the	49418 49419 49420 49421 49422 49423 49424 49425

holder of a restricted commercial driver's license applies for a 49426  
waiver for farm-related service industries, the registrar shall 49427  
verify that the person meets all of the requirements set forth in 49428  
division (B) of this section. The restricted commercial driver's 49429  
license and waiver shall be carried at all times when a commercial 49430  
motor vehicle is being operated by the holder of the license and 49431  
waiver. 49432

(D) The holder of a restricted commercial driver's license 49433  
and valid waiver for farm-related service industries may operate a 49434  
class B or C commercial motor vehicle subject to all of the 49435  
following restrictions: 49436

(1) The commercial motor vehicle is operated within a 49437  
distance of no more than one hundred fifty miles of the employer's 49438  
place of business or the farm currently being served; 49439

(2) The operation of the commercial motor vehicle does not 49440  
involve transporting hazardous materials for which placarding is 49441  
required, except as follows: 49442

(a) Diesel fuel in quantities of one thousand gallons or 49443  
less; 49444

(b) Liquid fertilizers in vehicles or implements of husbandry 49445  
with total capacities of three thousand gallons or less; 49446

(c) Solid fertilizers that are not transported with any 49447  
organic substance. 49448

(E) Except as otherwise provided in this section an applicant 49449  
for or holder of a restricted commercial driver's license and 49450  
waiver for farm-related service industries is subject to the 49451  
provisions of this chapter. Divisions (A)(4) and (B)(1) of section 49452  
4506.07 and sections 4506.09 and 4506.10 of the Revised Code do 49453  
not apply to an applicant for a restricted commercial driver's 49454  
license and waiver. 49455

Sec. 4508.08. There is hereby created in the department of 49456  
public safety the motorcycle safety and education program. The 49457  
director of public safety shall administer the program in 49458  
accordance with the following guidelines: 49459

(A) The program shall include courses of instruction 49460  
conducted at vocational schools, community colleges, or other 49461  
suitable locations, by instructors who have obtained certification 49462  
in the manner and form prescribed by the director. The courses 49463  
shall meet standards established in rules adopted by the 49464  
~~motorcycle safety foundation for courses of instruction~~ department 49465  
~~in motorcycle safety and education~~ accordance with Chapter 119. of 49466  
the Revised Code. The courses may include instruction for novice 49467  
motorcycle operators, instruction in motorist awareness and 49468  
alcohol and drug awareness, and any other kind of instruction the 49469  
director considers appropriate. A reasonable tuition fee ~~of not~~ 49470  
~~more than twenty five dollars per student, as determined by the~~ 49471  
director, may be charged ~~for each course if sufficient funds are~~ 49472  
~~not available in.~~ The director may authorize private organizations 49473  
or corporations to offer courses without tuition fee restrictions, 49474  
but such entities are not eligible for reimbursement of expenses 49475  
or subsidies from the motorcycle safety and education fund created 49476  
in section 4501.13 of the Revised Code ~~to pay all of the costs of~~ 49477  
~~conducting the motorcycle safety and education program.~~ 49478

(B) In addition to courses of instruction, the program may 49479  
include provisions for equipment purchases, marketing and 49480  
promotion, improving motorcycle license testing procedures, and 49481  
any other provisions the director considers appropriate. 49482

(C) The director shall evaluate the program every two years 49483  
and shall periodically inspect the facilities, equipment, and 49484  
procedures used in the courses of instruction. 49485

(D) The director shall appoint at least one training 49486

specialist who shall oversee the operation of the program, 49487  
establish courses of instruction, and supervise instructors. The 49488  
training specialist shall be a licensed motorcycle operator and 49489  
shall obtain certification in the manner and form prescribed by 49490  
the director. 49491

(E) The director may contract with other public agencies or 49492  
with private organizations or corporations to assist in 49493  
administering the program. 49494

(F) Notwithstanding any provision of Chapter 102. of the 49495  
Revised Code, the director, in order to administer the program, 49496  
may participate in a motorcycle manufacturer's motorcycle loan 49497  
program. 49498

(G) The director shall contract with an insurance company or 49499  
companies authorized to do business in this state to purchase a 49500  
policy or policies of insurance with respect to the establishment 49501  
or administration, or any other aspect of the operation of the 49502  
program. 49503

**Sec. 4509.60.** Upon acceptance of a bond with individual 49504  
sureties, the registrar of motor vehicles shall forward to the 49505  
county recorder of the county in which the sureties' real estate 49506  
is located a notice of such deposit and pay the recorder a base 49507  
fee of five dollars for filing and indexing the notice and a 49508  
housing trust fund fee of five dollars pursuant to section 317.36 49509  
of the Revised Code. The recorder shall receive and file such 49510  
notice and keep and index the same. Such bond shall constitute a 49511  
lien in favor of the state upon the real estate so scheduled or 49512  
any surety, and the lien shall exist in favor of any holder of a 49513  
final judgment against the person who has filed the bond, for 49514  
damages, including damages for care and loss of services, because 49515  
of bodily injury to or death of any person, or for damage because 49516  
of injury to property, including the loss of use thereof, 49517

resulting from the ownership, maintenance, or use of a motor 49518  
vehicle after such bond was filed, upon the filing of notice to 49519  
that effect by the registrar with the county recorder as provided 49520  
in this section. 49521

Sec. 4511.198. If the United States congress repeals the 49522  
mandate established by Title III, Section 351 of the "Department 49523  
of Transportation Appropriations Act of 2000," Public Law 106-346, 49524  
114 Stat. 1356, requiring the secretary of transportation, 49525  
beginning in fiscal year 2004, to withhold a percentage of a 49526  
state's federal-aid highway money if that state has not enacted 49527  
and is not enforcing a law that provides that any person with a 49528  
blood alcohol concentration of eight-hundredths of one per cent or 49529  
greater while operating a motor vehicle in the state is deemed to 49530  
have committed a per se offense of driving while intoxicated or an 49531  
equivalent per se offense, or if a federal court with jurisdiction 49532  
over the entirety of this state declares the mandate to be 49533  
unconstitutional or otherwise invalid, then, in lieu of the 49534  
prohibited alcohol concentrations specified in sections 1547.11, 49535  
4511.19, 4511.191, and 4511.197 of the Revised Code, the 49536  
prohibited concentrations shall be as follows: 49537

(A) The prohibited alcohol concentration in a person's whole 49538  
blood is ten-hundredths of one per cent by weight of alcohol per 49539  
unit volume. 49540

(B) The prohibited alcohol concentration in a person's breath 49541  
is ten-hundredths of one gram by weight of alcohol per two hundred 49542  
ten liters of breath. 49543

(C) The prohibited alcohol concentration in a person's blood 49544  
serum or plasma is twelve-hundredths of one per cent by weight per 49545  
unit volume. 49546

(D) The prohibited alcohol concentration in a person's urine 49547  
is fourteen-hundredths of one gram by weight of alcohol per one 49548

hundred milliliters of urine. 49549

**Sec. 4511.33.** Whenever any roadway has been divided into two 49550  
or more clearly marked lanes for traffic, or wherever within 49551  
municipal corporations traffic is lawfully moving in two or more 49552  
substantially continuous lines in the same direction, the 49553  
following rules apply: 49554

(A) A vehicle or trackless trolley shall be driven, as nearly 49555  
as is practicable, entirely within a single lane or line of 49556  
traffic and shall not be moved from such lane or line until the 49557  
driver has first ascertained that such movement can be made with 49558  
safety. 49559

(B) Upon a roadway which is divided into three lanes and 49560  
provides for two-way movement of traffic, a vehicle or trackless 49561  
trolley shall not be driven in the center lane except when 49562  
overtaking and passing another vehicle or trackless trolley where 49563  
the roadway is clearly visible and such center lane is clear of 49564  
traffic within a safe distance, or when preparing for a left turn, 49565  
or where such center lane is at the time allocated exclusively to 49566  
traffic moving in the direction the vehicle or trackless trolley 49567  
is proceeding and is posted with signs to give notice of such 49568  
allocation. 49569

(C) Official signs may be erected directing specified traffic 49570  
to use a designated lane or designating those lanes to be used by 49571  
traffic moving in a particular direction regardless of the center 49572  
of the roadway, or restricting the use of a particular lane to 49573  
only buses during certain hours or during all hours, and drivers 49574  
of vehicles and trackless trolleys shall obey the directions of 49575  
such signs. 49576

(D) Official traffic control devices may be installed 49577  
prohibiting the changing of lanes on sections of roadway and 49578  
drivers of vehicles shall obey the directions of every such 49579

device. 49580

**Sec. 4511.62.** (A)(1) Whenever any person driving a vehicle or 49581  
trackless trolley approaches a railroad grade crossing, the person 49582  
shall stop within fifty feet, but not less than fifteen feet from 49583  
the nearest rail of the railroad if any of the following 49584  
circumstances exist at the crossing: 49585

(a) A clearly visible electric or mechanical signal device 49586  
gives warning of the immediate approach of a train. 49587

(b) A crossing gate is lowered. 49588

(c) A flagperson gives or continues to give a signal of the 49589  
approach or passage of a train. 49590

(d) There is insufficient space on the other side of the 49591  
railroad grade crossing to accommodate the vehicle or trackless 49592  
trolley the person is operating without obstructing the passage of 49593  
other vehicles, trackless trolleys, pedestrians, or railroad 49594  
trains, notwithstanding any traffic control signal indication to 49595  
proceed. 49596

(e) An approaching train is emitting an audible signal or is 49597  
plainly visible and is in hazardous proximity to the crossing. 49598

(f) There is insufficient undercarriage clearance to safely 49599  
negotiate the crossing. 49600

(2) A person who is driving a vehicle or trackless trolley 49601  
and who approaches a railroad grade crossing shall not proceed as 49602  
long as any of the circumstances described in divisions (A)(1)(a) 49603  
to ~~(e)~~(f) of this section exist at the crossing. 49604

(B) No person shall drive any vehicle through, around, or 49605  
under any crossing gate or barrier at a railroad crossing while 49606  
the gate or barrier is closed or is being opened or closed unless 49607  
the person is signaled by a law enforcement officer or flagperson 49608  
that it is permissible to do so. 49609

Sec. 4511.63. (A) The operator of ~~any motor vehicle or~~ 49610  
~~trackless trolley, carrying passengers, for hire,~~ of any school 49611  
bus, any vehicle described in division (C) of this section, or ~~of~~ 49612  
any vehicle ~~carrying explosives or flammable liquids as a cargo or~~ 49613  
~~as such part of a cargo as~~ transporting material required to 49614  
~~constitute a hazard~~ be placarded under 49 CFR Parts 100-185, 49615  
before crossing at grade any track of a railroad, shall stop the 49616  
vehicle ~~or trackless trolley~~ and, while so stopped, shall listen 49617  
through an open door or open window and look in both directions 49618  
along the track for any approaching train, and for signals 49619  
indicating the approach of a train, and shall proceed only upon 49620  
exercising due care after stopping, looking, and listening as 49621  
required by this section. Upon proceeding, the operator of such a 49622  
vehicle shall cross only in a gear that will ensure there will be 49623  
no necessity for changing gears while traversing the crossing and 49624  
shall not shift gears while crossing the tracks. 49625

(B) This section does not apply at any ~~of the following:~~ 49626

~~(1) Street~~ street railway grade crossings within a municipal 49627  
corporation, or to abandoned tracks, spur tracks, side tracks, and 49628  
industrial tracks when the public utilities commission has 49629  
authorized and approved the crossing of the tracks without making 49630  
the stop required by this section. 49631

~~(2) Through June 30, 1995, a street railway grade crossing~~ 49632  
~~where out of service signs are posted in accordance with section~~ 49633  
~~4955.37 of the Revised Code.~~ 49634

(C) This section applies to any vehicle used for the 49635  
transportation of pupils to and from a school or school-related 49636  
function if the vehicle is owned or operated by, or operated under 49637  
contract with, a public or nonpublic school. 49638

(D) For purposes of this section, "bus" means any vehicle 49639  
originally designed by its manufacturer to transport sixteen or 49640

more passengers, including the driver, or carries sixteen or more 49641  
passengers, including the driver. 49642

**Sec. 4519.55.** Application for a certificate of title for an 49643  
off-highway motorcycle or all-purpose vehicle shall be made upon a 49644  
form prescribed by the registrar of motor vehicles and shall be 49645  
sworn to before a notary public or other officer empowered to 49646  
administer oaths. The application shall be filed with the clerk of 49647  
any court of common pleas. An application for a certificate of 49648  
title may be filed electronically by any electronic means approved 49649  
by the registrar in any county with the clerk of the court of 49650  
common pleas of that county. 49651

If an application for a certificate of title is filed 49652  
electronically by an electronic dealer on behalf of the purchaser 49653  
of an off-highway motorcycle or all-purpose vehicle, the clerk 49654  
shall retain the completed electronic record to which the dealer 49655  
converted the certificate of title application and other required 49656  
documents. ~~The electronic dealer shall forward the actual~~ 49657  
~~application and all other documents relating to the sale of the~~ 49658  
~~off highway motorcycle or all purpose vehicle to any clerk within~~ 49659  
~~thirty days after the certificate of title is issued.~~ The 49660  
registrar, after consultation with the attorney general, shall 49661  
adopt rules that govern the location at which, and the manner in 49662  
which, are stored the actual application and all other documents 49663  
relating to the sale of an off-highway motorcycle or all-purpose 49664  
vehicle when an electronic dealer files the application for a 49665  
certificate of title electronically on behalf of the purchaser. 49666

The application shall be accompanied by the fee prescribed in 49667  
section 4519.59 of the Revised Code. The fee shall be retained by 49668  
the clerk who issues the certificate of title and shall be 49669  
distributed in accordance with that section. If a clerk of a court 49670  
of common pleas, other than the clerk of the court of common pleas 49671

of an applicant's county of residence, issues a certificate of 49672  
title to the applicant, the clerk shall transmit data related to 49673  
the transaction to the automated title processing system. 49674

If a certificate of title previously has been issued for an 49675  
off-highway motorcycle or all-purpose vehicle, the application 49676  
also shall be accompanied by the certificate of title duly 49677  
assigned, unless otherwise provided in this chapter. If a 49678  
certificate of title previously has not been issued for the 49679  
off-highway motorcycle or all-purpose vehicle, the application, 49680  
unless otherwise provided in this chapter, shall be accompanied by 49681  
a manufacturer's or importer's certificate; by a sworn statement 49682  
of ownership; or by a certificate of title, bill of sale, or other 49683  
evidence of ownership required by law of another state from which 49684  
the off-highway motorcycle or all-purpose vehicle was brought into 49685  
this state. The registrar, in accordance with Chapter 119. of the 49686  
Revised Code, shall prescribe the types of additional 49687  
documentation sufficient to establish proof of ownership, 49688  
including, but not limited to, receipts from the purchase of parts 49689  
or components, photographs, and affidavits of other persons. 49690

For purposes of the transfer of a certificate of title, if 49691  
the clerk is satisfied that a secured party has duly discharged a 49692  
lien notation but has not canceled the lien notation with a clerk, 49693  
the clerk may cancel the lien notation on the automated title 49694  
processing system and notify the clerk of the county of origin. 49695

In the case of the sale of an off-highway motorcycle or 49696  
all-purpose vehicle by a dealer to a general purchaser or user, 49697  
the certificate of title shall be obtained in the name of the 49698  
purchaser by the dealer upon application signed by the purchaser. 49699  
In all other cases, the certificate shall be obtained by the 49700  
purchaser. In all cases of transfer of an off-highway motorcycle 49701  
or all-purpose vehicle, the application for certificate of title 49702  
shall be filed within thirty days after the later of the date of 49703

purchase or assignment of ownership of the off-highway motorcycle 49704  
or all-purpose vehicle. If the application for certificate of 49705  
title is not filed within thirty days after the later of the date 49706  
of purchase or assignment of ownership of the off-highway 49707  
motorcycle or all-purpose vehicle, the clerk shall charge a late 49708  
filing fee of five dollars in addition to the fee prescribed by 49709  
section 4519.59 of the Revised Code. The clerk shall retain the 49710  
entire amount of each late filing fee. 49711

Except in the case of an off-highway motorcycle or 49712  
all-purpose vehicle purchased prior to July 1, 1999, the clerk 49713  
shall refuse to accept an application for certificate of title 49714  
unless the applicant either tenders with the application payment 49715  
of all taxes levied by or pursuant to Chapter 5739. or 5741. of 49716  
the Revised Code based on the purchaser's county of residence, or 49717  
submits either of the following: 49718

(A) A receipt issued by the tax commissioner or a clerk of 49719  
courts showing payment of the tax; 49720

(B) An exemption certificate, in any form prescribed by the 49721  
tax commissioner, that specifies why the purchase is not subject 49722  
to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 49723

Payment of the tax shall be made in accordance with division 49724  
(E) of section 4505.06 of the Revised Code and any rules issued by 49725  
the tax commissioner. When a dealer submits payment of the tax to 49726  
the clerk, the dealer shall retain any discount to which the 49727  
dealer is entitled under section 5739.12 of the Revised Code. The 49728  
clerk shall issue a receipt in the form prescribed by the tax 49729  
commissioner to any applicant who tenders payment of the tax with 49730  
the application for a certificate of title. If the application for 49731  
a certificate of title is for an off-highway motorcycle or 49732  
all-purpose vehicle purchased prior to July 1, 1999, the clerk 49733  
shall accept the application without payment of the taxes levied 49734  
by or pursuant to Chapter 5739. or 5741. of the Revised Code or 49735

presentation of either of the items listed in division (A) or (B) 49736  
of this section. 49737

For receiving and disbursing such taxes paid to the clerk by 49738  
a resident of the clerk's county, the clerk may retain a poundage 49739  
fee of one and one-hundredth per cent of the taxes collected, 49740  
which shall be paid into the certificate of title administration 49741  
fund created by section 325.33 of the Revised Code. The clerk 49742  
shall not retain a poundage fee from payments of taxes by persons 49743  
who do not reside in the clerk's county. 49744

A clerk, however, may retain from the taxes paid to the clerk 49745  
an amount equal to the poundage fees associated with certificates 49746  
of title issued by other clerks of courts of common pleas to 49747  
applicants who reside in the first clerk's county. The registrar, 49748  
in consultation with the tax commissioner and the clerks of the 49749  
courts of common pleas, shall develop a report from the automated 49750  
title processing system that informs each clerk of the amount of 49751  
the poundage fees that the clerk is permitted to retain from those 49752  
taxes because of certificates of title issued by the clerks of 49753  
other counties to applicants who reside in the first clerk's 49754  
county. 49755

In the case of casual sales of off-highway motorcycles or 49756  
all-purpose vehicles that are subject to the tax imposed by 49757  
Chapter 5739. or 5741. of the Revised Code, the purchase price for 49758  
the purpose of determining the tax shall be the purchase price on 49759  
an affidavit executed and filed with the clerk by the seller on a 49760  
form to be prescribed by the registrar, which shall be prima-facie 49761  
evidence of the price for the determination of the tax. 49762

In addition to the information required by section 4519.57 of 49763  
the Revised Code, each certificate of title shall contain in bold 49764  
lettering the following notification and statements: "WARNING TO 49765  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 49766  
law to state the true selling price. A false statement is in 49767

violation of section 2921.13 of the Revised Code and is punishable 49768  
by six months imprisonment or a fine of up to one thousand 49769  
dollars, or both. All transfers are audited by the department of 49770  
taxation. The seller and buyer must provide any information 49771  
requested by the department of taxation. The buyer may be assessed 49772  
any additional tax found to be due." 49773

The clerk shall forward all payments of taxes, less poundage 49774  
fees, to the treasurer of state in a manner to be prescribed by 49775  
the tax commissioner and shall furnish information to the 49776  
commissioner as the commissioner may require. 49777

Every clerk shall have the capability to transact by 49778  
electronic means all procedures and transactions relating to the 49779  
issuance of certificates of title for off-highway motorcycles and 49780  
all-purpose vehicles that are described in the Revised Code as 49781  
being accomplished by electronic means. 49782

**Sec. 4561.18.** Applications for the licensing and registration 49783  
of aircraft shall be made and signed by the owner thereof upon 49784  
forms prepared by the department of transportation and shall 49785  
contain a description of the aircraft, including its federal 49786  
registration number, and such other information as is required by 49787  
the department. 49788

Applications shall be filed with the director of 49789  
transportation during the month of January, annually and shall be 49790  
renewed according to the standard renewal procedure of sections 49791  
4745.01 to 4745.03 of the Revised Code. Application for 49792  
registration of any aircraft not previously registered in this 49793  
state, if such aircraft is acquired or becomes subject to such 49794  
license tax subsequent to the last day of January in any year, 49795  
shall be made for the balance of the year in which the same is 49796  
acquired, within forty-eight hours after such acquisition or after 49797  
becoming subject to such license tax. Each such application shall 49798

be accompanied by the proper license tax, which shall be at the 49799  
following rates: For, for aircraft other than gliders, listed by 49800  
the manufacturer thereof as having a maximum seating capacity of 49801  
either one or two persons, six dollars annually; three persons, 49802  
eight dollars annually; four persons, twelve dollars annually; 49803  
five persons, fifteen dollars annually; over five persons, fifteen 49804  
dollars plus five dollars for each person in excess thereof, 49805  
annually; and shall be at the annual rate of one hundred dollars 49806  
per aircraft. The license tax for gliders, shall be three dollars 49807  
annually. 49808

Such taxes are in lieu of all other taxes on or with respect 49809  
to ownership of such aircraft. 49810

**Sec. 4561.21.** (A) The director of transportation shall 49811  
deposit all license taxes and transfer fees in the state treasury 49812  
to the credit of the general fund. 49813

(B) The director shall deposit all license taxes in the state 49814  
treasury to the credit of the county airport maintenance 49815  
assistance fund, which is hereby created. Money in the fund shall 49816  
be used to assist counties in maintaining the airports they own, 49817  
and the director shall distribute the money to counties in 49818  
accordance with such procedures, guidelines, and criteria as the 49819  
director shall establish. 49820

**Sec. 4707.071.** (A) On May 1, 1991, all persons licensed as 49821  
auction companies under former section 4707.071 of the Revised 49822  
Code shall comply with all provisions of this chapter that are 49823  
applicable to auctioneers except as provided in divisions (B) and 49824  
(C) of this section. Such persons, however, do not have to serve 49825  
an apprenticeship or attend a course of study under section 49826  
4707.09 of the Revised Code or submit to an examination under 49827  
section 4707.08 of the Revised Code as long as they do not engage 49828

in the calling for, recognition of, and the acceptance of, offers 49829  
for the purchase of personal property at auction and do not 49830  
conduct auctions at any location other than the definite place of 49831  
business required in section 4707.14 of the Revised Code. 49832

(B) The principal owner of each auction company ~~which~~ that is 49833  
licensed as of May 1, 1991, who pays the annual renewal fee 49834  
specified in division ~~(A)~~(B) of section 4707.10 of the Revised 49835  
Code during the first renewal period following May 1, 1991, shall 49836  
be issued a special auctioneer's license, for the sale of personal 49837  
property subject to division (A) of this section. Each principal 49838  
owner shall apply for an annual license. In applying for an annual 49839  
license, each person licensed as an auction company on May 1, 49840  
1991, shall designate an individual as principal owner by 49841  
submitting documentation substantiating that the individual is in 49842  
fact the principal owner and shall identify a definite place of 49843  
business as required in section 4707.14 of the Revised Code. A 49844  
person licensed as an auctioneer shall not be entitled to a 49845  
special auctioneer's license. 49846

(C) A special auctioneer's license issued under this section 49847  
to the principal owner of a former auction company does not 49848  
entitle the principal owner or former auction company to conduct 49849  
auctions at any location other than the definite place of business 49850  
required in section 4707.14 of the Revised Code. Notwithstanding 49851  
section 4707.10 of the Revised Code, the department of agriculture 49852  
shall not issue a new special auctioneer's license if the definite 49853  
place of business identified by the licensee in the licensee's 49854  
initial application for a special auctioneer license has changed 49855  
or if the name under which the licensee is doing business has 49856  
changed. No person other than an owner, officer, member, or agent 49857  
of the former auction company who personally has passed the 49858  
examination prescribed in section 4707.08 of the Revised Code and 49859  
been licensed as an auctioneer shall engage in the calling for, 49860

recognition of, and the acceptance of, offers for the purchase of 49861  
real or personal property, goods, or chattels at auction in 49862  
connection with a former auction company that has been issued a 49863  
special auctioneer's license. 49864

(D) A person licensed as a special auctioneer shall not 49865  
engage in the sale of real property at auction. 49866

**Sec. 4707.072.** (A) For purposes of this section, the 49867  
department of agriculture shall adopt rules in accordance with 49868  
section 4707.19 of the Revised Code prescribing the fee that a 49869  
license applicant must pay. Until those rules are adopted, a 49870  
license applicant shall pay the fee established in this section. 49871

(B) The department ~~of agriculture~~ may grant one-auction 49872  
licenses to any nonresident person deemed qualified by the 49873  
department. Any person who applies for a one-auction license shall 49874  
attest, on forms provided by the department, and furnish to the 49875  
department, satisfactory proof that the license applicant or any 49876  
auctioneer affiliated with the applicant meets the following 49877  
requirements: 49878

~~(A)~~(1) Has a good reputation; 49879

~~(B)~~(2) Is of trustworthy character; 49880

~~(C)~~(3) Has attained the age of at least eighteen years; 49881

~~(D)~~(4) Has a general knowledge of the requirements of the 49882  
Revised Code relative to auctioneers, the auction profession, and 49883  
the principles involved in conducting an auction; 49884

~~(E)~~(5) Has two years of professional auctioneering experience 49885  
immediately preceding the date of application and the experience 49886  
includes the personal conduct by the applicant of at least twelve 49887  
auction sales in any state, or has met the requirements of section 49888  
4707.12 of the Revised Code; 49889

~~(F)~~(6) Has paid a fee of one hundred dollars, ~~which shall be~~ 49890

~~credited to the auctioneers fund;~~ 49891

~~(G)(7) Has provided proof of financial responsibility as~~ 49892  
~~required under section 4707.11 of the Revised Code in the form of~~ 49893  
~~either an irrevocable letter of credit or a cash bond or a surety~~ 49894  
~~bond in the amount of fifty thousand dollars. If the applicant~~ 49895  
~~gives a surety bond, the bond shall be executed by a surety~~ 49896  
~~company authorized to do business in this state. A bond shall be~~ 49897  
~~made to the department and shall be conditioned that the applicant~~ 49898  
~~shall comply with this chapter and rules adopted under it,~~ 49899  
~~including refraining from conduct described in section 4707.15 of~~ 49900  
~~the Revised Code. All bonds shall be on a form approved by the~~ 49901  
~~director of agriculture.~~ 49902

**Sec. 4707.10.** (A) For purposes of this section, the 49903  
department of agriculture shall adopt rules in accordance with 49904  
section 4707.19 of the Revised Code prescribing fees that 49905  
licensees must pay and license renewal deadlines and procedures 49906  
with which licensees must comply. Until those rules are adopted, 49907  
licensees shall pay the fees and comply with the license renewal 49908  
deadlines and procedures established in this section. 49909

(B) The fee for each auctioneer's, apprentice auctioneer's, 49910  
or special auctioneer's license issued by the department ~~of~~ 49911  
~~agriculture~~ is one hundred dollars, and the annual renewal fee for 49912  
any such license is one hundred dollars. All licenses expire 49913  
annually on the last day of June of each year and shall be renewed 49914  
according to the standard renewal procedures of Chapter 4745. of 49915  
the Revised Code, or the procedures of this section. Any licensee 49916  
under this chapter who wishes to renew the licensee's license, but 49917  
fails to do so before the first day of July shall reapply for 49918  
licensure in the same manner and pursuant to the same requirements 49919  
as for initial licensure, unless before the first day of September 49920  
of the year of expiration, the former licensee pays to the 49921

department, in addition to the regular renewal fee, a late renewal 49922  
penalty of one hundred dollars. 49923

~~(B)~~(C) Any person who fails to renew the person's license 49924  
before the first day of July is prohibited from engaging in any 49925  
activity specified or comprehended in section 4707.01 of the 49926  
Revised Code until such time as the person's license is renewed or 49927  
a new license is issued. Renewal of a license between the first 49928  
day of July and the first day of September does not relieve any 49929  
person from complying with this division. The department may 49930  
refuse to renew the license of or issue a new license to any 49931  
person who violates this division. 49932

~~(C)~~(D) The department shall prepare and deliver to each 49933  
licensee a permanent license certificate and an ~~annual renewal~~ 49934  
identification card, the appropriate portion of which shall be 49935  
carried on the person of the licensee at all times when engaged in 49936  
any type of auction activity, and part of which shall be posted 49937  
with the permanent certificate in a conspicuous location at the 49938  
licensee's place of business. 49939

~~(D)~~(E) Notice in writing shall be given to the department by 49940  
each auctioneer or apprentice auctioneer licensee of any change of 49941  
principal business location or any change or addition to the name 49942  
or names under which business is conducted, whereupon the 49943  
department shall issue a new license for the unexpired period. Any 49944  
change of business location or change or addition of names without 49945  
notification to the department shall automatically cancel any 49946  
license previously issued. For each new auctioneer or apprentice 49947  
auctioneer license issued upon the occasion of a change in 49948  
business location or a change in or an addition of names under 49949  
which business is conducted, the department may collect a fee of 49950  
ten dollars for each change in location, or name or each added 49951  
name unless the notification of the change occurs concurrently 49952  
with the renewal application. 49953

Sec. 4707.24. Except for the purposes of divisions (A) and 49954  
(B) of section 4707.25 of the Revised Code, sections 4707.25 to 49955  
4707.31 of the Revised Code do not apply with respect to a license 49956  
issued under section 4707.072 of the Revised Code. 49957

Sec. 4709.12. (A) The barber board shall charge and collect 49958  
the following fees: 49959

(1) For the application to take the barber examination, ~~sixty~~ 49960  
ninety dollars; 49961

(2) For an application to retake any part of the barber 49962  
examination, ~~thirty~~ forty-five dollars; 49963

(3) For the initial issuance of a license to practice as a 49964  
barber, ~~twenty~~ thirty dollars; 49965

(4) For the biennial renewal of the license to practice as a 49966  
barber, ~~seventy-five~~ one hundred ten dollars; 49967

(5) For the restoration of an expired barber license, one 49968  
hundred dollars, and ~~fifty~~ seventy-five dollars for each lapsed 49969  
year, provided that the total fee shall not exceed ~~four~~ six 49970  
hundred ~~sixty~~ ninety dollars; 49971

(6) For the issuance of a duplicate barber or shop license, 49972  
~~thirty~~ forty-five dollars; 49973

(7) For the inspection of a new barber shop, change of 49974  
ownership, or reopening of premises or facilities formerly 49975  
operated as a barber shop, and issuance of a shop license, 49976  
~~seventy-five~~ one hundred ten dollars; 49977

(8) For the biennial renewal of a barber shop license, ~~fifty~~ 49978  
seventy-five dollars; 49979

(9) For the restoration of a barber shop license, 49980  
~~seventy-five~~ one hundred ten dollars; 49981

(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, <del>five</del> <u>seven</u> hundred <u>fifty</u> dollars;	49982 49983 49984 49985
(11) For the initial barber school license, <del>five hundred one thousand</del> dollars, and <del>five hundred one thousand</del> dollars for the renewal of the license;	49986 49987 49988
(12) For the restoration of a barber school license, <del>six hundred one thousand</del> dollars;	49989 49990
(13) For the issuance of a student registration, <del>twenty-five</del> <u>forty</u> dollars;	49991 49992
(14) For the examination and issuance of a biennial teacher <del>or assistant teacher</del> license, one hundred <del>twenty-five</del> <u>eighty-five</u> dollars;	49993 49994 49995
(15) For the renewal of a biennial teacher <del>or assistant teacher</del> license, one hundred <u>fifty</u> dollars;	49996 49997
(16) For the restoration of an expired teacher <del>or assistant teacher</del> license, <del>one two</del> hundred <del>fifty</del> <u>twenty-five</u> dollars, and <del>forty</del> <u>sixty</u> dollars for each lapsed year, provided that the total fee shall not exceed <del>three</del> <u>four</u> hundred <u>fifty</u> dollars;	49998 49999 50000 50001
(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, <del>two</del> <u>three</u> hundred dollars;	50002 50003 50004
(18) For providing licensure information concerning an applicant, upon written request of the applicant, <del>twenty-five</del> <u>forty</u> dollars.	50005 50006 50007
(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.	50008 50009 50010 50011

Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:	50012 50013
(1) For the <u>initial</u> issuance <u>or biennial renewal</u> of an <del>initial</del> embalmer's or funeral director's license, <u>five one hundred forty</u> dollars;	50014 50015 50016
(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	50017 50018
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	50019 50020
(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	50021 50022 50023
(5) <del>For the biennial renewal of an embalmer's or funeral director's license, one hundred twenty dollars;</del>	50024 50025
<del>(6)</del> For the initial issuance of a license to operate a funeral home, <u>one two</u> hundred <del>twenty five</del> <u>fifty</u> dollars and biennial renewal of a license to operate a funeral home, two hundred fifty dollars;	50026 50027 50028 50029
<del>(7)</del> <u>(6)</u> For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	50030 50031 50032 50033
<del>(8)</del> <u>(7)</u> For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(6) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	50034 50035 50036 50037
<del>(9)</del> <u>(8)</u> For the initial issuance of a license to operate an embalming facility, <del>one two</del> hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars;	50038 50039 50040 50041

<del>(10)</del> (9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	50042 50043 50044 50045
<del>(11)</del> (10) For the initial issuance of a license to operate a crematory facility, <del>one</del> <u>two</u> hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars;	50046 50047 50048
<del>(12)</del> (11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(11) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	50049 50050 50051 50052
<del>(13)</del> (12) For the issuance of a duplicate of a license issued under this chapter, four dollars.	50053 50054
(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.	50055 50056 50057 50058
(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.	50059 50060 50061 50062 50063
<b>Sec. 4717.09.</b> (A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer	50064 50065 50066 50067 50068 50069 50070 50071

and enforce the continuing education requirements of this section. 50072  
A professional organization or association or other third party 50073  
with whom the board so contracts may charge a reasonable fee for 50074  
performing these functions to licensees or to the persons who 50075  
provide continuing education programs. 50076

(B) A person holding both an embalmer's license and a funeral 50077  
director's license need meet only the continuing education 50078  
requirements established by the board for one or the other of 50079  
those licenses in order to satisfy the requirement of division (A) 50080  
of this section. 50081

(C) The board shall not renew the license of a licensee who 50082  
fails to meet the continuing education requirements of this 50083  
section and who has not been granted a waiver or exemption under 50084  
division (D) or (E) of this section. 50085

(D) Any licensee who fails to meet the continuing education 50086  
requirements of this section because of undue hardship or 50087  
disability, or who is not actively engaged in the practice of 50088  
funeral directing or embalming in this state, may apply to the 50089  
board for a waiver or an exemption. ~~The~~ 50090

(E) A licensee who has been an embalmer or a funeral director 50091  
for not less than fifty years and is not actually in charge of an 50092  
embalming facility or a manager or actually in charge of and 50093  
ultimately responsible for a funeral home may apply to the board 50094  
for an exemption. 50095

(F) The board shall determine, by rule, the procedures for 50096  
applying for a waiver or an exemption from continuing education 50097  
requirements under this section and under what conditions a waiver 50098  
or an exemption may be granted. 50099

**Sec. 4719.01.** (A) As used in sections 4719.01 to 4719.18 of 50100  
the Revised Code: 50101

(1) "Affiliate" means a business entity that is owned by, 50102  
operated by, controlled by, or under common control with another 50103  
business entity. 50104

(2) "Communication" means a written or oral notification or 50105  
advertisement that meets both of the following criteria, as 50106  
applicable: 50107

(a) The notification or advertisement is transmitted by or on 50108  
behalf of the seller of goods or services and by or through any 50109  
printed, audio, video, cinematic, telephonic, or electronic means. 50110

(b) In the case of a notification or advertisement other than 50111  
by telephone, either of the following conditions is met: 50112

(i) The notification or advertisement is followed by a 50113  
telephone call from a telephone solicitor or salesperson. 50114

(ii) The notification or advertisement invites a response by 50115  
telephone, and, during the course of that response, a telephone 50116  
solicitor or salesperson attempts to make or makes a sale of goods 50117  
or services. As used in division (A)(2)(b)(ii) of this section, 50118  
"invites a response by telephone" excludes the mere listing or 50119  
inclusion of a telephone number in a notification or 50120  
advertisement. 50121

(3) "Gift, award, or prize" means anything of value that is 50122  
offered or purportedly offered, or given or purportedly given by 50123  
chance, at no cost to the receiver and with no obligation to 50124  
purchase goods or services. As used in this division, "chance" 50125  
includes a situation in which a person is guaranteed to receive an 50126  
item and, at the time of the offer or purported offer, the 50127  
telephone solicitor does not identify the specific item that the 50128  
person will receive. 50129

(4) "Goods or services" means any real property or any 50130  
tangible or intangible personal property, or services of any kind 50131  
provided or offered to a person. "Goods or services" includes, but 50132

is not limited to, advertising; labor performed for the benefit of a person; personal property intended to be attached to or installed in any real property, regardless of whether it is so attached or installed; timeshare estates or licenses; and extended service contracts.

(5) "Purchaser" means a person that is solicited to become or does become financially obligated as a result of a telephone solicitation.

(6) "Salesperson" means an individual who is employed, appointed, or authorized by a telephone solicitor to make telephone solicitations but does not mean any of the following:

(a) An individual who comes within one of the exemptions in division (B) of this section;

(b) An individual employed, appointed, or authorized by a person who comes within one of the exemptions in division (B) of this section;

(c) An individual under a written contract with a person who comes within one of the exemptions in division (B) of this section, if liability for all transactions with purchasers is assumed by the person so exempted.

(7) "Telephone solicitation" means a communication to a person that meets both of the following criteria:

(a) The communication is initiated by or on behalf of a telephone solicitor or by a salesperson.

(b) The communication either represents a price or the quality or availability of goods or services or is used to induce the person to purchase goods or services, including, but not limited to, inducement through the offering of a gift, award, or prize.

(8) "Telephone solicitor" means a person that engages in

telephone solicitation directly or through one or more 50163  
salespersons either from a location in this state, or from a 50164  
location outside this state to persons in this state. "Telephone 50165  
solicitor" includes, but is not limited to, any such person that 50166  
is an owner, operator, officer, or director of, partner in, or 50167  
other individual engaged in the management activities of, a 50168  
business. 50169

(B) A telephone solicitor is exempt from the provisions of 50170  
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 50171  
Code if the telephone solicitor is any one of the following: 50172

(1) A person engaging in a telephone solicitation that is a 50173  
one-time or infrequent transaction not done in the course of a 50174  
pattern of repeated transactions of a like nature; 50175

(2) A person engaged in telephone solicitation solely for 50176  
religious or political purposes; a charitable organization, 50177  
fund-raising counsel, or professional solicitor in compliance with 50178  
the registration and reporting requirements of Chapter 1716. of 50179  
the Revised Code; or any person or other entity exempt under 50180  
section 1716.03 of the Revised Code from filing a registration 50181  
statement under section 1716.02 of the Revised Code; 50182

(3) A person, making a telephone solicitation involving a 50183  
home solicitation sale as defined in section 1345.21 of the 50184  
Revised Code, that makes the sales presentation and completes the 50185  
sale at a later, face-to-face meeting between the seller and the 50186  
purchaser rather than during the telephone solicitation. However, 50187  
if the person, following the telephone solicitation, causes 50188  
another person to collect the payment of any money, this exemption 50189  
does not apply. 50190

(4) A licensed securities, commodities, or investment broker, 50191  
dealer, investment advisor, or associated person when making a 50192  
telephone solicitation within the scope of the person's license. 50193

As used in division (B)(4) of this section, "licensed securities, 50194  
commodities, or investment broker, dealer, investment advisor, or 50195  
associated person" means a person subject to licensure or 50196  
registration as such by the securities and exchange commission; 50197  
the National Association of Securities Dealers or other 50198  
self-regulatory organization, as defined by 15 U.S.C.A. 78c; by 50199  
the division of securities under Chapter 1707. of the Revised 50200  
Code; or by an official or agency of any other state of the United 50201  
States. 50202

(5)(a) A person primarily engaged in soliciting the sale of a 50203  
newspaper of general circulation; 50204

(b) As used in division (B)(5)(a) of this section, "newspaper 50205  
of general circulation" includes, but is not limited to, both of 50206  
the following: 50207

(i) A newspaper that is a daily law journal designated as an 50208  
official publisher of court calendars pursuant to section 2701.09 50209  
of the Revised Code; 50210

(ii) A newspaper or publication that has at least twenty-five 50211  
per cent editorial, non-advertising content, exclusive of inserts, 50212  
measured relative to total publication space, and an audited 50213  
circulation to at least fifty per cent of the households in the 50214  
newspaper's retail trade zone as defined by the audit. 50215

(6)(a) An issuer, or its subsidiary, that has a class of 50216  
securities to which all of the following apply: 50217

(i) The class of securities is subject to section 12 of the 50218  
"Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is 50219  
registered or is exempt from registration under 15 U.S.C.A. 50220  
781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 50221

(ii) The class of securities is listed on the New York stock 50222  
exchange, the American stock exchange, or the NASDAQ national 50223  
market system; 50224

(iii) The class of securities is a reported security as 50225  
defined in 17 C.F.R. 240.11Aa3-1(a)(4). 50226

(b) An issuer, or its subsidiary, that formerly had a class 50227  
of securities that met the criteria set forth in division 50228  
(B)(6)(a) of this section if the issuer, or its subsidiary, has a 50229  
net worth in excess of one hundred million dollars, files or its 50230  
parent files with the securities and exchange commission an S.E.C. 50231  
form 10-K, and has continued in substantially the same business 50232  
since it had a class of securities that met the criteria in 50233  
division (B)(6)(a) of this section. As used in division (B)(6)(b) 50234  
of this section, "issuer" and "subsidiary" include the successor 50235  
to an issuer or subsidiary. 50236

(7) A person soliciting a transaction regulated by the 50237  
commodity futures trading commission, if the person is registered 50238  
or temporarily registered for that activity with the commission 50239  
under 7 U.S.C.A. 1 et. seq. and the registration or temporary 50240  
registration has not expired or been suspended or revoked; 50241

(8) A person soliciting the sale of any book, record, audio 50242  
tape, compact disc, or video, if the person allows the purchaser 50243  
to review the merchandise for at least seven days and provides a 50244  
full refund within thirty days to a purchaser who returns the 50245  
merchandise or if the person solicits the sale on behalf of a 50246  
membership club operating in compliance with regulations adopted 50247  
by the federal trade commission in 16 C.F.R. 425; 50248

(9) A supervised financial institution or its subsidiary. As 50249  
used in division (B)(9) of this section, "supervised financial 50250  
institution" means a bank, trust company, savings and loan 50251  
association, savings bank, credit union, industrial loan company, 50252  
consumer finance lender, commercial finance lender, or institution 50253  
described in section 2(c)(2)(F) of the "Bank Holding Company Act 50254  
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 50255  
official or agency of the United States, this state, or any other 50256

state of the United States; or a licensee or registrant under 50257  
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 50258  
1321.83 of the Revised Code. 50259

(10)(a) An insurance company, association, or other 50260  
organization that is licensed or authorized to conduct business in 50261  
this state by the superintendent of insurance pursuant to Title 50262  
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 50263  
when soliciting within the scope of its license or authorization. 50264

(b) A licensed insurance broker, agent, or solicitor when 50265  
soliciting within the scope of the person's license. As used in 50266  
division (B)(10)(b) of this section, "licensed insurance broker, 50267  
agent, or solicitor" means any person licensed as an insurance 50268  
broker, agent, or solicitor by the superintendent of insurance 50269  
pursuant to Title XXXIX of the Revised Code. 50270

(11) A person soliciting the sale of services provided by a 50271  
cable television system operating under authority of a 50272  
governmental franchise or permit; 50273

(12) A person soliciting a business-to-business sale under 50274  
which any of the following conditions are met: 50275

(a) The telephone solicitor has been operating continuously 50276  
for at least three years under the same business name under which 50277  
it solicits purchasers, and at least fifty-one per cent of its 50278  
gross dollar volume of sales consists of repeat sales to existing 50279  
customers to whom it has made sales under the same business name. 50280

(b) The purchaser business intends to resell the goods 50281  
purchased. 50282

(c) The purchaser business intends to use the goods or 50283  
services purchased in a recycling, reuse, manufacturing, or 50284  
remanufacturing process. 50285

(d) The telephone solicitor is a publisher of a periodical or 50286

of magazines distributed as controlled circulation publications as 50287  
defined in division (CC) of section 5739.01 of the Revised Code 50288  
and is soliciting sales of advertising, subscriptions, reprints, 50289  
lists, information databases, conference participation or 50290  
sponsorships, trade shows or media products related to the 50291  
periodical or magazine, or other publishing services provided by 50292  
the controlled circulation publication. 50293

(13) A person that, not less often than once each year, 50294  
publishes and delivers to potential purchasers a catalog that 50295  
complies with both of the following: 50296

(a) It includes all of the following: 50297

(i) The business address of the seller; 50298

(ii) A written description or illustration of each good or 50299  
service offered for sale; 50300

(iii) A clear and conspicuous disclosure of the sale price of 50301  
each good or service; shipping, handling, and other charges; and 50302  
return policy; 50303

(b) One of the following applies: 50304

(i) The catalog includes at least twenty-four pages of 50305  
written material and illustrations, is distributed in more than 50306  
one state, and has an annual postage-paid mail circulation of not 50307  
less than two hundred fifty thousand households; 50308

(ii) The catalog includes at least ten pages of written 50309  
material or an equivalent amount of material in electronic form on 50310  
the internet or an on-line computer service, the person does not 50311  
solicit customers by telephone but solely receives telephone calls 50312  
made in response to the catalog, and during the calls the person 50313  
takes orders but does not engage in further solicitation of the 50314  
purchaser. As used in division (B)(13)(b)(ii) of this section, 50315  
"further solicitation" does not include providing the purchaser 50316

with information about, or attempting to sell, any other item in 50317  
the catalog that prompted the purchaser's call or in a 50318  
substantially similar catalog issued by the seller. 50319

(14) A political subdivision or instrumentality of the United 50320  
States, this state, or any state of the United States; 50321

(15) A college or university or any other public or private 50322  
institution of higher education in this state; 50323

(16) A public utility as defined in section 4905.02 of the 50324  
Revised Code or a retail natural gas supplier as defined in 50325  
section 4929.01 of the Revised Code, if the utility or supplier is 50326  
subject to regulation by the public utilities commission, or the 50327  
affiliate of the utility or supplier; 50328

~~(17) A travel agency or tour promoter that is registered in 50329  
compliance with section 1333.96 of the Revised Code when 50330  
soliciting within the scope of the agency's or promoter's 50331  
registration; 50332~~

~~(18)~~ A person that solicits sales through a television 50333  
program or advertisement that is presented in the same market area 50334  
no fewer than twenty days per month or offers for sale no fewer 50335  
than ten distinct items of goods or services; and offers to the 50336  
purchaser an unconditional right to return any good or service 50337  
purchased within a period of at least seven days and to receive a 50338  
full refund within thirty days after the purchaser returns the 50339  
good or cancels the service; 50340

~~(19)~~(18)(a) A person that, for at least one year, has been 50341  
operating a retail business under the same name as that used in 50342  
connection with telephone solicitation and both of the following 50343  
occur on a continuing basis: 50344

(i) The person either displays goods and offers them for 50345  
retail sale at the person's business premises or offers services 50346  
for sale and provides them at the person's business premises. 50347

(ii) At least fifty-one per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises. 50348  
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(b) An affiliate of a person that meets the requirements in division (B)~~(19)~~(18)(a) of this section if the affiliate meets all of the following requirements: 50351  
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(i) The affiliate has operated a retail business for a period of less than one year; 50354  
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(ii) The affiliate either displays goods and offers them for retail sale at the affiliate's business premises or offers services for sale and provides them at the affiliate's business premises; 50356  
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(iii) At least fifty-one per cent of the affiliate's gross dollar volume of retail sales involves purchases of goods or services at the affiliate's business premises. 50360  
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(c) A person that, for a period of less than one year, has been operating a retail business in this state under the same name as that used in connection with telephone solicitation, as long as all of the following requirements are met: 50363  
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(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises; 50367  
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(ii) The goods or services that are the subject of telephone solicitation are sold at the person's business premises, and at least sixty-five per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises; 50370  
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(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rule adopted by the federal trade commission 50375  
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in 16 C.F.R. part 310. 50378

~~(20)~~(19) A person who performs telephone solicitation sales 50379  
services on behalf of other persons and to whom one of the 50380  
following applies: 50381

(a) The person has operated under the same ownership, 50382  
control, and business name for at least five years, and the person 50383  
receives at least seventy-five per cent of its gross revenues from 50384  
written telephone solicitation contracts with persons who come 50385  
within one of the exemptions in division (B) of this section. 50386

(b) The person is an affiliate of one or more exempt persons 50387  
and makes telephone solicitations on behalf of only the exempt 50388  
persons of which it is an affiliate. 50389

(c) The person makes telephone solicitations on behalf of 50390  
only exempt persons, the person and each exempt person on whose 50391  
behalf telephone solicitations are made have entered into a 50392  
written contract that specifies the manner in which the telephone 50393  
solicitations are to be conducted and that at a minimum requires 50394  
compliance with the telemarketing sales rule adopted by the 50395  
federal trade commission in 16 C.F.R. part 310, and the person 50396  
conducts the telephone solicitations in the manner specified in 50397  
the written contract. 50398

(d) The person performs telephone solicitation for religious 50399  
or political purposes, a charitable organization, a fund-raising 50400  
council, or a professional solicitor in compliance with the 50401  
registration and reporting requirements of Chapter 1716. of the 50402  
Revised Code; and meets all of the following requirements: 50403

(i) The person has operated under the same ownership, 50404  
control, and business name for at least five years, and the person 50405  
receives at least fifty-one per cent of its gross revenues from 50406  
written telephone solicitation contracts with persons who come 50407  
within the exemption in division (B)(2) of this section; 50408

(ii) The person does not conduct a prize promotion or offer the sale of an investment opportunity; and 50409  
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(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310. 50411  
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~~(21)~~(20) A person that is a licensed real estate salesperson or broker under Chapter 4735. of the Revised Code when soliciting within the scope of the person's license; 50415  
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~~(22)~~(21)(a) Either of the following: 50418

(i) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature on behalf of a publisher under a written agreement directly between the publisher and the person. 50419  
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(ii) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature as authorized by a publisher under a written agreement directly with a publisher's clearinghouse provided the person is a resident of Ohio for more than three years and initiates all telephone solicitations from Ohio and the person conducts the solicitation and sale in compliance with 16 C.F.R. Part 310, as adopted by the federal trade commission. 50423  
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(b) As used in division (B)~~(22)~~(21) of this section, "periodical or magazine of general, paid circulation" excludes a periodical or magazine circulated only as part of a membership package or given as a free gift or prize from the publisher or person. 50432  
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~~(23)~~(22) A person that solicits the sale of food, as defined in section 3715.01 of the Revised Code, or the sale of products of horticulture, as defined in section 5739.01 of the Revised Code, 50437  
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if the person does not intend the solicitation to result in, or 50440  
the solicitation actually does not result in, a sale that costs 50441  
the purchaser an amount greater than five hundred dollars. 50442

~~(24)~~(23) A funeral director licensed pursuant to Chapter 50443  
4717. of the Revised Code when soliciting within the scope of that 50444  
license, if both of the following apply: 50445

(a) The solicitation and sale are conducted in compliance 50446  
with 16 C.F.R. part 453, as adopted by the federal trade 50447  
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 50448  
the Revised Code; 50449

(b) The person provides to the purchaser of any preneed 50450  
funeral contract a notice that clearly and conspicuously sets 50451  
forth the cancellation rights specified in division (G) of section 50452  
1107.33 of the Revised Code, and retains a copy of the notice 50453  
signed by the purchaser. 50454

~~(25)~~(24) A person, or affiliate thereof, licensed to sell or 50455  
issue Ohio instruments designated as travelers checks pursuant to 50456  
sections 1315.01 to 1315.11 of the Revised Code. 50457

~~(26)~~(25) A person that solicits sales from its previous 50458  
purchasers and meets all of the following requirements: 50459

(a) The solicitation is made under the same business name 50460  
that was previously used to sell goods or services to the 50461  
purchaser; 50462

(b) The person has, for a period of not less than three 50463  
years, operated a business under the same business name as that 50464  
used in connection with telephone solicitation; 50465

(c) The person does not conduct a prize promotion or offer 50466  
the sale of an investment opportunity; 50467

(d) The person conducts all telephone solicitation activities 50468  
according to sections 310.3, 310.4, and 310.5 of the telemarketing 50469

sales rules adopted by the federal trade commission in 16 C.F.R. 50470  
part 310; 50471

(e) Neither the person nor any of its principals has been 50472  
convicted of, pleaded guilty to, or has entered a plea of no 50473  
contest for a felony or a theft offense as defined in sections 50474  
2901.02 and 2913.01 of the Revised Code or similar law of another 50475  
state or of the United States; 50476

(f) Neither the person nor any of its principals has had 50477  
entered against them an injunction or a final judgment or order, 50478  
including an agreed judgment or order, an assurance of voluntary 50479  
compliance, or any similar instrument, in any civil or 50480  
administrative action involving engaging in a pattern of corrupt 50481  
practices, fraud, theft, embezzlement, fraudulent conversion, or 50482  
misappropriation of property; the use of any untrue, deceptive, or 50483  
misleading representation; or the use of any unfair, unlawful, 50484  
deceptive, or unconscionable trade act or practice. 50485

~~(27)~~(26) An institution defined as a home health agency in 50486  
section ~~3701.88~~ 3701.881 of the Revised Code, that conducts all 50487  
telephone solicitation activities according to sections 310.3, 50488  
310.4, and 310.5 of the telemarketing sales rules adopted by the 50489  
federal trade commission in 16 C.F.R. part 310, and engages in 50490  
telephone solicitation only within the scope of the institution's 50491  
certification, accreditation, contract with the department of 50492  
aging, or status as a home health agency; and that meets one of 50493  
the following requirements: 50494

(a) The institution is certified as a provider of home health 50495  
services under Title XVIII of the Social Security Act, 49 Stat. 50496  
620, 42 U.S.C. 301, as amended; ~~and is registered with the~~ 50497  
~~department of health pursuant to division (B) of section 3701.88~~ 50498  
~~of the Revised Code;~~ 50499

(b) The institution is accredited by either the joint 50500

commission on accreditation of health care organizations or the 50501  
community health accreditation program; 50502

(c) The institution is providing passport services under the 50503  
direction of the Ohio department of aging under section 173.40 of 50504  
the Revised Code; 50505

(d) An affiliate of an institution that meets the 50506  
requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this 50507  
section when offering for sale substantially the same goods and 50508  
services as those that are offered by the institution that meets 50509  
the requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this 50510  
section. 50511

~~(28)~~(27) A person licensed to provide a hospice care program 50512  
by the department of health pursuant to section 3712.04 of the 50513  
Revised Code when conducting telephone solicitations within the 50514  
scope of the person's license and according to sections 310.3, 50515  
310.4, and 310.5 of the telemarketing sales rules adopted by the 50516  
federal trade commission in 16 C.F.R. part 310. 50517

**Sec. 4723.01.** As used in this chapter: 50518

(A) "Registered nurse" means an individual who holds a 50519  
current, valid license issued under this chapter that authorizes 50520  
the practice of nursing as a registered nurse. 50521

(B) "Practice of nursing as a registered nurse" means 50522  
providing to individuals and groups nursing care requiring 50523  
specialized knowledge, judgment, and skill derived from the 50524  
principles of biological, physical, behavioral, social, and 50525  
nursing sciences. Such nursing care includes: 50526

(1) Identifying patterns of human responses to actual or 50527  
potential health problems amenable to a nursing regimen; 50528

(2) Executing a nursing regimen through the selection, 50529  
performance, management, and evaluation of nursing actions; 50530

(3) Assessing health status for the purpose of providing nursing care;	50531 50532
(4) Providing health counseling and health teaching;	50533
(5) Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice;	50534 50535 50536 50537
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	50538 50539
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	50540 50541
(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.	50542 50543 50544 50545
(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.	50546 50547 50548
(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a licensed physician, dentist, podiatrist, optometrist, chiropractor, or registered nurse. Such nursing care includes:	50549 50550 50551 50552 50553 50554
(1) Observation, patient teaching, and care in a diversity of health care settings;	50555 50556
(2) Contributions to the planning, implementation, and evaluation of nursing;	50557 50558
(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and	50559 50560

is acting within the course of the individual's professional 50561  
practice, except that administration of intravenous therapy shall 50562  
be performed only in accordance with section 4723.17 or 4723.171 50563  
of the Revised Code. Medications may be administered by a licensed 50564  
practical nurse upon proof of completion of a course in medication 50565  
administration approved by the board of nursing. 50566

(4) Administration to an adult of intravenous therapy 50567  
authorized by an individual who is authorized to practice in this 50568  
state and is acting within the course of the individual's 50569  
professional practice, on the condition that the licensed 50570  
practical nurse is authorized under section 4723.17 or 4723.171 of 50571  
the Revised Code to perform intravenous therapy and performs 50572  
intravenous therapy only in accordance with those sections. 50573

(G) "Certified registered nurse anesthetist" means a 50574  
registered nurse who holds a valid certificate of authority issued 50575  
under this chapter that authorizes the practice of nursing as a 50576  
certified registered nurse anesthetist in accordance with section 50577  
4723.43 of the Revised Code and rules adopted by the board of 50578  
nursing. 50579

(H) "Clinical nurse specialist" means a registered nurse who 50580  
holds a valid certificate of authority issued under this chapter 50581  
that authorizes the practice of nursing as a clinical nurse 50582  
specialist in accordance with section 4723.43 of the Revised Code 50583  
and rules adopted by the board of nursing. 50584

(I) "Certified nurse-midwife" means a registered nurse who 50585  
holds a valid certificate of authority issued under this chapter 50586  
that authorizes the practice of nursing as a certified 50587  
nurse-midwife in accordance with section 4723.43 of the Revised 50588  
Code and rules adopted by the board of nursing. 50589

(J) "Certified nurse practitioner" means a registered nurse 50590  
who holds a valid certificate of authority issued under this 50591

chapter that authorizes the practice of nursing as a certified 50592  
nurse practitioner in accordance with section 4723.43 of the 50593  
Revised Code and rules adopted by the board of nursing. 50594

(K) "Physician" means an individual authorized under Chapter 50595  
4731. of the Revised Code to practice medicine and surgery or 50596  
osteopathic medicine and surgery. 50597

(L) "Collaboration" or "collaborating" means the following: 50598

(1) In the case of a clinical nurse specialist, except as 50599  
provided in division (L)(3) of this section, or a certified nurse 50600  
practitioner, that one or more podiatrists acting within the scope 50601  
of practice of podiatry in accordance with section 4731.51 of the 50602  
Revised Code and with whom the nurse has entered into a standard 50603  
care arrangement or one or more physicians with whom the nurse has 50604  
entered into a standard care arrangement are continuously 50605  
available to communicate with the clinical nurse specialist or 50606  
certified nurse practitioner either in person or by radio, 50607  
telephone, or other form of telecommunication; 50608

(2) In the case of a certified nurse-midwife, that one or 50609  
more physicians with whom the certified nurse-midwife has entered 50610  
into a standard care arrangement are continuously available to 50611  
communicate with the certified nurse-midwife either in person or 50612  
by radio, telephone, or other form of telecommunication; 50613

(3) In the case of a clinical nurse specialist who practices 50614  
the nursing specialty of mental health or psychiatric mental 50615  
health without being authorized to prescribe drugs and therapeutic 50616  
devices, that one or more physicians are continuously available to 50617  
communicate with the nurse either in person or by radio, 50618  
telephone, or other form of telecommunication. 50619

(M) "Supervision," as it pertains to a certified registered 50620  
nurse anesthetist, means that the certified registered nurse 50621  
anesthetist is under the direction of a podiatrist acting within 50622

the podiatrist's scope of practice in accordance with section 50623  
4731.51 of the Revised Code, a dentist acting within the dentist's 50624  
scope of practice in accordance with Chapter 4715. of the Revised 50625  
Code, or a physician, and, when administering anesthesia, the 50626  
certified registered nurse anesthetist is in the immediate 50627  
presence of the podiatrist, dentist, or physician. 50628

(N) "Standard care arrangement," except as it pertains to an 50629  
advanced practice nurse, means a written, formal guide for 50630  
planning and evaluating a patient's health care that is developed 50631  
by one or more collaborating physicians or podiatrists and a 50632  
clinical nurse specialist, certified nurse-midwife, or certified 50633  
nurse practitioner and meets the requirements of section 4723.431 50634  
of the Revised Code. 50635

(O) "Advanced practice nurse," until three years and eight 50636  
months after May 17, 2000, means a registered nurse who is 50637  
approved by the board of nursing under section 4723.55 of the 50638  
Revised Code to practice as an advanced practice nurse. 50639

(P) "Dialysis care" means the care and procedures that a 50640  
dialysis technician is authorized to provide and perform, as 50641  
specified in section 4723.72 of the Revised Code. 50642

(Q) "Dialysis technician" means an individual who holds a 50643  
current, valid certificate or temporary certificate issued under 50644  
this chapter that authorizes the individual to practice as a 50645  
dialysis technician in accordance with section 4723.72 of the 50646  
Revised Code. 50647

(R) "Certified community health worker" means an individual 50648  
who holds a current, valid certificate as a community health 50649  
worker issued by the board of nursing under section 4723.85 of the 50650  
Revised Code. 50651

**Sec. 4723.06.** (A) The board of nursing shall: 50652

- (1) Administer and enforce the provisions of this chapter, 50653  
including the taking of disciplinary action for violations of 50654  
section 4723.28 of the Revised Code, any other provisions of this 50655  
chapter, or rules adopted under this chapter; 50656
- (2) Develop criteria that an applicant must meet to be 50657  
eligible to sit for the examination for licensure to practice as a 50658  
registered nurse or as a licensed practical nurse; 50659
- (3) Issue and renew nursing licenses ~~and~~, dialysis technician 50660  
certificates, and community health worker certificates, as 50661  
provided in this chapter; 50662
- (4) Define the minimum curricula and standards for 50663  
educational programs of the schools of professional nursing and 50664  
schools of practical nursing in this state; 50665
- (5) Survey, inspect, and grant full approval to prelicensure 50666  
nursing education programs that meet the standards established by 50667  
rules adopted under section 4723.07 of the Revised Code. 50668  
Prelicensure nursing education programs include, but are not 50669  
limited to, associate degree, baccalaureate degree, diploma, and 50670  
doctor of nursing programs leading to initial licensure to 50671  
practice nursing as a registered nurse and practical nurse 50672  
programs leading to initial licensure to practice nursing as a 50673  
licensed practical nurse. 50674
- (6) Grant conditional approval, by a vote of a quorum of the 50675  
board, to a new prelicensure nursing education program or a 50676  
program that is being reestablished after having ceased to 50677  
operate, if the program meets and maintains the minimum standards 50678  
of the board established by rules adopted under section 4723.07 of 50679  
the Revised Code. If the board does not grant conditional 50680  
approval, it shall hold an adjudication under Chapter 119. of the 50681  
Revised Code to consider conditional approval of the program. If 50682  
the board grants conditional approval, at its first meeting after 50683

the first class has completed the program, the board shall 50684  
determine whether to grant full approval to the program. If the 50685  
board does not grant full approval or if it appears that the 50686  
program has failed to meet and maintain standards established by 50687  
rules adopted under section 4723.07 of the Revised Code, the board 50688  
shall hold an adjudication under Chapter 119. of the Revised Code 50689  
to consider the program. Based on results of the adjudication, the 50690  
board may continue or withdraw conditional approval, or grant full 50691  
approval. 50692

(7) Place on provisional approval, for a period of time 50693  
specified by the board, a program that has ceased to meet and 50694  
maintain the minimum standards of the board established by rules 50695  
adopted under section 4723.07 of the Revised Code. At the end of 50696  
the period, the board shall reconsider whether the program meets 50697  
the standards and shall grant full approval if it does. If it does 50698  
not, the board may withdraw approval, pursuant to an adjudication 50699  
under Chapter 119. of the Revised Code. 50700

(8) Approve continuing nursing education programs and courses 50701  
under standards established in rules adopted under section 4723.07 50702  
of the Revised Code; 50703

(9) Approve peer support programs, under rules adopted under 50704  
section 4723.07 of the Revised Code, for nurses ~~and~~, for dialysis 50705  
technicians, and for certified community health workers; 50706

(10) Establish a program for monitoring chemical dependency 50707  
in accordance with section 4723.35 of the Revised Code; 50708

(11) Establish the practice intervention and improvement 50709  
program in accordance with section 4723.282 of the Revised Code; 50710

(12) Issue and renew certificates of authority to practice 50711  
nursing as a certified registered nurse anesthetist, clinical 50712  
nurse specialist, certified nurse-midwife, or certified nurse 50713  
practitioner; 50714

(13) Approve under section 4723.46 of the Revised Code	50715
national certifying organizations for examination and	50716
certification of certified registered nurse anesthetists, clinical	50717
nurse specialists, certified nurse-midwives, or certified nurse	50718
practitioners;	50719
(14) Issue and renew certificates to prescribe in accordance	50720
with sections 4723.48 and 4723.485 of the Revised Code;	50721
(15) Grant approval to the planned classroom and clinical	50722
study required by section 4723.483 of the Revised Code to be	50723
eligible for a certificate to prescribe;	50724
(16) Make an annual edition of the formulary established in	50725
rules adopted under section 4723.50 of the Revised Code available	50726
to the public either in printed form or by electronic means and,	50727
as soon as possible after any revision of the formulary becomes	50728
effective, make the revision available to the public in printed	50729
form or by electronic means;	50730
(17) Provide guidance and make recommendations to the general	50731
assembly, the governor, state agencies, and the federal government	50732
with respect to the regulation of the practice of nursing and the	50733
enforcement of this chapter;	50734
(18) Make an annual report to the governor, which shall be	50735
open for public inspection;	50736
(19) Maintain and have open for public inspection the	50737
following records:	50738
(a) A record of all its meetings and proceedings;	50739
(b) A file of holders of nursing licenses, registrations, and	50740
certificates granted under this chapter <del>and</del> ; dialysis technician	50741
certificates granted under this chapter; <u>and community health</u>	50742
<u>worker certificates granted under this chapter</u> . The file shall be	50743
maintained in the form prescribed by rule of the board.	50744

(c) A list of prelicensure nursing education programs 50745  
approved by the board; 50746

(d) A list of approved peer support programs for nurses ~~and,~~ 50747  
dialysis technicians, and certified community health workers. 50748

(B) The board may fulfill the requirement of division (A)(8) 50749  
of this section by authorizing persons who meet the standards 50750  
established in rules adopted under section 4723.07 of the Revised 50751  
Code to approve continuing nursing education programs and courses. 50752  
Persons so authorized shall approve continuing nursing education 50753  
programs and courses in accordance with standards established in 50754  
rules adopted under section 4723.07 of the Revised Code. 50755

Persons seeking authorization to approve continuing nursing 50756  
education programs and courses shall apply to the board and pay 50757  
the appropriate fee established under section 4723.08 of the 50758  
Revised Code. Authorizations to approve continuing nursing 50759  
education programs and courses shall expire, and may be renewed 50760  
according to the schedule established in rules adopted under 50761  
section ~~4732.07~~ 4723.07 of the Revised Code. 50762

In addition to approving continuing nursing education 50763  
programs under division (A)(8) of this section, the board may 50764  
sponsor continuing education activities that are directly related 50765  
to the statutes and rules pertaining to the practice of nursing in 50766  
this state. 50767

**Sec. 4723.063.** (A) As used in this section: 50768

(1) "Health care facility" means: 50769

(a) A hospital registered under section 3701.07 of the 50770  
Revised Code; 50771

(b) A nursing home licensed under section 3721.02 of the 50772  
Revised Code, or by a political subdivision certified under 50773  
section 3721.09 of the Revised Code; 50774

<u>(c) A county home or a county nursing home as defined in</u>	50775
<u>section 5155.31 of the Revised Code that is certified under Title</u>	50776
<u>XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42</u>	50777
<u>U.S.C. 301, amended;</u>	50778
<u>(d) A freestanding dialysis center;</u>	50779
<u>(e) A freestanding inpatient rehabilitation facility;</u>	50780
<u>(f) An ambulatory surgical facility;</u>	50781
<u>(g) A freestanding cardiac catheterization facility;</u>	50782
<u>(h) A freestanding birthing center;</u>	50783
<u>(i) A freestanding or mobile diagnostic imaging center;</u>	50784
<u>(j) A freestanding radiation therapy center.</u>	50785
<u>(2) "Nurse education program" means a prelicensure nurse</u>	50786
<u>education program approved by the board of nursing under section</u>	50787
<u>4723.06 of the Revised Code or a postlicensure nurse education</u>	50788
<u>program approved by the board of regents under section 3333.04 of</u>	50789
<u>the Revised Code.</u>	50790
<u>(B) The state board of nursing shall establish and administer</u>	50791
<u>the nurse education grant program. Under the program, the board</u>	50792
<u>shall award grants to nurse education programs that have</u>	50793
<u>partnerships with other education programs, community health</u>	50794
<u>agencies, or health care facilities. Grant recipients shall use</u>	50795
<u>the money to fund partnerships to increase the nurse education</u>	50796
<u>program's enrollment capacity. Methods of increasing a program's</u>	50797
<u>enrollment capacity may include hiring faculty and preceptors,</u>	50798
<u>purchasing educational equipment and materials, and other actions</u>	50799
<u>acceptable to the board. Grant money shall not be used to</u>	50800
<u>construct or renovate buildings. Partnerships may be developed</u>	50801
<u>between one or more nurse education programs and one or more</u>	50802
<u>health care facilities.</u>	50803
<u>In awarding grants, the board shall give preference to</u>	50804

partnerships between nurse education programs and hospitals, 50805  
nursing homes, and county homes or county nursing homes, but may 50806  
also award grants to fund partnerships between nurse education 50807  
programs and other health care facilities. 50808

(C) The board shall adopt rules in accordance with Chapter 50809  
119. of the Revised Code establishing the following: 50810

(1) Eligibility requirements for receipt of a grant; 50811

(2) Grant application forms and procedures; 50812

(3) The amounts in which grants may be made and the total 50813  
amount that may be awarded to a nurse education program that has a 50814  
partnership with other education programs, a community health 50815  
agency, or a health care facility; 50816

(4) A method whereby the board may evaluate the effectiveness 50817  
of a partnership between joint recipients in increasing the nurse 50818  
education program's enrollment capacity; 50819

(5) The percentage of the money in the fund that must remain 50820  
in the fund at all times to maintain a fiscally responsible fund 50821  
balance; 50822

(6) The percentage of available grants to be awarded to 50823  
licensed practical nurse education programs, registered nurse 50824  
education programs, and graduate programs; 50825

(7) Any other matters incidental to the operation of the 50826  
program. 50827

(D) From January 1, 2004, until December 31, 2013, the ten 50828  
dollars of each biennial nursing license renewal fee collected 50829  
under section 4723.08 of the Revised Code shall be dedicated to 50830  
the nurse education grant program fund, which is hereby created in 50831  
the state treasury. The board shall use money in the fund for 50832  
grants awarded under division (A) of this section and for expenses 50833  
of administering the grant program. The amount used for 50834

administrative expenses in any year shall not exceed ten per cent 50835  
of the amount transferred to the fund in that year. 50836

(E) Each quarter, for the purposes of transferring funds to 50837  
the nurse education grant program, the board of nursing shall 50838  
certify to the director of budget and management the number of 50839  
biennial licenses renewed under this chapter during the preceding 50840  
quarter and the amount equal to that number times ten dollars. 50841

(F) Notwithstanding the requirements of section 4743.05 of 50842  
the Revised Code, from January 1, 2004, until December 31, 2013, 50843  
at the end of each quarter, the director of budget and management 50844  
shall transfer from the occupational licensing and regulatory fund 50845  
to the nurse education grant program fund the amount certified 50846  
under division (E) of this section. 50847

**Sec. 4723.07.** In accordance with Chapter 119. of the Revised 50848  
Code, the board of nursing shall adopt and may amend and rescind 50849  
rules that establish all of the following: 50850

(A) Provisions for the board's government and control of its 50851  
actions and business affairs; 50852

(B) Minimum curricula and standards for nursing education 50853  
programs that prepare graduates to be licensed under this chapter 50854  
and procedures for granting, renewing, and withdrawing approval of 50855  
those programs; 50856

(C) Criteria that applicants for licensure must meet to be 50857  
eligible to take examinations for licensure; 50858

(D) Standards and procedures for renewal of the licenses and 50859  
certificates issued by the board; 50860

(E) Standards for approval of continuing nursing education 50861  
programs and courses for registered nurses, licensed practical 50862  
nurses, certified registered nurse anesthetists, clinical nurse 50863  
specialists, certified nurse-midwives, and certified nurse 50864

practitioners. The standards may provide for approval of 50865  
continuing nursing education programs and courses that have been 50866  
approved by other state boards of nursing or by national 50867  
accreditation systems for nursing, including, but not limited to, 50868  
the American nurses' credentialing center and the national 50869  
association for practical nurse education and service. 50870

(F) Standards that persons must meet to be authorized by the 50871  
board to approve continuing nursing education programs and courses 50872  
and a schedule by which that authorization expires and may be 50873  
renewed; 50874

(G) Requirements, including continuing education 50875  
requirements, for restoring inactive nursing licenses ~~and,~~ 50876  
dialysis technician certificates, and community health worker 50877  
certificates, and for restoring nursing licenses ~~and,~~ dialysis 50878  
technician certificates, and community health worker certificates 50879  
that have lapsed through failure to renew; 50880

(H) Conditions that may be imposed for reinstatement of a 50881  
nursing license ~~or,~~ dialysis technician certificate, or community 50882  
health worker certificate following action taken under ~~sections~~ 50883  
section 3123.47, 4723.28, ~~and~~ 4723.281, or 4723.86 of the Revised 50884  
Code resulting in a license or certificate suspension ~~from~~ 50885  
practice; 50886

(I) Standards for approval of peer support programs for 50887  
persons who hold a nursing license ~~or,~~ dialysis technician 50888  
certificate, or community health worker certificate; 50889

(J) Requirements for board approval of courses in medication 50890  
administration by licensed practical nurses; 50891

(K) Criteria for evaluating the qualifications of an 50892  
applicant for a license to practice nursing as a registered nurse 50893  
or licensed practical nurse, a certificate of authority issued 50894  
under division (E) of section 4723.41 of the Revised Code, ~~or~~ a 50895

dialysis technician certificate, <u>or a community health worker certificate</u> by the board's endorsement of the applicant's	50896
authority to practice issued by the licensing agency of another	50897
state;	50898
	50899
(L) Universal blood and body fluid precautions that shall be	50900
used by each person holding a nursing license or dialysis	50901
technician certificate issued under this chapter who performs	50902
exposure-prone invasive procedures. The rules shall define and	50903
establish requirements for universal blood and body fluid	50904
precautions that include the following:	50905
(1) Appropriate use of hand washing;	50906
(2) Disinfection and sterilization of equipment;	50907
(3) Handling and disposal of needles and other sharp	50908
instruments;	50909
(4) Wearing and disposal of gloves and other protective	50910
garments and devices.	50911
(M) Standards and procedures for approving certificates of	50912
authority to practice nursing as a certified registered nurse	50913
anesthetist, clinical nurse specialist, certified nurse-midwife,	50914
or certified nurse practitioner, and for renewal of those	50915
certificates;	50916
(N) Quality assurance standards for certified registered	50917
nurse anesthetists, clinical nurse specialists, certified	50918
nurse-midwives, or certified nurse practitioners;	50919
(O) Additional criteria for the standard care arrangement	50920
required by section 4723.431 of the Revised Code entered into by a	50921
clinical nurse specialist, certified nurse-midwife, or certified	50922
nurse practitioner and the nurse's collaborating physician or	50923
podiatrist;	50924
(P) Continuing education standards for clinical nurse	50925

specialists who are exempt under division (C) of section 4723.41 of the Revised Code from the requirement of having passed a certification examination;

(Q) For purposes of division (B)(31) of section 4723.28 of the Revised Code, the actions, omissions, or other circumstances that constitute failure to establish and maintain professional boundaries with a patient.

The board may adopt other rules necessary to carry out the provisions of this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 4723.08.** (A) The board of nursing may impose fees not to exceed the following limits:

(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, ~~fifty~~ seventy-five dollars;

(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, ~~fifty~~ seventy-five dollars;

(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;

(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;

(5) For application for a full dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;

(6) For application for a certificate to prescribe, fifty dollars;

(7) For verification of a nursing license, certificate of authority, or dialysis technician certificate to another jurisdiction, fifteen dollars;	50956 50957 50958
(8) For providing a replacement copy of a nursing license, certificate of authority, <del>or certificate to prescribe,</del> dialysis technician certificate, <del>fifteen intravenous therapy card, or frameable certificate,</del> <u>twenty-five</u> dollars;	50959 50960 50961 50962
(9) For biennial renewal of a nursing license that expires on or <del>before</del> <u>after</u> August 31, 2003, <del>thirty-five but before January 1, 2004,</del> <u>forty-five</u> dollars;	50963 50964 50965
(10) For biennial renewal of a nursing license that expires on or after <del>September 1, 2003,</del> <u>forty-five</u> <u>January 1, 2004,</u> <u>sixty-five</u> dollars;	50966 50967 50968
(11) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse mid-wife, or certified nurse practitioner that expires on or before August 31, 2005, one hundred dollars;	50969 50970 50971 50972 50973
(12) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner that expires on or after September 1, 2005, eighty-five dollars;	50974 50975 50976 50977 50978
(13) For renewal of a certificate to prescribe, fifty dollars;	50979 50980
(14) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	50981 50982 50983
(15) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician	50984 50985

certificate, fifty dollars;	50986
(16) For application for authorization to approve continuing nursing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	50987 50988 50989 50990
(17) For application for authorization to approve continuing nursing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	50991 50992 50993 50994
(18) For each year for which authorization to approve continuing nursing education programs and courses is renewed, one hundred fifty dollars;	50995 50996 50997
(19) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	50998 50999 51000
(20) For reinstatement of a lapsed nursing license, certificate of authority, or dialysis technician certificate, one hundred dollars;	51001 51002 51003
(21) For written verification of a nursing license, certificate of authority, or dialysis technician certificate, <u>when the verification is performed for purposes</u> other than <u>providing verification to another jurisdiction, five dollars.</u> <del>The board may contract for services pertaining to this verification process and the collection of the fee, and may permit the contractor to retain a portion of the fees as compensation, before any amounts are deposited into the state treasury.</del>	51004 51005 51006 51007 51008 51009 51010 51011
(22) For processing a check returned to the board by a financial institution as noncollectible, twenty-five dollars;	51012 51013
<u>(23) For issuance of an intravenous therapy card for which a fee may be charged under section 4723.17 of the Revised Code,</u>	51014 51015

<u>twenty-five dollars;</u>	51016
<u>(24) For out-of-state survey visits of nursing education</u>	51017
<u>programs operating in Ohio, two thousand dollars;</u>	51018
<u>(25) The amounts specified in rules adopted under section</u>	51019
<u>4723.88 of the Revised Code pertaining to the issuance of</u>	51020
<u>certificates to community health workers, including fees for</u>	51021
<u>application for a certificate, verification of a certificate to</u>	51022
<u>another jurisdiction, written verification of a certificate when</u>	51023
<u>the verification is performed for purposes other than verification</u>	51024
<u>to another jurisdiction, providing a replacement copy of a</u>	51025
<u>certificate, biennial renewal of a certificate, processing a late</u>	51026
<u>application for renewal of a certificate, reinstatement of a</u>	51027
<u>lapsed certificate, application for approval of a community health</u>	51028
<u>worker training program for community health workers, and biennial</u>	51029
<u>renewal of the approval of a training program for community health</u>	51030
<u>workers.</u>	51031
(B) Each quarter, for purposes of transferring funds under	51032
section 4743.05 of the Revised Code to the nurse education	51033
assistance fund created in section 3333.28 of the Revised Code,	51034
the board of nursing shall certify to the director of budget and	51035
management the number of biennial licenses renewed under this	51036
chapter during the preceding quarter and the amount equal to that	51037
number times five dollars.	51038
<u>(C) The board may charge a participant in a board-sponsored</u>	51039
<u>continuing education activity an amount not exceeding fifteen</u>	51040
<u>dollars for each activity.</u>	51041
<u>(D) The board may contract for services pertaining to the</u>	51042
<u>process of providing written verification of a nursing license,</u>	51043
<u>certificate of authority, dialysis technician certificate, or</u>	51044
<u>community health worker certificate when the verification is</u>	51045
<u>performed for purposes other than providing verification to</u>	51046

another jurisdiction. The contract may include provisions 51047  
pertaining to the collection of the fee charged for providing the 51048  
written verification. As part of these provisions, the board may 51049  
permit the contractor to retain a portion of the fees as 51050  
compensation, before any amounts are deposited into the state 51051  
treasury. 51052

**Sec. 4723.082.** ~~All~~ (A) Except as provided in section 4723.062 51053  
of the Revised Code and division (B) of this section, all receipts 51054  
of the board of nursing, from any source, shall be deposited in 51055  
the state treasury to the credit of the occupational licensing and 51056  
regulatory fund. ~~All~~ 51057

(B) All receipts from board-sponsored continuing education 51058  
activities shall be deposited in the state treasury to the credit 51059  
of the special nursing issue fund created by section 4723.062 of 51060  
the Revised Code. 51061

(C) All vouchers of the board shall be approved by the board 51062  
president or executive director, or both, as authorized by the 51063  
board. 51064

**Sec. 4723.17.** (A) The board of nursing may authorize a 51065  
licensed practical nurse to administer to an adult intravenous 51066  
therapy authorized by an individual who is authorized to practice 51067  
in this state and is acting within the course of the individual's 51068  
professional practice, ~~if all of the following are true of the~~ 51069  
licensed practical nurse+ 51070

~~(1) The nurse~~ has a current, valid license issued under this 51071  
chapter that includes authorization to administer medications and 51072  
one of the following is the case: 51073

(1) The nurse has successfully completed, within a practical 51074  
nurse prelicensure education program approved by the board or by 51075  
another jurisdiction's agency that regulates the practice of 51076

nursing, a course of study that prepares the nurse to safely 51077  
perform the intravenous therapy procedures the board may authorize 51078  
under this section. To meet this requirement, the course of study 51079  
must include all of the following: 51080

(a) Both didactic and clinical components; 51081

(b) Curriculum requirements established in rules the board of 51082  
nursing shall adopt in accordance with Chapter 119. of the Revised 51083  
Code; 51084

(c) Standards that require the nurse to perform a successful 51085  
demonstration of the intravenous procedures, including all skills 51086  
needed to perform them safely. 51087

(2) The nurse has successfully completed a ~~course in~~ 51088  
~~intravenous administration approved by the board that includes~~ 51089  
~~both of the following:~~ 51090

~~(a)~~ A minimum of forty hours of training that includes all of 51091  
the following: 51092

~~(i)~~(a) The curriculum established by rules adopted by the 51093  
board and in effect on January 1, 1999; 51094

~~(ii)~~(b) Training in the anatomy and physiology of the 51095  
cardiovascular system, signs and symptoms of local and systemic 51096  
complications in the administration of fluids and antibiotic 51097  
additives, and guidelines for management of these complications; 51098

~~(iii)~~(c) Any other training or instruction the board 51099  
considers appropriate. 51100

~~(b)~~(d) A testing component that ~~includes the successful~~ 51101  
~~performance of three venipunctures supervised by a physician or~~ 51102  
~~registered nurse in a health care setting~~ requires the nurse to 51103  
perform a successful demonstration of the intravenous procedures, 51104  
including all skills needed to perform them safely. 51105

(B) Except as provided in section 4723.171 of the Revised 51106

Code, a licensed practical nurse may perform intravenous therapy 51107  
only if authorized by the board pursuant to division (A) of this 51108  
section and only if it is performed in accordance with this 51109  
section. 51110

A licensed practical nurse authorized by the board to perform 51111  
intravenous therapy may perform an intravenous therapy procedure 51112  
only at the direction of one of the following: 51113

(1) A licensed physician, dentist, optometrist, or podiatrist 51114  
who, except as provided in division (C)(2) of this section, is 51115  
present and readily available at the facility where the 51116  
intravenous therapy procedure is performed; 51117

(2) A registered nurse in accordance with division (C) of 51118  
this section. 51119

(C)(1) Except as provided in division (C)(2) of this section 51120  
and section 4723.171 of the Revised Code, when a licensed 51121  
practical nurse authorized by the board to perform intravenous 51122  
therapy performs an intravenous therapy procedure at the direction 51123  
of a registered nurse, the registered nurse or another registered 51124  
nurse shall be readily available at the site where the intravenous 51125  
therapy is performed, and before the licensed practical nurse 51126  
initiates the intravenous therapy, the registered nurse shall 51127  
personally perform an on-site assessment of the individual who is 51128  
to receive the intravenous therapy. 51129

(2) When a licensed practical nurse authorized by the board 51130  
to perform intravenous therapy performs an intravenous therapy 51131  
procedure in a home as defined in section 3721.10 of the Revised 51132  
Code, or in an intermediate care facility for the mentally 51133  
retarded as defined in section 5111.20 of the Revised Code, at the 51134  
direction of a registered nurse or licensed physician, dentist, 51135  
optometrist, or podiatrist, a registered nurse shall be on the 51136  
premises of the home or facility or accessible by some form of 51137

telecommunication.	51138
(D) No licensed practical nurse shall perform any of the	51139
following intravenous therapy procedures:	51140
(1) Initiating or maintaining any of the following:	51141
(a) Blood or blood components;	51142
(b) Solutions for total parenteral nutrition;	51143
(c) Any cancer therapeutic medication including, but not	51144
limited to, cancer chemotherapy or an anti-neoplastic agent;	51145
(d) Solutions administered through any central venous line or	51146
arterial line or any other line that does not terminate in a	51147
peripheral vein, except that a licensed practical nurse authorized	51148
by the board to perform intravenous therapy may maintain the	51149
solutions specified in division (D)(6)(a) of this section that are	51150
being administered through a central venous line or peripherally	51151
inserted central catheter;	51152
(e) Any investigational or experimental medication.	51153
(2) Initiating intravenous therapy in any vein, except that a	51154
licensed practical nurse authorized by the board to perform	51155
intravenous therapy may initiate intravenous therapy in accordance	51156
with this section in a vein of the hand, forearm, or antecubital	51157
fossa;	51158
(3) Discontinuing a central venous, arterial, or any other	51159
line that does not terminate in a peripheral vein;	51160
(4) Initiating or discontinuing a peripherally inserted	51161
central catheter;	51162
(5) Mixing, preparing, or reconstituting any medication for	51163
intravenous therapy, except that a licensed practical nurse	51164
authorized by the board to perform intravenous therapy may prepare	51165
or reconstitute an antibiotic additive;	51166

(6) Administering medication via the intravenous route,	51167
including all of the following activities:	51168
(a) Adding medication to an intravenous solution or to an	51169
existing infusion, except that a licensed practical nurse	51170
authorized by the board to perform intravenous therapy may do	51171
either of the following:	51172
(i) Initiate an intravenous infusion containing one or more	51173
of the following elements: dextrose 5%; normal saline; lactated	51174
ringers; sodium chloride .45%; sodium chloride 0.2%; sterile	51175
water.	51176
(ii) Hang subsequent containers of the intravenous solutions	51177
specified in division (D)(6)(a) of this section that contain	51178
vitamins or electrolytes, if a registered nurse initiated the	51179
infusion of that same intravenous solution.	51180
(b) Initiating or maintaining an intravenous piggyback	51181
infusion, except that a licensed practical nurse authorized by the	51182
board to perform intravenous therapy may initiate or maintain an	51183
intravenous piggyback infusion containing an antibiotic additive;	51184
(c) Injecting medication via a direct intravenous route,	51185
except that a licensed practical nurse authorized by the board to	51186
perform intravenous therapy may inject heparin or normal saline to	51187
flush an intermittent infusion device or heparin lock including,	51188
but not limited to, bolus or push.	51189
(7) Aspirating any intravenous line to maintain patency;	51190
(8) Changing tubing on any line including, but not limited	51191
to, an arterial line or a central venous line, except that a	51192
licensed practical nurse authorized by the board to perform	51193
intravenous therapy may change tubing on an intravenous line that	51194
terminates in a peripheral vein;	51195
(9) Programming or setting any function of a patient	51196

controlled infusion pump. 51197

(E) Notwithstanding division (D) of this section, at the 51198  
direction of a physician or a registered nurse, a licensed 51199  
practical nurse authorized by the board to perform intravenous 51200  
therapy may perform the following activities for the purpose of 51201  
performing dialysis: 51202

(1) The routine administration and regulation of saline 51203  
solution for the purpose of maintaining an established fluid plan; 51204

(2) The administration of a heparin dose intravenously; 51205

(3) The administration of a heparin dose peripherally via a 51206  
fistula needle; 51207

(4) The loading and activation of a constant infusion pump or 51208  
the intermittent injection of a dose of medication prescribed by a 51209  
licensed physician for dialysis. 51210

(F) No person shall employ or direct a licensed practical 51211  
nurse to perform an intravenous therapy procedure without first 51212  
verifying that the licensed practical nurse is authorized by the 51213  
board to perform intravenous therapy. 51214

(G) The board shall issue an intravenous therapy card to the 51215  
licensed practical nurses authorized pursuant to division (A) of 51216  
this section to perform intravenous therapy. A fee for issuing the 51217  
card shall not be charged under section 4723.08 of the Revised 51218  
Code if the licensed practical nurse receives the card by meeting 51219  
the requirements of division (A)(1) of this section. The board 51220  
shall maintain a registry of the names of licensed practical 51221  
nurses ~~authorized pursuant to division (A) of this section to~~ 51222  
~~perform~~ who hold intravenous therapy cards. 51223

**Sec. 4723.271.** The board of nursing shall provide a 51224  
replacement copy of a nursing license, certificate of authority, 51225  
~~or~~ dialysis technician certificate, or community health worker 51226

certificate issued under this chapter upon request of the holder 51227  
accompanied by proper identification as prescribed in rules 51228  
adopted by the board and payment of the fee authorized under 51229  
section 4723.08 of the Revised Code. 51230

Upon request of the holder of a nursing license, certificate 51231  
of authority, ~~or~~ dialysis technician certificate, or community 51232  
health worker certificate issued under this chapter and payment of 51233  
the fee authorized under section 4723.08 of the Revised Code, the 51234  
board shall verify to an agency of another jurisdiction or foreign 51235  
country the fact that the person holds such nursing license, 51236  
certificate of authority, ~~or~~ dialysis technician certificate, or 51237  
community health worker certificate. 51238

**Sec. 4723.34.** (A) Reports to the board of nursing shall be 51239  
made as follows: 51240

(1) Every employer of registered nurses, licensed practical 51241  
nurses, or dialysis technicians shall report to the board of 51242  
nursing the name of any current or former employee who holds a 51243  
nursing license or dialysis technician certificate issued under 51244  
this chapter who has engaged in conduct that would be grounds for 51245  
disciplinary action by the board under section 4723.28 of the 51246  
Revised Code. Every employer of certified community health workers 51247  
shall report to the board the name of any current or former 51248  
employee who holds a community health worker certificate issued 51249  
under this chapter who has engaged in conduct that would be 51250  
grounds for disciplinary action by the board under section 4723.86 51251  
of the Revised Code. 51252

(2) Nursing associations shall report to the board the name 51253  
of any registered nurse or licensed practical nurse and dialysis 51254  
technician associations shall report to the board the name of any 51255  
dialysis technician who has been investigated and found to 51256  
constitute a danger to the public health, safety, and welfare 51257

because of conduct that would be grounds for disciplinary action 51258  
by the board under section 4723.28 of the Revised Code, except 51259  
that an association is not required to report the individual's 51260  
name if the individual is maintaining satisfactory participation 51261  
in a peer support program approved by the board under rules 51262  
adopted under section 4723.07 of the Revised Code. Community 51263  
health worker associations shall report to the board the name of 51264  
any certified community health worker who has been investigated 51265  
and found to constitute a danger to the public health, safety, and 51266  
welfare because of conduct that would be grounds for disciplinary 51267  
action by the board under section 4723.86 of the Revised Code, 51268  
except that an association is not required to report the 51269  
individual's name if the individual is maintaining satisfactory 51270  
participation in a peer support program approved by the board 51271  
under rules adopted under section 4723.07 of the Revised Code. 51272

(3) If the prosecutor in a case described in divisions (B)(3) 51273  
to (5) of section 4723.28 of the Revised Code, or in a case where 51274  
the trial court issued an order of dismissal upon technical or 51275  
procedural grounds of a charge of a misdemeanor committed in the 51276  
course of practice, a felony charge, or a charge of gross 51277  
immorality or moral turpitude, knows or has reason to believe that 51278  
the person charged is licensed under this chapter to practice 51279  
nursing as a registered nurse or as a licensed practical nurse or 51280  
holds a certificate issued under this chapter to practice as a 51281  
dialysis technician, the prosecutor shall notify the board of 51282  
nursing. With regard to certified community health workers, if the 51283  
prosecutor in a case involving a charge of a misdemeanor committed 51284  
in the course of employment, a felony charge, or a charge of gross 51285  
immorality or moral turpitude, including a case dismissed on 51286  
technical or procedural grounds, knows or has reason to believe 51287  
that the person charged holds a community health worker 51288  
certificate issued under this chapter, the prosecutor shall notify 51289  
the board. 51290

Each notification required by this division shall be made on 51291  
forms prescribed and provided by the board. The report shall 51292  
include the name and address of the license or certificate holder, 51293  
the charge, and the certified court documents recording the 51294  
action. 51295

(B) If any person fails to provide a report required by this 51296  
section, the board may seek an order from a court of competent 51297  
jurisdiction compelling submission of the report. 51298

**Sec. 4723.35.** (A) As used in this section, "chemical 51299  
dependency" means either of the following: 51300

(1) The chronic and habitual use of alcoholic beverages to 51301  
the extent that the user no longer can control the use of alcohol 51302  
or endangers the user's health, safety, or welfare or that of 51303  
others; 51304

(2) The use of a controlled substance as defined in section 51305  
3719.01 of the Revised Code, a harmful intoxicant as defined in 51306  
section 2925.01 of the Revised Code, or a dangerous drug as 51307  
defined in section 4729.01 of the Revised Code, to the extent that 51308  
the user becomes physically or psychologically dependent on the 51309  
substance, intoxicant, or drug or endangers the user's health, 51310  
safety, or welfare or that of others. 51311

(B) The board of nursing may abstain from taking disciplinary 51312  
action under section 4723.28 or 4723.86 of the Revised Code 51313  
against an individual with a chemical dependency if it finds that 51314  
the individual can be treated effectively and there is no 51315  
impairment of the individual's ability to practice according to 51316  
acceptable and prevailing standards of safe care. The board shall 51317  
establish a chemical dependency monitoring program to monitor the 51318  
registered nurses, licensed practical nurses, ~~and~~ dialysis 51319  
technicians, and certified community health workers against whom 51320  
the board has abstained from taking action. The board shall 51321

develop the program, select the program's name, and designate a coordinator to administer the program. 51322  
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(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the following: 51324  
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(1) Eligibility requirements for admission to and continued participation in the monitoring program; 51326  
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(2) Terms and conditions that must be met to participate in and successfully complete the program; 51328  
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(3) Procedures for keeping confidential records regarding participants; 51330  
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(4) Any other requirements or procedures necessary to establish and administer the program. 51332  
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(D)(1) As a condition of being admitted to the monitoring program, an individual shall surrender to the program coordinator the license or certificate that the individual holds. While the surrender is in effect, the individual is prohibited from engaging in the practice of nursing ~~or~~, engaging in the provision of dialysis care, or engaging in the provision of services that were being provided as a certified community health worker. 51334  
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If the program coordinator determines that a participant is capable of resuming practice according to acceptable and prevailing standards of safe care, the coordinator shall return the participant's license or certificate. If the participant violates the terms and conditions of resumed practice, the program coordinator shall require the participant to surrender the license or certificate as a condition of continued participation in the program. The coordinator may require the surrender only on the approval of the board's supervising member for disciplinary matters. 51341  
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The surrender of a license or certificate on admission to the 51351

monitoring program or while participating in the program does not 51352  
constitute an action by the board under section 4723.28 or 4723.86 51353  
of the Revised Code. The participant may rescind the surrender at 51354  
any time and the board may proceed by taking action under section 51355  
4723.28 or 4723.86 of the Revised Code. 51356

(2) If the program coordinator determines that a participant 51357  
is significantly out of compliance with the terms and conditions 51358  
for participation, the coordinator shall notify the board's 51359  
supervising member for disciplinary matters and the supervising 51360  
member shall temporarily suspend the participant's license or 51361  
certificate. The program coordinator shall notify the participant 51362  
of the suspension by certified mail sent to the participant's last 51363  
known address and shall refer the matter to the board for formal 51364  
action under section 4723.28 or 4723.86 of the Revised Code. 51365

(E) All of the following apply with respect to the receipt, 51366  
release, and maintenance of records and information by the 51367  
monitoring program: 51368

(1) The program coordinator shall maintain all records in the 51369  
board's office for a period of five years. 51370

(2) When applying to participate in the monitoring program, 51371  
the applicant shall sign a waiver permitting the program 51372  
coordinator to receive and release information necessary for the 51373  
coordinator to determine whether the individual is eligible for 51374  
admission. After being admitted, the participant shall sign a 51375  
waiver permitting the program coordinator to receive and release 51376  
information necessary to determine whether the individual is 51377  
eligible for continued participation in the program. Information 51378  
that may be necessary for the program coordinator to determine 51379  
eligibility for admission or continued participation in the 51380  
monitoring program includes, but is not limited to, information 51381  
provided to and by employers, probation officers, law enforcement 51382  
agencies, peer assistance programs, health professionals, and 51383

treatment providers. No entity with knowledge that the information 51384  
has been provided to the monitoring program shall divulge that 51385  
knowledge to any other person. 51386

(3) Except as provided in division (E)(4) of this section, 51387  
all records pertaining to an individual's application for or 51388  
participation in the monitoring program, including medical 51389  
records, treatment records, and mental health records, shall be 51390  
confidential. The records are not public records for the purposes 51391  
of section 149.43 of the Revised Code and are not subject to 51392  
discovery by subpoena or admissible as evidence in any judicial 51393  
proceeding. 51394

(4) The program coordinator may disclose information 51395  
regarding a participant's progress in the program to any person or 51396  
government entity that the participant authorizes in writing to be 51397  
given the information. In disclosing information under this 51398  
division, the coordinator shall not include any information that 51399  
is protected under section 3793.13 of the Revised Code or any 51400  
federal statute or regulation that provides for the 51401  
confidentiality of medical, mental health, or substance abuse 51402  
records. 51403

(F) In the absence of fraud or bad faith, the program 51404  
coordinator, the board of nursing, and the board's employees and 51405  
representatives are not liable for damages in any civil action as 51406  
a result of disclosing information in accordance with division 51407  
(E)(4) of this section. In the absence of fraud or bad faith, any 51408  
person reporting to the program with regard to an individual's 51409  
chemical dependence, or the progress or lack of progress of that 51410  
individual with regard to treatment, is not liable for damages in 51411  
any civil action as a result of the report. 51412

**Sec. 4723.431.** (A) Except as provided in division (C)(1) of 51413  
this section, a clinical nurse specialist, certified 51414

nurse-midwife, or certified nurse practitioner may practice only 51415  
in accordance with a standard care arrangement entered into with 51416  
each physician or podiatrist with whom the nurse collaborates. A 51417  
copy of the standard care arrangement shall be retained on file at 51418  
each site where the nurse practices. Prior approval of the 51419  
standard care arrangement by the board of nursing is not required, 51420  
but the board may periodically review it for compliance with this 51421  
section. 51422

A clinical nurse specialist, certified nurse-midwife, or 51423  
certified nurse practitioner may enter into a standard care 51424  
arrangement with one or more collaborating physicians or 51425  
podiatrists. Each physician or podiatrist must be actively engaged 51426  
in direct clinical practice in this state and practicing in a 51427  
specialty that is the same as or similar to the nurse's nursing 51428  
specialty. If a collaborating physician or podiatrist enters into 51429  
standard care arrangements with more than three nurses who hold 51430  
certificates to prescribe issued under section 4723.48 of the 51431  
Revised Code, the physician or podiatrist shall not collaborate at 51432  
the same time with more than three of the nurses in the 51433  
prescribing component of their practices. 51434

(B) A standard care arrangement shall be in writing and, 51435  
except as provided in division (C)(2) of this section, shall 51436  
contain all of the following: 51437

(1) Criteria for referral of a patient by the clinical nurse 51438  
specialist, certified nurse-midwife, or certified nurse 51439  
practitioner to a collaborating physician or podiatrist; 51440

(2) A process for the clinical nurse specialist, certified 51441  
nurse-midwife, or certified nurse practitioner to obtain a 51442  
consultation with a collaborating physician or podiatrist; 51443

(3) A plan for coverage in instances of emergency or planned 51444  
absences of either the clinical nurse specialist, certified 51445

nurse-midwife, or certified nurse practitioner or a collaborating 51446  
physician or podiatrist that provides the means whereby a 51447  
physician or podiatrist is available for emergency care; 51448

(4) The process for resolution of disagreements regarding 51449  
matters of patient management between the clinical nurse 51450  
specialist, certified nurse-midwife, or certified nurse 51451  
practitioner and a collaborating physician or podiatrist; 51452

(5) A procedure for a regular review of the referrals by the 51453  
clinical nurse specialist, certified nurse-midwife, or certified 51454  
nurse practitioner to other health care professionals and the care 51455  
outcomes for a random sample of all patients seen by the nurse; 51456

(6) If the clinical nurse specialist or certified nurse 51457  
practitioner regularly provides services to infants, a policy for 51458  
care of infants up to age one and recommendations for 51459  
collaborating physician visits for children from birth to age 51460  
three; 51461

(7) Any other criteria required by rule of the board adopted 51462  
pursuant to section 4723.07 or 4723.50 of the Revised Code. 51463

(C) A standard care arrangement entered into pursuant to this 51464  
section may permit a clinical nurse specialist, certified 51465  
nurse-midwife, or certified nurse practitioner to supervise 51466  
services provided by a home health agency as defined in section 51467  
3701.881 of the Revised Code. 51468

(D)(1) A clinical nurse specialist who does not hold a 51469  
certificate to prescribe and whose nursing specialty is mental 51470  
health or psychiatric mental health, as determined by the board, 51471  
is not required to enter into a standard care arrangement, but 51472  
shall practice in collaboration with one or more physicians. 51473

(2) If a clinical nurse specialist practicing in either of 51474  
the specialties specified in division (C)(1) of this section holds 51475  
a certificate to prescribe, the nurse shall enter into a standard 51476

care arrangement with one or more physicians. The standard care 51477  
arrangement must meet the requirements of division (B) of this 51478  
section, but only to the extent necessary to address the 51479  
prescribing component of the nurse's practice. 51480

~~(D)~~(E) Nothing in this section prohibits a hospital from 51481  
hiring a clinical nurse specialist, certified nurse-midwife, or 51482  
certified nurse practitioner as an employee and negotiating 51483  
standard care arrangements on behalf of the employee as necessary 51484  
to meet the requirements of this section. A standard care 51485  
arrangement between the hospital's employee and the employee's 51486  
collaborating physician is subject to approval by the medical 51487  
staff and governing body of the hospital prior to implementation 51488  
of the arrangement at the hospital. 51489

**Sec. 4723.63.** On receipt of a notice pursuant to section 51490  
3123.43 of the Revised Code, the board of nursing shall comply 51491  
with sections 3123.41 to 3123.50 of the Revised Code and any 51492  
applicable rules adopted under section 3123.63 of the Revised Code 51493  
with respect to a nursing license ~~or~~, dialysis technician 51494  
certificate, or community health worker certificate issued 51495  
pursuant to this chapter. 51496

**Sec. 4723.81.** The board of nursing shall develop and 51497  
implement a program for the certification of community health 51498  
workers. The board shall begin issuing community health worker 51499  
certificates under section 4723.85 of the Revised Code not later 51500  
than February 1, 2005. 51501

The certification program shall reflect the board's 51502  
recognition of individuals who, as community representatives, 51503  
advocate for individuals and groups in the community by assisting 51504  
them in accessing community health and supportive resources 51505  
through the provision of such services as education, role 51506

modeling, outreach, home visits, and referrals, any of which may 51507  
be targeted toward an individual, family, or entire community. The 51508  
certification program also shall reflect the board's recognition 51509  
of the individuals as members of the community with a unique 51510  
perspective of community needs that enables them to develop 51511  
culturally appropriate solutions to problems and translate the 51512  
solutions into practice. 51513

The certification program does not require an individual to 51514  
obtain a community health worker certificate as a means of 51515  
authorizing the individual to perform any of the activities that 51516  
may be performed by an individual who holds a community health 51517  
worker certificate. 51518

**Sec. 4723.82.** (A) An individual who holds a current, valid 51519  
community health worker certificate issued by the board of nursing 51520  
under section 4723.85 of the Revised Code may use the title 51521  
"certified community health worker" or "community health worker." 51522  
When providing services within the community, the certificate 51523  
holder may represent to the public that the individual is 51524  
providing the services under either title. 51525

(B)(1) Holding a community health worker certificate does not 51526  
authorize an individual to administer medications or perform any 51527  
other activity that requires judgment based on nursing knowledge 51528  
or expertise. Any activities performed by a certified community 51529  
health worker that are related to nursing care shall be performed 51530  
only pursuant to the delegation of a registered nurse acting in 51531  
accordance with the rules for delegation adopted under this 51532  
chapter. Any other health-related activities performed by a 51533  
certified community health worker shall be performed only under 51534  
the supervision of a health professional acting within the scope 51535  
of the professional's practice. 51536

Only a registered nurse may supervise a certified community 51537

health worker when performing delegated activities related to 51538  
nursing care. The registered nurse supervising a certified 51539  
community health worker shall provide the supervision in 51540  
accordance with the rules for delegation adopted under this 51541  
chapter and the rules for supervision of community health workers 51542  
adopted under section 4723.88 of the Revised Code, including the 51543  
rules limiting the number of certified community health workers 51544  
who may be supervised at any one time. 51545

(2) A registered nurse who delegates activities to a 51546  
certified community health worker or supervises a certified 51547  
community health worker in the performance of delegated activities 51548  
is not liable in damages to any person or government entity in a 51549  
civil action for injury, death, or loss to person or property that 51550  
allegedly arises from an action or omission of the certified 51551  
community health worker in performing the activities, if the 51552  
registered nurse delegates the activities or provides the 51553  
supervision in accordance with this chapter and the rules adopted 51554  
under this chapter. 51555

**Sec. 4723.83.** (A) An individual seeking a community health 51556  
worker certificate shall submit an application to the board of 51557  
nursing on forms the board shall prescribe and furnish. The 51558  
applicant shall include all information the board requires to 51559  
process the application. The application shall be accompanied by 51560  
the fee established in rules adopted under section 4723.88 of the 51561  
Revised Code. 51562

(B) An applicant for a community health worker certificate 51563  
shall submit a request to the bureau of criminal identification 51564  
and investigation for a criminal records check of the applicant. 51565  
The request shall be on the form prescribed pursuant to division 51566  
(C)(1) of section 109.572 of the Revised Code, accompanied by a 51567  
standard impression sheet to obtain fingerprints prescribed 51568

pursuant to division (C)(2) of that section, and accompanied by 51569  
the fee prescribed pursuant to division (C)(3) of that section. On 51570  
receipt of the completed form, the completed impression sheet, and 51571  
the fee, the bureau shall conduct a criminal records check of the 51572  
applicant. On completion of the criminal records check, the bureau 51573  
shall send the results of the check to the board. The applicant 51574  
shall ask the superintendent of the bureau of criminal 51575  
identification and investigation to request that the federal 51576  
bureau of investigation provide the superintendent with any 51577  
information it has with respect to the applicant. 51578

The results of any criminal records check conducted pursuant 51579  
to a request made under this section, and any report containing 51580  
those results, are not public records for purposes of section 51581  
149.43 of the Revised Code and shall not be made available to any 51582  
person or for any purpose other than the following: 51583

(1) The results may be made available to any person for use 51584  
in determining whether the individual who is the subject of the 51585  
check should be issued a community health worker certificate. 51586

(2) The results may be made available to the individual who 51587  
is the subject of the check or that individual's representative. 51588

**Sec. 4723.84.** (A) To be eligible to receive a community 51589  
health worker certificate, an applicant shall meet all of the 51590  
following conditions: 51591

(1) Be eighteen years of age or older; 51592

(2) Possess a high school diploma or the equivalent of a high 51593  
school diploma, as determined by the board; 51594

(3) Except as provided in division (B) of this section, 51595  
successfully complete a community health worker training program 51596  
approved by the board under section 4723.87 of the Revised Code; 51597

(4) Have results on the criminal records check requested 51598

under section 4723.83 of the Revised Code indicating that the individual has not been convicted of, has not pleaded guilty to, and has not had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country;

(5) Meet all other requirements the board specifies in rules adopted under section 4723.88 of the Revised Code.

(B) In lieu of meeting the condition of completing a community health worker training program, an applicant may be issued a community health worker certificate if the individual was employed in a capacity substantially the same as a community health worker before the board implemented the certification program. To be eligible under this division, an applicant must meet the requirements specified in rules adopted by the board under section 4723.88 of the Revised Code and provide documentation from the employer attesting to the employer's belief that the applicant is competent to perform activities as a certified community health worker.

**Sec. 4723.85.** (A) The board of nursing shall review all applications received under section 4723.83 of the Revised Code. If an applicant meets the requirements of section 4723.84 of the Revised Code, the board shall issue a community health worker certificate to the applicant.

(B) A community health worker certificate issued under this section expires biennially and may be renewed in accordance with the schedule and procedures established by the board in rules adopted under section 4723.88 of the Revised Code. To be eligible for renewal, an individual must complete the continuing education requirements established by the board in rules adopted under

section 4723.88 of the Revised Code and meet all other 51630  
requirements for renewal, as specified in the board's rules 51631  
adopted under that section. If an applicant for renewal has 51632  
successfully completed the continuing education requirements and 51633  
meets all other requirements for renewal, the board shall issue a 51634  
renewed community health worker certificate to the applicant. 51635

Sec. 4723.86. The board of nursing, by vote of a quorum, may 51636  
deny, revoke, or suspend a community health worker certificate. 51637  
The board may impose one or more of the sanctions against an 51638  
applicant or certificate holder for any of the reasons it 51639  
specifies in rules adopted under section 4723.88 of the Revised 51640  
Code. All actions to impose a sanction shall be taken in 51641  
accordance with Chapter 119. of the Revised Code. 51642

Sec. 4723.87. (A) A person or government entity seeking to 51643  
operate a training program that prepares individuals to become 51644  
certified community health workers shall submit an application to 51645  
the board of nursing on forms the board shall prescribe and 51646  
furnish. The applicant shall include all information the board 51647  
requires to process the application. The application shall be 51648  
accompanied by the fee established in rules adopted under section 51649  
4723.87 of the Revised Code. 51650

The board shall review all applications received. If an 51651  
applicant meets the standards for approval established in the 51652  
board's rules adopted under section 4723.88 of the Revised Code, 51653  
the board shall approve the program. 51654

(B) The board's approval of a training program expires 51655  
biennially and may be renewed in accordance with the schedule and 51656  
procedures established by the board in rules adopted under section 51657  
4723.88 of the Revised Code. 51658

(C) If an approved community health worker training program 51659

ceases to meet the standards for approval, the board shall 51660  
withdraw its approval of the program, refuse to renew its approval 51661  
of the program, or place the program on provisional approval. In 51662  
withdrawing or refusing to renew its approval, the board shall act 51663  
in accordance with Chapter 119. of the Revised Code. In placing a 51664  
program on provisional approval, the board shall specify the 51665  
period of time during which the provisional approval is valid. At 51666  
the end of the period, the board shall reconsider whether the 51667  
program meets the standards for approval. If the program meets the 51668  
standards for approval, the board shall reinstate its full 51669  
approval of the program or renew its approval of the program. If 51670  
the program does not meet the standards for approval, the board 51671  
shall proceed by withdrawing or refusing to renew its approval of 51672  
the program. 51673

**Sec. 4723.88.** The board of nursing, in accordance with 51674  
Chapter 119. of the Revised Code, shall adopt rules to administer 51675  
and enforce sections 4723.81 to 4723.87 of the Revised Code. The 51676  
rules shall establish all of the following: 51677

(A) Standards and procedures for issuance of community health 51678  
worker certificates; 51679

(B) Standards for evaluating the competency of an individual 51680  
who applies to receive a certificate on the basis of having been 51681  
employed in a capacity substantially the same as a community 51682  
health worker before the board implemented the certification 51683  
program; 51684

(C) Standards and procedures for renewal of community health 51685  
worker certificates, including the continuing education 51686  
requirements that must be met for renewal; 51687

(D) Standards governing the performance of activities related 51688  
to nursing care that are delegated by a registered nurse to 51689  
certified community health workers. In establishing the standards, 51690

the board shall specify limits on the number of certified community health workers a registered nurse may supervise at any one time. 51691  
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(E) Standards and procedures for assessing the quality of the services that are provided by certified community health workers; 51694  
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(F) Standards and procedures for denying, suspending, and revoking a community health worker certificate, including reasons for imposing the sanctions that are substantially similar to the reasons that sanctions are imposed under section 4723.28 of the Revised Code; 51696  
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(G) Standards and procedures for approving and renewing the board's approval of training programs that prepare individuals to become certified community health workers. In establishing the standards, the board shall specify the minimum components that must be included in a training program, shall require that all approved training programs offer the standardized curriculum, and shall ensure that the curriculum enables individuals to use the training as a basis for entering programs leading to other careers, including nursing education programs. 51701  
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(H) Standards and procedures for withdrawing the board's approval of a training program, refusing to renew the approval of a training program, and placing a training program on provisional approval; 51710  
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(I) Amounts for each fee that may be imposed under division (A)(25) of section 4723.08 of the Revised Code; 51714  
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(J) Any other standards or procedures the board considers necessary and appropriate for the administration and enforcement of sections 4723.81 to 4723.87 of the Revised Code. 51716  
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**Sec. 4729.01.** As used in this chapter: 51719

(A) "Pharmacy," except when used in a context that refers to 51720

the practice of pharmacy, means any area, room, rooms, place of 51721  
business, department, or portion of any of the foregoing where the 51722  
practice of pharmacy is conducted. 51723

(B) "Practice of pharmacy" means providing pharmacist care 51724  
requiring specialized knowledge, judgment, and skill derived from 51725  
the principles of biological, chemical, behavioral, social, 51726  
pharmaceutical, and clinical sciences. As used in this division, 51727  
"pharmacist care" includes the following: 51728

(1) Interpreting prescriptions; 51729

(2) Compounding or dispensing drugs and dispensing drug 51730  
therapy related devices; 51731

(3) Counseling individuals with regard to their drug therapy, 51732  
recommending drug therapy related devices, and assisting in the 51733  
selection of drugs and appliances for treatment of common diseases 51734  
and injuries and providing instruction in the proper use of the 51735  
drugs and appliances; 51736

(4) Performing drug regimen reviews with individuals by 51737  
discussing all of the drugs that the individual is taking and 51738  
explaining the interactions of the drugs; 51739

(5) Performing drug utilization reviews with licensed health 51740  
professionals authorized to prescribe drugs when the pharmacist 51741  
determines that an individual with a prescription has a drug 51742  
regimen that warrants additional discussion with the prescriber; 51743

(6) Advising an individual and the health care professionals 51744  
treating an individual with regard to the individual's drug 51745  
therapy; 51746

(7) Acting pursuant to a consult agreement with a physician 51747  
authorized under Chapter 4731. of the Revised Code to practice 51748  
medicine and surgery or osteopathic medicine and surgery, if an 51749  
agreement has been established with the physician; 51750

(8) Administering ~~by injection~~ the adult immunizations 51751  
specified in section 4729.41 of the Revised Code, if the 51752  
pharmacist has met the requirements of that section. 51753

(C) "Compounding" means the preparation, mixing, assembling, 51754  
packaging, and labeling of one or more drugs in any of the 51755  
following circumstances: 51756

(1) Pursuant to a prescription issued by a licensed health 51757  
professional authorized to prescribe drugs; 51758

(2) Pursuant to the modification of a prescription made in 51759  
accordance with a consult agreement; 51760

(3) As an incident to research, teaching activities, or 51761  
chemical analysis; 51762

(4) In anticipation of prescription drug orders based on 51763  
routine, regularly observed dispensing patterns. 51764

(D) "Consult agreement" means an agreement to manage an 51765  
individual's drug therapy that has been entered into by a 51766  
pharmacist and a physician authorized under Chapter 4731. of the 51767  
Revised Code to practice medicine and surgery or osteopathic 51768  
medicine and surgery. 51769

(E) "Drug" means: 51770

(1) Any article recognized in the United States pharmacopoeia 51771  
and national formulary, or any supplement to them, intended for 51772  
use in the diagnosis, cure, mitigation, treatment, or prevention 51773  
of disease in humans or animals; 51774

(2) Any other article intended for use in the diagnosis, 51775  
cure, mitigation, treatment, or prevention of disease in humans or 51776  
animals; 51777

(3) Any article, other than food, intended to affect the 51778  
structure or any function of the body of humans or animals; 51779

(4) Any article intended for use as a component of any 51780

article specified in division (C)(1), (2), or (3) of this section; 51781  
but does not include devices or their components, parts, or 51782  
accessories. 51783

(F) "Dangerous drug" means any of the following: 51784

(1) Any drug to which either of the following applies: 51785

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 51786  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 51787  
required to bear a label containing the legend "Caution: Federal 51788  
law prohibits dispensing without prescription" or "Caution: 51789  
Federal law restricts this drug to use by or on the order of a 51790  
licensed veterinarian" or any similar restrictive statement, or 51791  
the drug may be dispensed only upon a prescription; 51792

(b) Under Chapter 3715. or 3719. of the Revised Code, the 51793  
drug may be dispensed only upon a prescription. 51794

(2) Any drug that contains a schedule V controlled substance 51795  
and that is exempt from Chapter 3719. of the Revised Code or to 51796  
which that chapter does not apply; 51797

(3) Any drug intended for administration by injection into 51798  
the human body other than through a natural orifice of the human 51799  
body. 51800

(G) "Federal drug abuse control laws" has the same meaning as 51801  
in section 3719.01 of the Revised Code. 51802

(H) "Prescription" means a written, electronic, or oral order 51803  
for drugs or combinations or mixtures of drugs to be used by a 51804  
particular individual or for treating a particular animal, issued 51805  
by a licensed health professional authorized to prescribe drugs. 51806

(I) "Licensed health professional authorized to prescribe 51807  
drugs" or "prescriber" means an individual who is authorized by 51808  
law to prescribe drugs or dangerous drugs or drug therapy related 51809  
devices in the course of the individual's professional practice, 51810

including only the following:	51811
(1) A dentist licensed under Chapter 4715. of the Revised Code;	51812 51813
(2) Until January 17, 2000, an advanced practice nurse approved under section 4723.56 of the Revised Code to prescribe drugs and therapeutic devices;	51814 51815 51816
(3) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;	51817 51818 51819
(4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	51820 51821 51822
(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	51823 51824 51825
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	51826 51827
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	51828 51829 51830 51831
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	51832 51833 51834
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	51835 51836
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish	51837 51838 51839 51840

responsibility. 51841

(N) "Price information" means the price charged for a 51842  
prescription for a particular drug product and, in an easily 51843  
understandable manner, all of the following: 51844

(1) The proprietary name of the drug product; 51845

(2) The established (generic) name of the drug product; 51846

(3) The strength of the drug product if the product contains 51847  
a single active ingredient or if the drug product contains more 51848  
than one active ingredient and a relevant strength can be 51849  
associated with the product without indicating each active 51850  
ingredient. The established name and quantity of each active 51851  
ingredient are required if such a relevant strength cannot be so 51852  
associated with a drug product containing more than one 51853  
ingredient. 51854

(4) The dosage form; 51855

(5) The price charged for a specific quantity of the drug 51856  
product. The stated price shall include all charges to the 51857  
consumer, including, but not limited to, the cost of the drug 51858  
product, professional fees, handling fees, if any, and a statement 51859  
identifying professional services routinely furnished by the 51860  
pharmacy. Any mailing fees and delivery fees may be stated 51861  
separately without repetition. The information shall not be false 51862  
or misleading. 51863

(O) "Wholesale distributor of dangerous drugs" means a person 51864  
engaged in the sale of dangerous drugs at wholesale and includes 51865  
any agent or employee of such a person authorized by the person to 51866  
engage in the sale of dangerous drugs at wholesale. 51867

(P) "Manufacturer of dangerous drugs" means a person, other 51868  
than a pharmacist, who manufactures dangerous drugs and who is 51869  
engaged in the sale of those dangerous drugs within this state. 51870

(Q) "Terminal distributor of dangerous drugs" means a person 51871  
who is engaged in the sale of dangerous drugs at retail, or any 51872  
person, other than a wholesale distributor or a pharmacist, who 51873  
has possession, custody, or control of dangerous drugs for any 51874  
purpose other than for that person's own use and consumption, and 51875  
includes pharmacies, hospitals, nursing homes, and laboratories 51876  
and all other persons who procure dangerous drugs for sale or 51877  
other distribution by or under the supervision of a pharmacist or 51878  
licensed health professional authorized to prescribe drugs. 51879

(R) "Promote to the public" means disseminating a 51880  
representation to the public in any manner or by any means, other 51881  
than by labeling, for the purpose of inducing, or that is likely 51882  
to induce, directly or indirectly, the purchase of a dangerous 51883  
drug at retail. 51884

(S) "Person" includes any individual, partnership, 51885  
association, limited liability company, or corporation, the state, 51886  
any political subdivision of the state, and any district, 51887  
department, or agency of the state or its political subdivisions. 51888

(T) "Finished dosage form" has the same meaning as in section 51889  
3715.01 of the Revised Code. 51890

(U) "Generically equivalent drug" has the same meaning as in 51891  
section 3715.01 of the Revised Code. 51892

(V) "Animal shelter" means a facility operated by a humane 51893  
society or any society organized under Chapter 1717. of the 51894  
Revised Code or a dog pound operated pursuant to Chapter 955. of 51895  
the Revised Code. 51896

(W) "Food" has the same meaning as in section 3715.01 of the 51897  
Revised Code. 51898

**Sec. 4729.41.** (A) A pharmacist licensed under this chapter 51899  
who meets the requirements of division (B) of this section may 51900

administer, <del>by injection</del> , adult immunizations for any of the	51901
following:	51902
(1) Influenza;	51903
(2) Pneumonia;	51904
(3) Tetanus;	51905
(4) Hepatitis A;	51906
(5) Hepatitis B.	51907
(B) To be authorized to administer the adult immunizations	51908
specified in division (A) of this section, a pharmacist shall do	51909
all of the following:	51910
(1) Successfully complete a course in the administration of	51911
adult immunizations that has been approved by the state board of	51912
pharmacy as meeting the standards established for such courses by	51913
the centers for disease control and prevention in the public	51914
health service of the United States department of health and human	51915
services;	51916
(2) Receive and maintain certification to perform basic	51917
life-support procedures by successfully completing a basic	51918
life-support training course certified by the American red cross	51919
or American heart association;	51920
(3) Practice in accordance with a definitive set of treatment	51921
guidelines specified in a protocol established by a physician and	51922
approved by the state board of pharmacy. The protocol shall	51923
include provisions requiring that the pharmacist do both of the	51924
following:	51925
(a) Observe an individual who has been immunized by the	51926
pharmacist to determine whether the individual has an adverse	51927
reaction to the immunization. The length of time and location of	51928
the observation shall be specified in rules adopted by the state	51929
board of pharmacy under division (D) of this section.	51930

(b) Not later than thirty days after administering an adult immunization to an individual, notify the individual's family physician or, if the individual has no family physician, the board of health of the health district in which the individual resides.

(C) No pharmacist shall do either of the following:

(1) Engage in the administration of adult immunizations by injection unless the requirements of division (B) of this section have been met;

(2) Delegate to any person the pharmacist's authority to administer adult immunizations.

(D) The state board of pharmacy shall adopt rules to implement this section, including rules for approval of courses in administration of adult immunizations and approval of protocols to be followed by pharmacists in administering adult immunizations. Prior to adopting the rules regarding approval of protocols, the state board of pharmacy shall consult with the state medical board and the board of nursing. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 4731.27.** (A) As used in this section, "collaboration," "physician," "standard care arrangement," and "supervision" have the same meanings as in section 4723.01 of the Revised Code.

(B) Except as provided in division ~~(C)~~(D)(1) of section 4723.431 of the Revised Code, a physician or podiatrist shall enter into a standard care arrangement with each clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration. The collaborating physician or podiatrist shall fulfill the responsibilities of collaboration, as specified in the arrangement and in accordance with division (A) of section 4723.431 of the Revised Code. A copy of the standard care

arrangement shall be retained on file at each site where the nurse 51961  
practices. Prior approval of the standard care arrangement by the 51962  
state medical board is not required, but the board may 51963  
periodically review it. 51964

Nothing in this division prohibits a hospital from hiring a 51965  
clinical nurse specialist, certified nurse-midwife, or certified 51966  
nurse practitioner as an employee and negotiating standard care 51967  
arrangements on behalf of the employee as necessary to meet the 51968  
requirements of this section. A standard care arrangement between 51969  
the hospital's employee and the employee's collaborating physician 51970  
is subject to approval by the medical staff and governing body of 51971  
the hospital prior to implementation of the arrangement at the 51972  
hospital. 51973

(C) With respect to a clinical nurse specialist, certified 51974  
nurse-midwife, or certified nurse practitioner participating in an 51975  
externship pursuant to an initial certificate to prescribe issued 51976  
under section 4723.48 of the Revised Code, the physician 51977  
responsible for evaluating the externship shall provide the state 51978  
medical board with the name of the nurse. If the externship is 51979  
terminated for any reason, the physician shall notify the board. 51980

(D) A physician or podiatrist shall cooperate with the board 51981  
of nursing in any investigation the board conducts with respect to 51982  
a clinical nurse specialist, certified nurse-midwife, or certified 51983  
nurse practitioner who collaborates with the physician or 51984  
podiatrist or with respect to a certified registered nurse 51985  
anesthetist who practices with the supervision of the physician or 51986  
podiatrist. 51987

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of the 51988  
Revised Code: 51989

(A)(1) "Clinical laboratory services" means either of the 51990  
following: 51991

(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health;	51992 51993 51994 51995
(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.	51996 51997 51998
(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.	51999 52000
(B) "Designated health services" means any of the following:	52001
(1) Clinical laboratory services;	52002
(2) Home health care services;	52003
(3) Outpatient prescription drugs.	52004
(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:	52005 52006
(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;	52007 52008 52009
(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.	52010 52011 52012 52013
(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, the medical assistance program established under Chapter 5111. of the	52014 52015 52016 52017 52018 52019 52020 52021

Revised Code, and the disability ~~assistance~~ medical assistance 52022  
program established under Chapter 5115. of the Revised Code. 52023

(E)(1) "Group practice" means a group of two or more holders 52024  
of certificates under this chapter legally organized as a 52025  
partnership, professional corporation or association, limited 52026  
liability company, foundation, nonprofit corporation, faculty 52027  
practice plan, or similar group practice entity, including an 52028  
organization comprised of a nonprofit medical clinic that 52029  
contracts with a professional corporation or association of 52030  
physicians to provide medical services exclusively to patients of 52031  
the clinic in order to comply with section 1701.03 of the Revised 52032  
Code and including a corporation, limited liability company, 52033  
partnership, or professional association described in division (B) 52034  
of section 4731.226 of the Revised Code formed for the purpose of 52035  
providing a combination of the professional services of 52036  
optometrists who are licensed, certificated, or otherwise legally 52037  
authorized to practice optometry under Chapter 4725. of the 52038  
Revised Code, chiropractors who are licensed, certificated, or 52039  
otherwise legally authorized to practice chiropractic under 52040  
Chapter 4734. of the Revised Code, psychologists who are licensed, 52041  
certificated, or otherwise legally authorized to practice 52042  
psychology under Chapter 4732. of the Revised Code, registered or 52043  
licensed practical nurses who are licensed, certificated, or 52044  
otherwise legally authorized to practice nursing under Chapter 52045  
4723. of the Revised Code, pharmacists who are licensed, 52046  
certificated, or otherwise legally authorized to practice pharmacy 52047  
under Chapter 4729. of the Revised Code, physical therapists who 52048  
are licensed, certificated, or otherwise legally authorized to 52049  
practice physical therapy under sections 4755.40 to 4755.53 of the 52050  
Revised Code, mechanotherapists who are licensed, certificated, or 52051  
otherwise legally authorized to practice mechanotherapy under 52052  
section 4731.151 of the Revised Code, and doctors of medicine and 52053  
surgery, osteopathic medicine and surgery, or podiatric medicine 52054

and surgery who are licensed, certificated, or otherwise legally 52055  
authorized for their respective practices under this chapter, to 52056  
which all of the following apply: 52057

(a) Each physician who is a member of the group practice 52058  
provides substantially the full range of services that the 52059  
physician routinely provides, including medical care, 52060  
consultation, diagnosis, or treatment, through the joint use of 52061  
shared office space, facilities, equipment, and personnel. 52062

(b) Substantially all of the services of the members of the 52063  
group are provided through the group and are billed in the name of 52064  
the group and amounts so received are treated as receipts of the 52065  
group. 52066

(c) The overhead expenses of and the income from the practice 52067  
are distributed in accordance with methods previously determined 52068  
by members of the group. 52069

(d) The group practice meets any other requirements that the 52070  
state medical board applies in rules adopted under section 4731.70 52071  
of the Revised Code. 52072

(2) In the case of a faculty practice plan associated with a 52073  
hospital with a medical residency training program in which 52074  
physician members may provide a variety of specialty services and 52075  
provide professional services both within and outside the group, 52076  
as well as perform other tasks such as research, the criteria in 52077  
division (E)(1) of this section apply only with respect to 52078  
services rendered within the faculty practice plan. 52079

(F) "Home health care services" and "immediate family" have 52080  
the same meanings as in the rules adopted under section 4731.70 of 52081  
the Revised Code. 52082

(G) "Hospital" has the same meaning as in section 3727.01 of 52083  
the Revised Code. 52084

(H) A "referral" includes both of the following:	52085
(1) A request by a holder of a certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;	52086 52087 52088 52089
(2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services.	52090 52091 52092
(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	52093 52094
<b>Sec. 4731.71.</b> The auditor of state may implement procedures to detect violations of section 4731.66 or 4731.69 of the Revised Code within governmental health care programs administered by the state. The auditor of state shall report any violation of either section to the state medical board and shall certify to the attorney general in accordance with section 131.02 of the Revised Code the amount of any refund owed to a state-administered governmental health care program under section 4731.69 of the Revised Code as a result of a violation. If a refund is owed to the medical assistance program established under Chapter 5111. of the Revised Code or the disability <del>assistance</del> medical assistance program established under Chapter 5115. of the Revised Code, the auditor of state also shall report the amount to the department of commerce.	52095 52096 52097 52098 52099 52100 52101 52102 52103 52104 52105 52106 52107 52108
The state medical board also may implement procedures to detect violations of section 4731.66 or 4731.69 of the Revised Code.	52109 52110 52111
<b>Sec. 4734.15.</b> (A) The license provided for in this chapter shall entitle the holder thereof to practice chiropractic in this state. All of the following apply to the practice of chiropractic	52112 52113 52114

in this state: 52115

(1) A chiropractor is authorized to examine, diagnose, and 52116  
assume responsibility for the care of patients, any or all of 52117  
which is included in the practice of chiropractic. 52118

(2) The practice of chiropractic does not permit the 52119  
chiropractor to treat infectious, contagious, or venereal disease, 52120  
to perform surgery or acupuncture, or to prescribe or administer 52121  
drugs for treatment. 52122

(3) A chiropractor may use roentgen rays only for diagnostic 52123  
purposes. 52124

(4) The practice of chiropractic does not include the 52125  
performance of abortions. 52126

(B) An individual holding a valid, current license to 52127  
practice chiropractic is entitled to use the title "doctor," 52128  
"doctor of chiropractic," "chiropractic physician," or 52129  
"chiropractic" and is a "physician" for the purposes of Chapter 52130  
4123. of the Revised Code ~~and the medicaid program operated~~ 52131  
~~pursuant to Chapter 5111. of the Revised Code.~~ 52132

**Sec. 4736.12.** (A) The state board of sanitarian registration 52133  
shall charge the following fees: 52134

(1) To apply as a sanitarian-in-training, ~~fifty-seven~~ 52135  
seventy-five dollars; 52136

(2) For sanitarians-in-training to apply for registration as 52137  
sanitarians, ~~fifty-seven~~ seventy-five dollars. The applicant shall 52138  
pay this fee only once regardless of the number of times the 52139  
applicant takes an examination required under section 4736.08 of 52140  
the Revised Code. 52141

(3) For persons other than sanitarians-in-training to apply 52142  
for registration as sanitarians, including persons meeting the 52143

requirements of section 4736.16 of the Revised Code, one hundred 52144  
~~fourteen~~ fifty dollars. The applicant shall pay this fee only once 52145  
regardless of the number of times the applicant takes an 52146  
examination required under section 4736.08 of the Revised Code. 52147

(4) The renewal fee for registered sanitarians shall be ~~fixed~~ 52148  
~~by the board and shall not exceed sixty one~~ sixty-nine dollars. 52149

(5) The renewal fee for sanitarians-in-training shall be 52150  
~~fixed by the board and shall not exceed sixty one~~ sixty-nine 52151  
dollars. 52152

(6) For late application for renewal, twenty-five dollars. 52153

The board of sanitarian registration, with the approval of 52154  
the controlling board, may establish fees in excess of the amounts 52155  
provided in this section, provided that such fees do not exceed 52156  
the amounts permitted by this section by more than fifty per cent. 52157

(B) The board of sanitarian registration shall charge 52158  
separate fees for examinations as required by section 4736.08 of 52159  
the Revised Code, provided that the fees are not in excess of the 52160  
actual cost to the board of conducting the examinations. 52161

(C) The board of sanitarian registration may adopt rules 52162  
establishing fees for all of the following: 52163

(1) Application for the registration of a training agency 52164  
approved under rules adopted by the board pursuant to section 52165  
4736.11 of the Revised Code and for the annual registration 52166  
renewal of an approved training agency. 52167

(2) Application for the review of continuing education hours 52168  
submitted for the board's approval by approved training agencies 52169  
or by registered sanitarians or sanitarians-in-training. 52170

**Sec. 4743.05.** Except as otherwise provided in sections 52171  
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 52172  
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 52173

4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 52174  
4741., 4753., 4755., 4757., 4758., 4759., ~~and 4761., 4771., and~~ 52175  
~~4779.~~ of the Revised Code, ~~and until December 31, 2004, money~~ 52176  
~~collected under Chapter 4779. of the Revised Code,~~ shall be paid 52177  
into the state treasury to the credit of the occupational 52178  
licensing and regulatory fund, which is hereby created for use in 52179  
administering such chapters. 52180

At the end of each quarter, the director of budget and 52181  
management shall transfer from the occupational licensing and 52182  
regulatory fund to the nurse education assistance fund created in 52183  
section 3333.28 of the Revised Code the amount certified to the 52184  
director under division (B) of section 4723.08 of the Revised 52185  
Code. 52186

At the end of each quarter, the director shall transfer from 52187  
the occupational licensing and regulatory fund to the certified 52188  
public accountant education assistance fund created in section 52189  
4701.26 of the Revised Code the amount certified to the director 52190  
under division (H)(2) of section 4701.10 of the Revised Code. 52191

**Sec. 4747.05.** (A) The hearing aid dealers and fitters 52192  
licensing board shall issue to each applicant, within sixty days 52193  
of receipt of a properly completed application and payment of two 52194  
hundred ~~fifty~~ sixty-two dollars, a hearing aid dealer's or 52195  
fitter's license if the applicant, if an individual: 52196

(1) Is at least eighteen years of age; 52197

(2) Is a person of good moral character; 52198

(3) Is free of contagious or infectious disease; 52199

(4) Has successfully passed a qualifying examination 52200  
specified and administered by the board. 52201

(B) If the applicant is a firm, partnership, association, or 52202  
corporation, the application, in addition to such information as 52203

the board requires, shall be accompanied by an application for a 52204  
license for each person, whether owner or employee, of the firm, 52205  
partnership, association, or corporation, who engages in dealing 52206  
in or fitting of hearing aids, or shall contain a statement that 52207  
such applications are submitted separately. No firm, partnership, 52208  
association, or corporation licensed pursuant to this chapter 52209  
shall permit any unlicensed person to sell or fit hearing aids. 52210

(C) Each license issued expires on the thirtieth day of 52211  
January of the year following that in which it was issued. 52212

**Sec. 4747.06.** (A) Each person engaged in the practice of 52213  
dealing in or fitting of hearing aids who holds a valid hearing 52214  
aid dealer's or fitter's license shall apply annually to the 52215  
hearing aid dealers and fitters licensing board for renewal of 52216  
such license under the standard renewal procedure specified in 52217  
Chapter 4745. of the Revised Code. The board shall issue to each 52218  
applicant, on proof of completion of the continuing education 52219  
required by division (B) of this section and payment of one 52220  
hundred ~~fifty~~ fifty-seven dollars on or before the first day of 52221  
February, one hundred ~~seventy-five~~ eighty-three dollars on or 52222  
before the first day of March, or two hundred ten dollars 52223  
thereafter, a renewed hearing aid dealer's or fitter's license. No 52224  
person who applies for renewal of a hearing aid dealer's or 52225  
fitter's license that has expired shall be required to take any 52226  
examination as a condition of renewal provided application for 52227  
renewal is made within two years of the date such license expired. 52228

(B) Each person engaged in the practice of dealing in or 52229  
fitting of hearing aids who holds a valid hearing aid dealer's or 52230  
fitter's license shall complete each year not less than ten hours 52231  
of continuing professional education approved by the board. On a 52232  
form provided by the board, the person shall certify to the board, 52233  
at the time of license renewal pursuant to division (A) of this 52234

section, that in the preceding year the person has completed 52235  
continuing education in compliance with this division and shall 52236  
submit any additional information required by rule of the board 52237  
regarding the continuing education. The board shall adopt rules in 52238  
accordance with Chapter 119. of the Revised Code establishing the 52239  
standards continuing education programs must meet to obtain board 52240  
approval and continuing education reporting requirements. 52241

Continuing education may be applied to meet the requirement 52242  
of this division if it is provided or certified by any of the 52243  
following: 52244

(1) The national institute of hearing instruments studies 52245  
committee of the international hearing society; 52246

(2) The American speech-language hearing association; 52247

(3) The American academy of audiology. 52248

The board may excuse persons licensed under this chapter, as 52249  
a group or as individuals, from all or any part of the 52250  
requirements of this division because of an unusual circumstance, 52251  
emergency, or special hardship. 52252

**Sec. 4747.07.** Each person who holds a hearing aid dealer's or 52253  
fitter's license and engages in the practice of dealing in and 52254  
fitting of hearing aids shall display such license in a 52255  
conspicuous place in the person's office or place of business at 52256  
all times. Each person who maintains more than one office or place 52257  
of business shall post a duplicate copy of the license at each 52258  
location. The hearing aid dealers and fitters licensing board 52259  
shall issue duplicate copies of a license upon receipt of a 52260  
properly completed application and payment of ~~fifteen~~ sixteen 52261  
dollars for each copy requested. 52262

**Sec. 4747.10.** Each person currently engaged in training to 52263  
become a licensed hearing aid dealer or fitter shall apply to the 52264

hearing aid dealers and fitters licensing board for a hearing aid 52265  
dealer's and fitter's trainee permit. The board shall issue to 52266  
each applicant within thirty days of receipt of a properly 52267  
completed application and payment of one hundred fifty dollars, a 52268  
trainee permit if such applicant is: 52269

(A) At least eighteen years of age; 52270

(B) The holder of a diploma from an accredited high school, 52271  
or possesses an equivalent education; 52272

(C) A person of good moral character; 52273

(D) Free of contagious or infectious disease. 52274

Each trainee permit issued by the board expires one year from 52275  
the date it was first issued, and may be renewed once if the 52276  
trainee has not successfully completed the qualifying requirements 52277  
for licensing as a hearing aid dealer or fitter before the 52278  
expiration date of such permit. The board shall issue a renewed 52279  
permit to each applicant upon receipt of a properly completed 52280  
application and payment of one hundred five dollars. No person 52281  
holding a trainee permit shall engage in the practice of dealing 52282  
in or fitting of hearing aids except while under supervision by a 52283  
licensed hearing aid dealer or fitter. 52284

**Sec. 4751.06.** (A) An applicant for licensure as a nursing 52285  
home administrator who has successfully completed the requirements 52286  
of section 4751.05 of the Revised Code, passed the examination 52287  
administered by the board of examiners of nursing home 52288  
administrators or a government or private entity under contract 52289  
with the board, and paid to the board an original license fee of 52290  
two hundred ~~ten~~ fifty dollars shall be issued a license on a form 52291  
provided by the board. Such license shall certify that the 52292  
applicant has met the licensure requirements of Chapter 4751. of 52293  
the Revised Code and is entitled to practice as a licensed nursing 52294

home administrator. 52295

(B) A temporary license for a period not to exceed one 52296  
hundred eighty days may be issued to an individual temporarily 52297  
filling the position of a nursing home administrator vacated by 52298  
reason of death, illness, or other unexpected cause, pursuant to 52299  
regulations adopted by the board. 52300

(C) The fee for a temporary license is one hundred dollars. 52301  
Said fee must accompany the application for the temporary license. 52302

(D) Any license or temporary license issued by the board 52303  
pursuant to this section shall be under the hand of the 52304  
chairperson and the secretary of the board. 52305

(E) A duplicate of the original certificate of registration 52306  
or license may be secured to replace one that has been lost or 52307  
destroyed by submitting to the board a notarized statement 52308  
explaining the conditions of the loss, mutilation, or destruction 52309  
of the certificate or license and by paying a fee of twenty-five 52310  
dollars. 52311

(F) A duplicate certificate of registration and license may 52312  
be issued in the event of a legal change of name by submitting to 52313  
the board a certified copy of the court order or marriage license 52314  
establishing the change of name, by returning at the same time the 52315  
original license and certificate of registration, and by paying a 52316  
fee of twenty-five dollars. 52317

**Sec. 4751.07.** (A) Every individual who holds a valid license 52318  
as a nursing home administrator issued under division (A) of 52319  
section 4751.06 of the Revised Code, shall immediately upon 52320  
issuance thereof be registered with the board of examiners of 52321  
nursing home administrators and be issued a certificate of 52322  
registration. Such individual shall annually apply to the board 52323  
for a new certificate of registration on forms provided for such 52324

purpose prior to the expiration of the certificate of registration 52325  
and shall at the same time submit satisfactory evidence to the 52326  
board of having attended such continuing education programs or 52327  
courses of study as may be prescribed in rules adopted by the 52328  
board. 52329

(B) Upon making an application for a new certificate of 52330  
registration such individual shall pay the annual registration fee 52331  
of two hundred ~~ten~~ fifty dollars. 52332

(C) Upon receipt of such application for registration and the 52333  
registration fee required by divisions (A) and (B) of this 52334  
section, the board shall issue a certificate of registration to 52335  
such nursing home administrator. 52336

(D) The license of a nursing home administrator who fails to 52337  
comply with this section shall automatically lapse. 52338

(E) A nursing home administrator who has been licensed and 52339  
registered in this state who determines to temporarily abandon the 52340  
practice of nursing home administration shall notify the board in 52341  
writing immediately; provided, that such individual may thereafter 52342  
register to resume the practice of nursing home administration 52343  
within the state upon complying with the requirements of this 52344  
section regarding annual registration. 52345

(F) Only an individual who has qualified as a licensed and 52346  
registered nursing home administrator under Chapter 4751. of the 52347  
Revised Code and the rules adopted thereunder, and who holds a 52348  
valid current registration certificate pursuant to this section, 52349  
may use the title "nursing home administrator," or the 52350  
abbreviation "N.H.A." after the individual's name. No other person 52351  
shall use such title or such abbreviation or any other words, 52352  
letters, sign, card, or device tending to indicate or to imply 52353  
that the person is a licensed and registered nursing home 52354  
administrator. 52355

(G) Every person holding a valid license entitling the person to practice nursing home administration in this state shall display said license in the nursing home which is the person's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current registration certificate.

(H) Every person holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.

**Sec. 4759.08.** (A) The Ohio board of dietetics shall charge and collect fees as described in this section for issuing the following:

(1) An application for an initial dietitian license, or an application for ~~reinstatement~~ reactivation of an inactive license, one hundred ~~ten~~ twenty-five dollars, and for reinstatement of a lapsed, revoked, or suspended license, one hundred ~~sixty-five~~ eighty dollars;

(2) License renewal, ~~eighty~~ ninety-five dollars;

(3) A limited permit, and renewal of the permit, ~~fifty-five~~ sixty-five dollars;

(4) A duplicate license or permit, twenty dollars;

(5) For processing a late application for renewal of any license or permit, an additional fee equal to fifty per cent of the fee for the renewal.

(B) The board shall not require a licensed dietitian holding an inactive license to pay the renewal fee.

(C) Subject to the approval of the controlling board, the Ohio board of dietetics may establish fees in excess of the amounts provided in division (A) of this section, provided that the fees do not exceed the amounts by greater than fifty per cent.

(D) The board may adopt rules pursuant to Chapter 119. of the Revised Code to waive all or part of the fee for an initial license if the license is issued within one hundred days of the date of expiration of the license.

(E) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the chairperson or secretary of the board, or both, as authorized by the board.

**Sec. 4771.22.** The Ohio athletic commission shall deposit all money it receives under this chapter to the credit of the ~~athlete agents registration~~ occupational licensing and regulatory fund, ~~which is hereby created in the state treasury. The commission shall use the fund to administer and enforce this chapter under section 4743.05 of the Revised Code.~~

**Sec. 4779.08.** (A) The state board of orthotics, prosthetics, and pedorthics shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing all of the following:

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;

(3) The form, scoring, and scheduling of licensing examinations;

(4) Fees for examinations and applications for licensure and license renewal;

(5) Fees for approval of continuing education courses;

(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	52415 52416
(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;	52417 52418
(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	52419 52420
(9) Fines for violations of this chapter;	52421
(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	52422 52423 52424
(11) Standards for continuing education programs required for license renewal;	52425 52426
(12) Provisions for making available the information described in section 4779.22 of the Revised Code.	52427 52428
(B) The board may adopt any other rules necessary for the administration of this chapter.	52429 52430
(C) The fees prescribed by this section shall be paid to the treasurer of state, who shall <del>from the effective date of this</del> <del>section until December 31, 2004,</del> deposit the fees in the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	52431 52432 52433 52434 52435
<b>Sec. 4779.17.</b> The state board of orthotics, prosthetics, and pedorthics shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics without examination to an applicant who meets all of the following requirements:	52436 52437 52438 52439 52440
(A) Applies to the board in accordance with section 4779.09 of the Revised Code;	52441 52442
(B) Holds a license to practice orthotics, prosthetics,	52443

orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;	52444 52445
(C) One of the following applies:	52446
(1) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.10 of the Revised Code.	52447 52448 52449
(2) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.11 of the Revised Code.	52450 52451 52452
(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.12 of the Revised Code.	52453 52454 52455
(4) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.	52456 52457 52458
(D) The fees prescribed by this section shall be paid to the treasurer of state, who shall <del>from the effective date of this section until December 31, 2004,</del> deposit the fees in the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	52459 52460 52461 52462 52463
<b>Sec. 4779.18.</b> (A) The state board of orthotics, prosthetics, and pedorthics shall issue a temporary license to an individual who meets all of the following requirements:	52464 52465 52466
(1) Applies to the board in accordance with rules adopted under section 4779.08 of the Revised Code and pays the application fee specified in the rules;	52467 52468 52469
(2) Is eighteen years of age or older;	52470
(3) Is of good moral character;	52471
(4) One of the following applies:	52472

(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.10 of the Revised Code.	52473 52474 52475
(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.11 of the Revised Code.	52476 52477 52478
(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.12 of the Revised Code.	52479 52480 52481
(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.	52482 52483 52484
(B) A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code.	52485 52486 52487
An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice.	52488 52489 52490 52491 52492
(C) The fees prescribed by this section shall be paid to the treasurer of state, who shall <del>from the effective date of this section until December 31, 2004,</del> deposit the fees in the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	52493 52494 52495 52496 52497
<b>Sec. 4903.24.</b> If the public utilities commission finds after investigating that any rate, joint rate, fare, charge, toll, rental, schedule, or classification of service is unjust, unreasonable, insufficient, unjustly discriminatory, unjustly preferential, or in violation of law, or that any service is	52498 52499 52500 52501 52502

inadequate or cannot be obtained, the public utility found to be 52503  
at fault shall pay the expenses incurred by the commission upon 52504  
such investigation. 52505

All fees, expenses, and costs of, or in connection with, any 52506  
hearing or investigation may be imposed by the commission upon any 52507  
party to the record or may be divided among any parties to the 52508  
record in such proportion as the commission determines. 52509

All fees, expenses, and costs authorized and collected under 52510  
this section shall be deposited to the credit of the special 52511  
assessment fund, which is hereby created in the state treasury. 52512  
Money in the fund shall be used by the commission for the purpose 52513  
of covering the costs of any investigations or hearings it orders 52514  
regarding any public utility. 52515

**Sec. 4905.79.** Any telephone company, as defined in ~~division~~ 52516  
~~(D)(2) of~~ section 5727.01 of the Revised Code, that is required to 52517  
provide any telephone service program implemented after March 27, 52518  
1991, to aid the communicatively impaired in accessing the 52519  
telephone network shall be allowed a tax credit for the costs of 52520  
any such program under section ~~5727.44~~ 5733.56 of the Revised 52521  
Code. Relative to any such program, the public utilities 52522  
commission, in accordance with its rules, shall allow interested 52523  
parties to intervene and participate in any proceeding or part of 52524  
a proceeding brought before the commission pursuant to this 52525  
section. The commission shall adopt rules it considers necessary 52526  
to carry out this section. 52527

**Sec. 4905.91.** For the purpose of protecting the public safety 52528  
with respect to intrastate pipe-line transportation by any 52529  
operator: 52530

(A) The public utilities commission shall: 52531

(1) Adopt, and may amend or rescind, rules to carry out 52532

sections 4905.90 to 4905.96 of the Revised Code, including rules 52533  
concerning pipe-line safety, drug testing, and enforcement 52534  
procedures. The commission shall adopt these rules only after 52535  
notice and opportunity for public comment. The rules adopted under 52536  
this division and any orders issued under sections 4905.90 to 52537  
4905.96 of the Revised Code constitute the pipe-line safety code. 52538  
The commission shall administer and enforce that code. 52539

(2) Make certifications and reports to the United States 52540  
department of transportation as required under the Natural Gas 52541  
Pipeline Safety Act. 52542

(B) The commission may: 52543

(1) Investigate any service, act, practice, policy, or 52544  
omission by any operator to determine its compliance with sections 52545  
4905.90 to 4905.96 of the Revised Code and the pipe-line safety 52546  
code; 52547

(2) Investigate any intrastate pipe-line transportation 52548  
facility to determine if it is hazardous to life or property, as 52549  
provided in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1679b(b)(2) and 52550  
(3); 52551

(3) Investigate the existence or report of any safety-related 52552  
condition that involves any intrastate pipe-line transportation 52553  
facility; 52554

(4) Enter into and perform contracts or agreements with the 52555  
United States department of transportation to inspect interstate 52556  
transmission facilities pursuant to the Natural Gas Pipeline 52557  
Safety Act; 52558

(5) Accept grants-in-aid, ~~funds~~ cash, and reimbursements 52559  
provided for or made available to this state by the federal 52560  
government to carry out the Natural Gas Pipeline Safety Act or to 52561  
enforce sections 4905.90 to 4905.96 of the Revised Code and the 52562  
pipe-line safety code. All such grants-in-aid, cash, and 52563

reimbursements shall be deposited to the credit of the gas 52564  
pipe-line safety fund, which is hereby created in the state 52565  
treasury, to be used by the commission for the purpose of carrying 52566  
out this section. 52567

(C) The commission's regulation of gathering lines shall 52568  
conform to the regulation of gathering lines in 49 C.F.R. ~~parts~~ 52569  
192 and 199, as amended, and the commission's annual certification 52570  
agreements with the United States department of transportation, 52571  
except that rule 4901:1-16-03, paragraph (D) of rule 4901:1-16-05, 52572  
and rule 4901:1-16-06 of the Ohio Administrative Code shall also 52573  
apply to gathering lines. The procedural rules under chapter 52574  
4901:1-16 of the Ohio Administrative Code shall also apply to 52575  
operators of gathering lines. 52576

**Sec. 4919.79.** (A) The public utilities commission may adopt 52577  
safety rules applicable to the highway transportation and offering 52578  
for transportation of hazardous materials in interstate commerce, 52579  
which highway transportation takes place into or through this 52580  
state. 52581

(B) The commission may adopt safety rules applicable to the 52582  
highway transportation of persons or property in interstate 52583  
commerce, which transportation takes place into or through this 52584  
state. 52585

(C) Rules adopted under divisions (A) and (B) of this section 52586  
shall be consistent with, and equivalent in scope, coverage, and 52587  
content to, the "Hazardous Materials Transportation Act," 88 Stat. 52588  
2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 52589  
under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 52590  
2832, 49 U.S.C.A. 2501, and regulations adopted under it, 52591  
respectively. No person shall violate a rule adopted under 52592  
division (A) or (B) of this section or any order of the commission 52593  
issued to secure compliance with any such rule. 52594

(D) The commission shall cooperate with, and permit the use of, the services, records, and facilities of the commission as fully as practicable by appropriate officers of the interstate commerce commission, the United States department of transportation, and other federal agencies or commissions and appropriate commissions of other states in the enforcement and administration of state and federal laws relating to highway transportation by motor vehicles. The commission may enter into cooperative agreements with the interstate commerce commission, the United States department of transportation, and any other federal agency or commission to enforce the economic and safety laws and rules of this state and of the United States concerning highway transportation by motor vehicles. All grants-in-aid, cash, and reimbursements received by the commission pursuant to those cooperative agreements shall be deposited to the credit of the motor carrier safety fund, which is hereby created in the state treasury, to be used by the commission for the purpose of carrying out this section.

(E) To achieve the purposes of this section, the commission may, through its inspectors or other authorized employees, inspect any vehicles of carriers of persons or property in interstate commerce subject to the safety rules prescribed by this section and may enter upon the premises and vehicles of such carriers to examine any of the carriers' records or documents that relate to the safety of operation of such carriers. In order to assist the commission in the performance of its duties under this section, authorized employees of the commercial motor vehicle safety enforcement unit, division of state highway patrol, of the department of public safety may enter in or upon, for purposes of inspection, any vehicle of any such carrier.

In order to inspect motor vehicles owned or operated by private motor carriers of persons, authorized employees of the

commercial motor vehicle safety enforcement unit, division of 52627  
state highway patrol, of the department of public safety may enter 52628  
in or upon the premises of any private carrier of persons in 52629  
interstate commerce, subject to the safety rules prescribed by 52630  
this section. 52631

**Sec. 4931.45.** (A) A final plan may be amended to expand the 52632  
territory included in the countywide 9-1-1 system, to upgrade any 52633  
part or all of a system from basic 9-1-1 to enhanced 9-1-1 52634  
service, to adjust the territory served by a public safety 52635  
answering point, to represcribe the funding of public safety 52636  
answering points as between the alternatives set forth in division 52637  
(B)(5) of section 4931.43 of the Revised Code, or to make any 52638  
other necessary adjustments to the plan only by convening a new 52639  
9-1-1 planning committee, and adopting an amended final plan. The 52640  
convening of a new 9-1-1 planning committee and the proposal and 52641  
adoption of an amended final plan shall be made in the same manner 52642  
required for the convening of an initial committee and adoption of 52643  
an original proposed and final plan under sections 4931.42 to 52644  
4931.44 of the Revised Code. Adoption of any resolution under 52645  
section 4931.51 of the Revised Code pursuant to a final plan that 52646  
both has been adopted and provides for funding through charges 52647  
imposed under that section is not an amendment of a final plan for 52648  
the purpose of this division. 52649

(B) When a final plan is amended to expand the territory that 52650  
receives 9-1-1 service or to upgrade a 9-1-1 system from basic to 52651  
enhanced 9-1-1 service, ~~the provisions of~~ sections 4931.47 and 52652  
~~5727.39~~ 5733.55 of the Revised Code apply with respect to the 52653  
telephone company's recovery of the nonrecurring and recurring 52654  
rates and charges for the telephone network portion of the system. 52655

**Sec. 4931.47.** (A) In accordance with Chapters 4901., 4903., 52656  
4905., 4909., and 4931. of the Revised Code, the public utilities 52657

commission shall determine the just, reasonable, and compensatory 52658  
rates, tolls, classifications, charges, or rentals to be observed 52659  
and charged for the telephone network portion of a basic and 52660  
enhanced 9-1-1 system, and each telephone company participating in 52661  
the system shall be subject to such chapters, to the extent they 52662  
apply, as to the service provided by its portion of the telephone 52663  
network system as described in the final plan or to be installed 52664  
pursuant to agreements under section 4931.48 of the Revised Code, 52665  
and as to the rates, tolls, classifications, charges, or rentals 52666  
to be observed and charged for that service. 52667

(B) Only the customers of a participating telephone company 52668  
that are served within the area covered by a 9-1-1 system shall 52669  
pay the recurring rates for the maintenance and operation of the 52670  
telephone network in providing 9-1-1 service. Such rates shall be 52671  
computed by dividing the total monthly recurring rates set forth 52672  
in a telephone company's schedule as filed in accordance with 52673  
section 4905.30 of the Revised Code, by the total number of 52674  
residential and business customer access lines, or their 52675  
equivalent, within the area served. Each residential and business 52676  
customer within the area served shall pay the recurring rates 52677  
based on the number of its residential and business customer 52678  
access lines or their equivalent. No company may include such 52679  
amount on any customer's bill until the company has completed its 52680  
portion of the telephone network in accordance with the terms, 52681  
conditions, requirements, and specifications of the final plan or 52682  
an agreement made under section 4931.48 of the Revised Code. 52683

(C)(1) Except as otherwise provided in division (C)(2) of 52684  
this section, the total nonrecurring charges for the telephone 52685  
network used in providing 9-1-1 service, as set forth in the 52686  
schedule filed by a telephone company in accordance with section 52687  
4905.30 of the Revised Code, on completion of the installation of 52688  
the network in accordance with the terms, conditions, 52689

requirements, and specifications of the final plan or pursuant to 52690  
section 4931.48 of the Revised Code shall be recovered by the 52691  
company through the credit authorized by section ~~5727.39~~ 5733.55 52692  
of the Revised Code. 52693

(2) The credit shall not be allowed for upgrading of a system 52694  
from basic to enhanced 9-1-1 service when: 52695

(a) The telephone company received the credit for the 52696  
telephone network portion of the basic 9-1-1 system now proposed 52697  
to be upgraded; and 52698

(b) At the time the final plan or agreement pursuant to 52699  
section 4931.48 of the Revised Code calling for the basic 9-1-1 52700  
system was agreed to, the telephone company was capable of 52701  
reasonably meeting the technical and economic requirements of 52702  
providing the telephone network portion of an enhanced 9-1-1 52703  
system within the territory proposed to be upgraded, as determined 52704  
by the public utilities commission under division (A) or (H) of 52705  
section 4931.41 or division (C) of section 4931.48 of the Revised 52706  
Code. 52707

(3) When the credit is not allowed under division (C)(2) of 52708  
this section, the total nonrecurring charges for the telephone 52709  
network used in providing 9-1-1 service, as set forth in the 52710  
schedule filed by a telephone company in accordance with section 52711  
4905.30 of the Revised Code, on completion of the installation of 52712  
the network in accordance with the terms, conditions, 52713  
requirements, and specifications of the final plan or pursuant to 52714  
section 4931.48 of the Revised Code, shall be paid by the 52715  
municipal corporations and townships with any territory in the 52716  
area in which such upgrade from basic to enhanced 9-1-1 service is 52717  
made. 52718

(D) Where customer premises equipment for a public safety 52719  
answering point is supplied by a telephone company that is 52720

required to file a schedule under section 4905.30 of the Revised Code pertaining to customer premises equipment, the recurring and nonrecurring rates and charges for the installation and maintenance of the equipment specified in the schedule shall apply.

**Sec. 4931.48.** (A) If a final plan is disapproved under division (B) of section 4931.44 of the Revised Code, by resolution, the legislative authority of a municipal corporation or township that contains at least thirty per cent of the county's population may establish within its boundaries, or the legislative authorities of a group of municipal corporations or townships each of which is contiguous with at least one other such municipal corporation or township in the group, together containing at least thirty per cent of the county's population, may jointly establish within their boundaries a 9-1-1 system. For this purpose, the municipal corporation or township may enter into an agreement, and the contiguous municipal corporations or townships may jointly enter into an agreement with a telephone company providing service in the municipal corporations or townships to provide for the telephone network portion of the system.

(B) If no resolution has been adopted to convene a 9-1-1 planning committee under section 4931.42 of the Revised Code, but not sooner than eighteen months after the effective date of such section, by resolution, the legislative authority of any municipal corporation in the county may establish within its boundaries, or the legislative authorities of a group of municipal corporations and townships each of which is contiguous to at least one of the other such municipal corporations or townships in the group may jointly establish within their boundaries, a 9-1-1 system. The municipal corporation or contiguous municipal corporations and townships, may enter into an agreement with a telephone company serving ~~customers~~ customers within the boundaries of the municipal

corporation or contiguous municipal corporations and townships, to 52753  
provide for the telephone network portion of a 9-1-1 system. 52754

(C) Whenever a telephone company and one or more municipal 52755  
corporations and townships enter into an agreement under this 52756  
section to provide for the telephone network portion of a basic 52757  
9-1-1 system, the telephone company shall so notify the public 52758  
utilities commission, which shall determine whether the telephone 52759  
company is capable of reasonably meeting the technical and 52760  
economic requirements of providing the telephone network for an 52761  
enhanced system within the territory served by the company and 52762  
covered by the agreement. The determination shall be made solely 52763  
for the purposes of division (C)(2) of section 4931.47 of the 52764  
Revised Code. 52765

(D) Within three years from the date of entering into an 52766  
agreement under division (A) or (B) of this section, the telephone 52767  
company shall have installed the telephone network portion of the 52768  
9-1-1 system according to the terms, conditions, requirements, and 52769  
specifications set forth in the agreement. 52770

(E) The telephone company shall recover the cost of 52771  
installing the telephone network system pursuant to agreements 52772  
made under this section as provided in ~~sections~~ section 4931.47 52773  
~~and 5727.39~~ of the Revised Code, as authorized under section 52774  
5733.55 of the Revised Code. 52775

**Sec. 4973.17.** (A) Upon the application of any bank, building 52776  
and loan association, or association of banks or building and loan 52777  
associations in this state, the ~~governor~~ secretary of state may 52778  
appoint and commission any persons that the bank, building and 52779  
loan association, or association of banks or building and loan 52780  
associations designates, or as many of those persons as the 52781  
~~governor~~ secretary of state considers proper, to act as police 52782  
officers for and on the premises of that bank, building and loan 52783

association, or association of banks or building and loan 52784  
associations, or elsewhere, when directly in the discharge of 52785  
their duties. Police officers so appointed shall be citizens of 52786  
this state and of good character. They shall hold office for three 52787  
years, unless, for good cause shown, their commission is revoked 52788  
by the ~~governor~~ secretary of state, or by the bank, building and 52789  
loan association, or association of banks or building and loan 52790  
associations, as provided by law. 52791

(B) Upon the application of a company owning or using a 52792  
railroad in this state and subject to section 4973.171 of the 52793  
Revised Code, the ~~governor~~ secretary of state may appoint and 52794  
commission any persons that the railroad company designates, or as 52795  
many of those persons as the ~~governor~~ secretary of state considers 52796  
proper, to act as police officers for and on the premises of the 52797  
railroad company, its affiliates or subsidiaries, or elsewhere, 52798  
when directly in the discharge of their duties. Police officers so 52799  
appointed, within the time set by the Ohio peace officer training 52800  
commission, shall successfully complete a commission approved 52801  
training program and be certified by the commission. They shall 52802  
hold office for three years, unless, for good cause shown, their 52803  
commission is revoked by the ~~governor~~ secretary of state, or 52804  
railroad company, as provided by law. 52805

Any person holding a similar commission in another state may 52806  
be commissioned and may hold office in this state without 52807  
completing the approved training program required by this division 52808  
provided that ~~that~~ the person has completed a substantially 52809  
equivalent training program in the other state. The Ohio peace 52810  
officer training commission shall determine whether a training 52811  
program in another state meets the requirements of this division. 52812

(C) Upon the application of any company under contract with 52813  
the United States atomic energy commission for the construction or 52814  
operation of a plant at a site owned by ~~such~~ the commission, the 52815

~~governor~~ secretary of state may appoint and commission ~~such~~ 52816  
persons ~~as~~ the company designates, not to exceed one hundred 52817  
fifty, to act as police officers for the company at the plant or 52818  
site owned by ~~such~~ the commission. Police officers so appointed 52819  
shall be citizens of this state and of good character. They shall 52820  
hold office for three years, unless, for good cause shown, their 52821  
commission is revoked by the ~~governor~~ secretary of state or by the 52822  
company, as provided by law. 52823

(D)(1) Upon the application of any hospital that is operated 52824  
by a public hospital agency or a nonprofit hospital agency and 52825  
that employs and maintains its own proprietary police department 52826  
or security department and subject to section 4973.171 of the 52827  
Revised Code, the ~~governor~~ secretary of state may appoint and 52828  
commission any persons that the hospital designates, or as many of 52829  
those persons as the ~~governor~~ secretary of state considers proper, 52830  
to act as police officers for the hospital. No person who is 52831  
appointed as a police officer under this division shall engage in 52832  
any duties or activities as a police officer for the hospital or 52833  
any affiliate or subsidiary of the hospital unless all of the 52834  
following apply: 52835

(a) The chief of police of the municipal corporation in which 52836  
the hospital is located, or, if the hospital is located in the 52837  
unincorporated area of a county, the sheriff of that county, has 52838  
granted approval to the hospital to permit persons appointed as 52839  
police officers under this division to engage in those duties and 52840  
activities. The approval required by this division is general in 52841  
nature and is intended to cover in the aggregate all persons 52842  
appointed as police officers for the hospital under this division; 52843  
a separate approval is not required for each appointee on an 52844  
individual basis. 52845

(b) Subsequent to the grant of approval described in division 52846  
(D)(1)(a) of this section, the hospital has entered into a written 52847

agreement with the chief of police of the municipal corporation in 52848  
which the hospital is located, or, if the hospital is located in 52849  
the unincorporated area of a county, with the sheriff of that 52850  
county, that sets forth the standards and criteria to govern the 52851  
interaction and cooperation between persons appointed as police 52852  
officers for the hospital under this division and law enforcement 52853  
officers serving the agency represented by the chief of police or 52854  
sheriff who signed the agreement in areas of their concurrent 52855  
jurisdiction. The written agreement shall be signed by the 52856  
appointing authority of the hospital and by the chief of police or 52857  
sheriff. The standards and criteria may include, but are not 52858  
limited to, provisions governing the reporting of offenses 52859  
discovered by hospital police officers to the agency represented 52860  
by the chief of police or sheriff, provisions governing 52861  
investigatory responsibilities relative to offenses committed on 52862  
hospital property, and provisions governing the processing and 52863  
confinement of persons arrested for offenses committed on hospital 52864  
property. The agreement required by this division is intended to 52865  
apply in the aggregate to all persons appointed as police officers 52866  
for the hospital under this division; a separate agreement is not 52867  
required for each appointee on an individual basis. 52868

(c) The person has successfully completed a training program 52869  
approved by the Ohio peace officer training commission and has 52870  
been certified by the commission. A person appointed as a police 52871  
officer under this division may attend a training program approved 52872  
by the commission and be certified by the commission regardless of 52873  
whether the appropriate chief of police or sheriff has granted the 52874  
approval described in division (D)(1)(a) of this section and 52875  
regardless of whether the hospital has entered into the written 52876  
agreement described in division (D)(1)(b) of this section with the 52877  
appropriate chief of police or sheriff. 52878

(2)(a) A person who is appointed as a police officer under 52879

division (D)(1) of this section is entitled, upon the grant of 52880  
approval described in division (D)(1)(a) of this section and upon 52881  
~~that~~ the person's and the hospital's compliance with the 52882  
requirements of divisions (D)(1)(b) and (c) of this section, to 52883  
act as a police officer for the hospital on the premises of the 52884  
hospital and of its affiliates and subsidiaries that are within 52885  
the territory of the municipal corporation served by the chief of 52886  
police or the unincorporated area of the county served by the 52887  
sheriff who signed the written agreement described in division 52888  
(D)(1)(b) of this section, whichever is applicable, and anywhere 52889  
else within the territory of that municipal corporation or within 52890  
the unincorporated area of that county. The authority to act as a 52891  
police officer as described in this division is granted only if 52892  
the person, when engaging in that activity, is directly in the 52893  
discharge of ~~that~~ the person's duties as a police officer for the 52894  
hospital. The authority to act as a police officer as described in 52895  
this division shall be exercised in accordance with the standards 52896  
and criteria set forth in the written agreement described in 52897  
division (D)(1)(b) of this section. 52898

(b) Additionally, a person appointed as a police officer 52899  
under division (D)(1) of this section is entitled, upon the grant 52900  
of approval described in division (D)(1)(a) of this section and 52901  
upon ~~that~~ the person's and the hospital's compliance with the 52902  
requirements of divisions (D)(1)(b) and (c) of this section, to 52903  
act as a police officer elsewhere, within the territory of a 52904  
municipal corporation or within the unincorporated area of a 52905  
county, if the chief of police of that municipal corporation or 52906  
the sheriff of that county, respectively, has granted approval for 52907  
that activity to the hospital, police department, or security 52908  
department served by the person as a police officer and if the 52909  
person, when engaging in that activity, is directly in the 52910  
discharge of ~~that~~ the person's duties as a police officer for the 52911  
hospital. The approval described in this division may be general 52912

in nature or may be limited in scope, duration, or applicability, 52913  
as determined by the chief of police or sheriff granting the 52914  
approval. 52915

(3) Police officers appointed under division (D)(1) of this 52916  
section shall hold office for three years, unless, for good cause 52917  
shown, their commission is revoked by the ~~governor~~ secretary of 52918  
state or by the hospital, as provided by law. As used in divisions 52919  
(D)(1) to (3) of this section, "public hospital agency" and 52920  
"nonprofit hospital agency" have the same ~~meaning~~ meanings as in 52921  
section 140.01 of the Revised Code. 52922

(E) A fee of ~~five~~ fifteen dollars for each commission applied 52923  
for under this section shall be paid at the time the application 52924  
is made, and this amount shall be returned if for any reason a 52925  
commission is not issued. 52926

**Sec. 4981.20.** (A) Any real or personal property, or both, of 52927  
the Ohio rail development commission that is acquired, 52928  
constructed, reconstructed, enlarged, improved, furnished, or 52929  
equipped, or any combination thereof, and leased or subleased 52930  
under authority of sections 4981.11 to 4981.26 of the Revised Code 52931  
shall be subject to ad valorem, sales, use, and franchise taxes 52932  
and to zoning, planning, and building regulations and fees, to the 52933  
same extent and in the same manner as if the lessee-user or 52934  
sublessee-user thereof, rather than the issuer, had acquired, 52935  
constructed, reconstructed, enlarged, improved, furnished, or 52936  
equipped, or any combination thereof, such real or personal 52937  
property, and title thereto was in the name of such lessee-user or 52938  
sublessee-user. 52939

The transfer of tangible personal property by lease or 52940  
sublease under authority of sections 4981.11 to 4981.26 of the 52941  
Revised Code is not a sale as used in Chapter 5739. of the Revised 52942  
Code. The exemptions provided in divisions (B)(1) and ~~(14)~~(13) of 52943

section 5739.02 of the Revised Code shall not be applicable to 52944  
purchases for a project under sections 4981.11 to 4981.26 of the 52945  
Revised Code. 52946

The issuer shall be exempt from all taxes on its real or 52947  
personal property, or both, which has been acquired, constructed, 52948  
reconstructed, enlarged, improved, furnished, or equipped, or any 52949  
combination thereof, under sections 4981.11 to 4981.26 of the 52950  
Revised Code so long as such property is used by the issuer for 52951  
purposes which would otherwise exempt such property; has ceased to 52952  
be used by a former lessee-user or sublessee-user and is not 52953  
occupied or used; or has been acquired by the issuer but 52954  
development has not yet commenced. The exemption shall be 52955  
effective as of the date the exempt use begins. All taxes on the 52956  
exempt real or personal property for the year should be prorated 52957  
and the taxes for the exempt portion of the year shall be remitted 52958  
by the county auditor. 52959

(B) Bonds issued under sections 4981.11 to 4981.26 of the 52960  
Revised Code, the transfer thereof, and the interest and other 52961  
income from the bonds, including any profit made on the sale 52962  
thereof, are free from taxation within the state. 52963

**Sec. 5101.11.** This section does not apply to contracts 52964  
entered into under section ~~5111.022~~, 5111.90~~7~~ or 5111.91 of the 52965  
Revised Code. 52966

(A) As used in this section: 52967

(1) "Entity" includes an agency, board, commission, or 52968  
department of the state or a political subdivision of the state; a 52969  
private, nonprofit entity; a school district; a private school; or 52970  
a public or private institution of higher education. 52971

(2) "Federal financial participation" means the federal 52972  
government's share of expenditures made by an entity in 52973

implementing a program administered by the department of job and family services. 52974  
52975

(B) At the request of any public entity having authority to 52976  
implement a program administered by the department of job and 52977  
family services or any private entity under contract with a public 52978  
entity to implement a program administered by the department, the 52979  
department may seek to obtain federal financial participation for 52980  
costs incurred by the entity. Federal financial participation may 52981  
be sought from programs operated pursuant to Title IV-A, Title 52982  
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 52983  
(1935), 42 U.S.C. 301, as amended; the "Food Stamp Act of 1964," 52984  
78 Stat. 703, 7 U.S.C. 2011, as amended; and any other statute or 52985  
regulation under which federal financial participation may be 52986  
available, except that federal financial participation may be 52987  
sought only for expenditures made with funds for which federal 52988  
financial participation is available under federal law. 52989

(C) All funds collected by the department of job and family 52990  
services pursuant to division (B) of this section shall be 52991  
distributed to the entities that incurred the costs, except for 52992  
any amounts retained by the department pursuant to division (D)(3) 52993  
of this section. 52994

(D) In distributing federal financial participation pursuant 52995  
to this section, the department may either enter into an agreement 52996  
with the entity that is to receive the funds or distribute the 52997  
funds in accordance with rules adopted under division (F) of this 52998  
section. If the department decides to enter into an agreement to 52999  
distribute the funds, the agreement may include terms that do any 53000  
of the following: 53001

(1) Provide for the whole or partial reimbursement of any 53002  
cost incurred by the entity in implementing the program; 53003

(2) In the event that federal financial participation is 53004

disallowed or otherwise unavailable for any expenditure, require 53005  
the department of job and family services or the entity, whichever 53006  
party caused the disallowance or unavailability of federal 53007  
financial participation, to assume responsibility for the 53008  
expenditures; 53009

(3) Permit the department to retain not more than five per 53010  
cent of the amount of the federal financial participation to be 53011  
distributed to the entity; 53012

(4) Require the public entity to certify the availability of 53013  
sufficient unencumbered funds to match the federal financial 53014  
participation it receives under this section; 53015

(5) Establish the length of the agreement, which may be for a 53016  
fixed or a continuing period of time; 53017

(6) Establish any other requirements determined by the 53018  
department to be necessary for the efficient administration of the 53019  
agreement. 53020

(E) An entity that receives federal financial participation 53021  
pursuant to this section for a program aiding children and their 53022  
families shall establish a process for collaborative planning with 53023  
the department of job and family services for the use of the funds 53024  
to improve and expand the program. 53025

(F) The director of job and family services shall adopt rules 53026  
as necessary to implement this section, including rules for the 53027  
distribution of federal financial participation pursuant to this 53028  
section. The rules shall be adopted in accordance with Chapter 53029  
119. of the Revised Code. The director may adopt or amend any 53030  
statewide plan required by the federal government for a program 53031  
administered by the department, as necessary to implement this 53032  
section. 53033

(G) Federal financial participation received pursuant to this 53034  
section shall not be included in any calculation made under 53035

section 5101.16 or 5101.161 of the Revised Code. 53036

Sec. 5101.12. The department of job and family services shall 53037  
maximize its receipt of federal revenue. In fulfilling this duty, 53038  
the department may enter into contracts to maximize federal 53039  
revenue without the expenditure of state money. In selecting 53040  
private entities with which to contract, the department shall 53041  
engage in a request for proposals process. The department, subject 53042  
to the approval of the controlling board, may also directly enter 53043  
into contracts with public entities providing revenue maximization 53044  
services. 53045

Each year in January and July, the department shall submit a 53046  
report to the office of budget and management outlining the 53047  
department's success in maximizing federal revenue. The office of 53048  
budget and management shall establish procedures and requirements 53049  
for preparing and submitting the reports and shall compile data 53050  
concerning the amount of federal revenue received by the 53051  
department. The department shall submit a copy of each of its 53052  
reports to the speaker and minority leader of the house of 53053  
representatives, the president and minority leader of the senate, 53054  
and the legislative service commission. 53055

Sec. 5101.14. (A) As used in this section and section 53056  
5101.144 of the Revised Code, "children services" means services 53057  
provided to children pursuant to Chapter 5153. of the Revised 53058  
Code. 53059

(B) Within available funds, the department of job and family 53060  
services shall ~~make payments~~ distribute funds to the counties 53061  
within thirty days after the beginning of each calendar quarter 53062  
for a part of ~~their~~ the counties' costs for children services ~~to~~ 53063  
~~children performed pursuant to Chapter 5153. of the Revised Code.~~ 53064

Funds provided to the county under this section shall be 53065

deposited into the children services fund created pursuant to 53066  
section 5101.144 of the Revised Code. 53067

~~(B)(1) The funds distributed under this section shall be used 53068  
for the following: 53069~~

~~(a) Home based services to children and families; 53070~~

~~(b) Protective services to children; 53071~~

~~(c) To find, develop, and approve adoptive homes; 53072~~

~~(d) Short term, out of home care and treatment for children; 53073~~

~~(e) Costs for the care of a child who resides with a 53074  
caretaker relative, other than the child's parent, and is in the 53075  
legal custody of a public children services agency pursuant to a 53076  
voluntary temporary custody agreement entered into under division 53077  
(A) of section 5103.15 of the Revised Code or in the legal custody 53078  
of a public children services agency or the caretaker relative 53079  
pursuant to an allegation or adjudication of abuse, neglect, or 53080  
dependency made under Chapter 2151. of the Revised Code; 53081~~

~~(f) Other services a public children services agency 53082  
considers necessary to protect children from abuse, neglect, or 53083  
dependency. 53084~~

~~(2) No funds distributed under this section shall be used for 53085  
the costs of maintaining a child in a children's home owned and 53086  
operated by the county. 53087~~

(C) In each fiscal year, the amount of funds available for 53088  
distribution under this section shall be allocated to counties as 53089  
follows: 53090

(1) If the amount is less than the amount initially 53091  
appropriated for the immediately preceding fiscal year, each 53092  
county shall receive an amount equal to the percentage of the 53093  
funding it received in the immediately preceding fiscal year, 53094  
exclusive of any releases from or additions to the allocation or 53095

any sanctions imposed under this section; 53096

(2) If the amount is equal to the amount initially 53097  
appropriated for the immediately preceding fiscal year, each 53098  
county shall receive an amount equal to the amount it received in 53099  
the preceding fiscal year, exclusive of any releases from or 53100  
additions to the allocation or any sanctions imposed under this 53101  
section; 53102

(3) If the amount is greater than the amount initially 53103  
appropriated for the immediately preceding fiscal year, each 53104  
county shall receive the amount determined under division (C)(2) 53105  
of this section as a base allocation, plus a percentage of the 53106  
amount that exceeds the amount initially appropriated for the 53107  
immediately preceding fiscal year. The amount exceeding the amount 53108  
initially appropriated in the immediately preceding fiscal year 53109  
shall be allocated to the counties as follows: 53110

(a) Twelve per cent divided equally among all counties; 53111

(b) Forty-eight per cent in the ratio that the number of 53112  
residents of the county under the age of eighteen bears to the 53113  
total number of such persons residing in this state; 53114

(c) Forty per cent in the ratio that the number of residents 53115  
of the county with incomes under the federal poverty guideline 53116  
bears to the total number of such persons in this state. 53117

As used in division (C)(3)(c) of this section, "federal 53118  
poverty guideline" means the poverty guideline as defined by the 53119  
United States office of management and budget and revised by the 53120  
United States secretary of health and human services in accordance 53121  
with section 673 of the "Community Services Block Grant Act," 95 53122  
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 53123

~~(D) The director of job and family services may adopt rules 53124  
as necessary for the allocation of funds under this section. The 53125  
rules shall be adopted in accordance with section 111.15 of the 53126~~

Revised Code. 53127

~~(E)(1) As used in this division, "services to children" means children's protective services, home based services to children and families, foster home services, residential treatment services, adoptive services, and independent living services.~~ 53128  
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~~(2) Except as otherwise provided in this section, the allocation of funds for a fiscal year to a county under this section shall be reduced by the department if in the preceding calendar year the total amount expended for services to children from local funds was less than the total expended from that source in the second preceding calendar year. The reduction shall be equal to the difference between the total expended in the preceding calendar year and the total expended in the second preceding calendar year.~~ 53132  
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~~The determination of whether the amount expended for services to children was less in the preceding calendar year than in the second preceding calendar year shall not include a difference due to any of the following factors to the extent that the difference does not exceed the amount attributable to that factor:~~ 53141  
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~~(a) An across the board reduction in the county budget as a whole;~~ 53146  
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~~(b) A reduced or failed levy specifically earmarked for children services;~~ 53148  
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~~(c) The closure of, or a reduction in the operating capacity of, a children's home owned and operated by the county.~~ 53150  
53151

~~(3) Funds withheld under this division may be reallocated by the department to other counties. The department may grant whole or partial waivers of the provisions of this division.~~ 53152  
53153  
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~~(F) Children who are in the temporary or permanent custody of a certified public or private nonprofit agency or institution, or~~ 53155  
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~~who are in adoptions subsidized under division (B) of section 5153.163 of the Revised Code are eligible for medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.~~ 53157  
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~~(G) Within ninety days after the end of each state fiscal year biennium, each county shall return any unspent funds to the department.~~ 53161  
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~~(H) In accordance with Chapter 119. of the Revised Code, the (E) The director shall of job and family services may adopt, and may amend and rescind, the following rules in accordance with section 111.15 of the Revised Code:~~ 53164  
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(1) Rules that are necessary for the allocation of funds under this section; 53168  
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(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section. 53170  
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**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1410 of the Revised Code, "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 53173  
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(B) The department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended. The director of job and family services shall adopt rules to implement this authority. ~~Internal management rules~~ Rules governing financial and administrative requirements applicable to public children services agencies, ~~private child placing agencies, and private noncustodial agencies~~ government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as 53176  
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if they were internal management rules. Rules governing 53187  
requirements applicable to private child placing agencies and 53188  
private noncustodial agencies and rules establishing eligibility, 53189  
program participation, and other requirements concerning Title 53190  
IV-E shall be adopted in accordance with Chapter 119. of the 53191  
Revised Code. A public children services agency to which the 53192  
department distributes Title IV-E funds shall administer the funds 53193  
in accordance with those rules. 53194

~~(B)(C)~~(1) The county, on behalf of each child eligible for 53195  
foster care maintenance payments under Title IV-E ~~of the "Social~~ 53196  
~~Security Act,"~~ shall make payments to cover the cost of providing 53197  
all of the following: 53198

(a) The child's food, clothing, shelter, daily supervision, 53199  
and school supplies; 53200

(b) The child's personal incidentals; 53201

(c) Reasonable travel to the child's home for visitation. 53202

(2) In addition to payments made under division ~~(B)(C)~~(1) of 53203  
this section, the county may, on behalf of each child eligible for 53204  
foster care maintenance payments under Title IV-E ~~of the "Social~~ 53205  
~~Security Act,"~~ make payments to cover the cost of providing the 53206  
following: 53207

(a) Liability insurance with respect to the child; 53208

(b) If the county is participating in the demonstration 53209  
project established under division (A) of section 5101.142 of the 53210  
Revised Code, services provided under the project. 53211

(3) With respect to a child who is in a child-care 53212  
institution, including any type of group home designed for the 53213  
care of children or any privately operated program consisting of 53214  
two or more certified foster homes operated by a common 53215  
administrative unit, the foster care maintenance payments made by 53216

the county on behalf of the child shall include the reasonable 53217  
cost of the administration and operation of the institution, group 53218  
home, or program, as necessary to provide the items described in 53219  
divisions ~~(B)~~(C)(1) and (2) of this section. 53220

~~(C)~~(D) To the extent that either foster care maintenance 53221  
payments under division ~~(B)~~ (C) of this section or Title IV-E 53222  
adoption assistance payments for maintenance costs require the 53223  
expenditure of county funds, the board of county commissioners 53224  
shall report the nature and amount of each expenditure of county 53225  
funds to the department. 53226

~~(D)~~(E) The department shall distribute to public children 53227  
services agencies that incur and report such expenditures federal 53228  
financial participation received for administrative and training 53229  
costs incurred in the operation of foster care maintenance and 53230  
adoption assistance programs. The department may withhold not more 53231  
than three per cent of the federal financial participation 53232  
received. The funds withheld may be used only to fund the Ohio 53233  
child welfare training program established under section 5153.60 53234  
of the Revised Code and the university partnership program for 53235  
college and university students majoring in social work who have 53236  
committed to work for a public children services agency upon 53237  
graduation. The funds withheld shall be in addition to any 53238  
administration and training cost for which the department is 53239  
reimbursed through its own cost allocation plan. 53240

~~(E)~~(F) All federal financial participation funds received by 53241  
a county pursuant to this section shall be deposited into the 53242  
county's children services fund created pursuant to section 53243  
5101.144 of the Revised Code. 53244

~~(F)~~(G) The department shall periodically publish and 53245  
distribute the maximum amounts that the department will reimburse 53246  
public children services agencies for making payments on behalf of 53247  
children eligible for foster care maintenance payments. 53248

~~(G)~~(H) The department, by and through its director, is hereby 53249  
authorized to develop, participate in the development of, 53250  
negotiate, and enter into one or more interstate compacts on 53251  
behalf of this state with agencies of any other states, for the 53252  
provision of medical assistance and other social services to 53253  
children in relation to whom all of the following apply: 53254

(1) They have special needs. 53255

(2) This state or another state that is a party to the 53256  
interstate compact is providing adoption assistance on their 53257  
behalf. 53258

(3) They move into this state from another state or move out 53259  
of this state to another state. 53260

**Sec. 5101.142.** (A) The department of job and family services 53261  
may apply to the United States secretary of health and human 53262  
services for a waiver of requirements established under Title IV-E 53263  
of the ~~"Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670~~ 53264  
~~(1980)~~, or regulations adopted thereunder, to conduct a 53265  
demonstration project expanding eligibility for and services 53266  
provided under Title IV-E. The department may enter into 53267  
agreements with the secretary necessary to implement the 53268  
demonstration project, including agreements establishing the terms 53269  
and conditions of the waiver authorizing the project. If a 53270  
demonstration project is to be established, the department shall 53271  
do all of the following: 53272

(1) Have the director of job and family services adopt rules 53273  
in accordance with Chapter 119. of the Revised Code governing the 53274  
project. The rules shall be consistent with the agreements the 53275  
department enters into with the secretary. 53276

(2) Enter into agreements with public children services 53277  
agencies that the department selects for participation in the 53278

project. The department shall not select an agency that objects to 53279  
participation or refuses to be bound by the terms and conditions 53280  
of the project. 53281

(3) Contract with persons or governmental agencies providing 53282  
services under the project; 53283

(4) Amend the state plan required by section 471 of the 53284  
"Social Security Act," 42 U.S.C.A. 671, as amended, as needed to 53285  
implement the project; 53286

(5) Conduct ongoing evaluations of the project; 53287

(6) Perform other administrative and operational activities 53288  
required by the agreement with the secretary. 53289

(B) The department may apply to the United States secretary 53290  
of health and human services for a waiver of the requirements 53291  
established under Title IV-B of the "Social Security Act of 1967," 53292  
81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder 53293  
and established under any other federal law or regulations that 53294  
affect the children services functions prescribed by Chapter 5153. 53295  
of the Revised Code, to conduct demonstration projects or 53296  
otherwise improve the effectiveness and efficiency of the children 53297  
services function. 53298

~~Sec. 5101.144. As used in this section, "children services" 53299  
means services provided to children pursuant to Chapter 5153. of 53300  
the Revised Code. 53301~~

Each county shall deposit all funds its public children 53302  
services agency receives from appropriations made by the board of 53303  
county commissioners or any other source for the purpose of 53304  
providing children services into a special fund in the county 53305  
treasury known as the children services fund. A county shall use 53306  
money in the fund only for the purposes of meeting the expenses of 53307  
providing children services. 53308

**Sec. 5101.145.** (A) ~~For the purposes of this section, "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980).~~ 53309  
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~~(B)~~ In adopting rules under section 5101.141 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, ~~and~~ private noncustodial agencies, and government entities that provide Title IV-E reimbursable placement services to children, the department of job and family services shall establish both of the following: 53312  
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(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid; 53319  
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(2) Procedures to monitor cost reports submitted by the agencies or entities. 53322  
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~~(C)~~(B) The procedures established under division ~~(B)~~(A)(2) of this section shall be implemented not later than October 1, 2003. The procedures shall be used to do both of the following: 53324  
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(1) Determine which of the costs are reimbursable under Title IV-E; 53327  
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(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division ~~(C)~~(B)(1) of this section. 53329  
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**Sec. 5101.146.** The department of job and family services shall establish the following penalties, which shall be enforced at the discretion of the department, for the failure of a public children services agency, private child placing agency, ~~or~~ private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children to comply with procedures the department establishes to ensure fiscal 53332  
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accountability: 53339

(A) For initial failure, the department and the agency or 53340  
entity involved shall jointly develop and implement a corrective 53341  
action plan according to a specific schedule. If requested by the 53342  
agency or entity involved, the department shall provide technical 53343  
assistance to the agency or entity to ensure the fiscal 53344  
accountability procedures and goals of the plan are met. 53345

(B) For subsequent failures or failure to achieve the goals 53346  
of the plan described in division (A) of this section, ~~either~~ one 53347  
of the following: 53348

(1) For public children services agencies, the department may 53349  
take any action permitted under division ~~(B)(3)(C)(2)~~, (4), ~~or~~ 53350  
(5), or (6) of section 5101.24 of the Revised Code. 53351

(2) For private child placing agencies or private 53352  
noncustodial agencies, cancellation of any Title IV-E allowability 53353  
rates for the agency involved pursuant to section 5101.141 of the 53354  
Revised Code or revocation pursuant to Chapter 119. of the Revised 53355  
Code of that agency's certificate issued under section 5103.03 of 53356  
the Revised Code; 53357

(3) For government entities, other than public children 53358  
services agencies, that provide Title IV-E reimbursable placement 53359  
services to children, cancellation of any Title IV-E allowability 53360  
rates for the entity involved pursuant to section 5101.141 of the 53361  
Revised Code. 53362

Sec. 5101.1410. In addition to the remedies available under 53363  
sections 5101.146 and 5101.24 of the Revised Code, the department 53364  
of job and family services may certify a claim to the attorney 53365  
general under section 131.02 of the Revised Code for the attorney 53366  
general to take action under that section against a public 53367  
children services agency, private child placing agency, private 53368

noncustodial agency, or government entity that provides Title IV-E 53369  
reimbursable placement services to children if all of the 53370  
following are the case: 53371

(A) The agency or entity files a cost report with the 53372  
department pursuant to rules adopted under division (B) of section 53373  
5101.141 of the Revised Code. 53374

(B) The department receives and distributes federal Title 53375  
IV-E reimbursement funds based on the cost report. 53376

(C) The agency's or entity's misstatement, misclassification, 53377  
overstatement, understatement, or other inclusion or omission of 53378  
any cost included in the cost report causes the United States 53379  
department of health and human services to disallow all or part of 53380  
the federal Title IV-E reimbursement funds the department received 53381  
and distributed. 53382

(D) The agency's or entity's misstatement, misclassification, 53383  
overstatement, understatement, or other inclusion or omission of 53384  
any cost included in the cost report is not the direct result of a 53385  
written directive concerning the agency or entity's cost report 53386  
that the department issued to the agency or entity. 53387

**Sec. 5101.16.** (A) As used in this section and sections 53388  
5101.161 and 5101.162 of the Revised Code: 53389

(1) "Disability financial assistance" means the financial ~~and~~ 53390  
~~medical~~ assistance ~~provided~~ program established under Chapter 53391  
5115. of the Revised Code. 53392

(2) "Disability medical assistance" means the medical 53393  
assistance program established under Chapter 5115. of the Revised 53394  
Code. 53395

(3) "Food stamps" means the program administered by the 53396  
department of job and family services pursuant to section 5101.54 53397

of the Revised Code. 53398

~~(3)~~(4) "Medicaid" means the medical assistance program 53399  
established by Chapter 5111. of the Revised Code, excluding 53400  
transportation services provided under that chapter. 53401

~~(4)~~(5) "Ohio works first" means the program established by 53402  
Chapter 5107. of the Revised Code. 53403

~~(5)~~(6) "Prevention, retention, and contingency" means the 53404  
program established by Chapter 5108. of the Revised Code. 53405

~~(6)~~(7) "Public assistance expenditures" means expenditures 53406  
for all of the following: 53407

(a) Ohio works first; 53408

(b) County administration of Ohio works first; 53409

(c) Prevention, retention, and contingency; 53410

(d) County administration of prevention, retention, and 53411  
contingency; 53412

(e) Disability financial assistance; 53413

(f) Disability medical assistance; 53414

(g) County administration of disability financial assistance; 53415

~~(g)~~(h) County administration of disability medical 53416  
assistance; 53417

(i) County administration of food stamps; 53418

~~(h)~~(j) County administration of medicaid. 53419

(8) "Title IV-A program" has the same meaning as in section 53420  
5101.80 of the Revised Code. 53421

(B) Each board of county commissioners shall pay the county 53422  
share of public assistance expenditures in accordance with section 53423  
5101.161 of the Revised Code. Except as provided in division (C) 53424  
of this section, a county's share of public assistance 53425

expenditures is the sum of all of the following for state fiscal 53426  
year 1998 and each state fiscal year thereafter: 53427

(1) The amount that is twenty-five per cent of the county's 53428  
total expenditures for disability financial assistance and 53429  
disability medical assistance and county administration of 53430  
~~disability assistance~~ those programs during the state fiscal year 53431  
ending in the previous calendar year that the department of job 53432  
and family services determines are allowable. 53433

(2) The amount that is ten per cent, or other percentage 53434  
determined under division (D) of this section, of the county's 53435  
total expenditures for county administration of food stamps and 53436  
medicaid during the state fiscal year ending in the previous 53437  
calendar year that the department determines are allowable, less 53438  
the amount of federal reimbursement credited to the county under 53439  
division (E) of this section for the state fiscal year ending in 53440  
the previous calendar year; 53441

~~(3)(a) Except as provided in division (B)(3)(b) of this~~ 53442  
~~section, A percentage of the actual amount, as determined by the~~ 53443  
~~department of job and family services from expenditure reports~~ 53444  
~~submitted to the United States department of health and human~~ 53445  
~~services,~~ of the county share of program and administrative 53446  
expenditures during federal fiscal year 1994 for assistance and 53447  
services, other than child day-care, provided under Titles IV-A 53448  
and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 53449  
U.S.C. 301, as those titles existed prior to the enactment of the 53450  
"Personal Responsibility and Work Opportunity Reconciliation Act 53451  
of 1996," 110 Stat. 2105. The department of job and family 53452  
services shall determine the actual amount of the county share 53453  
from expenditure reports submitted to the United States department 53454  
of health and human services. The percentage shall be the 53455  
percentage established in rules adopted under division (F) of this 53456  
section. 53457

~~(b) For state fiscal years 2000 and 2001, seventy seven per cent of the amount determined under division (B)(3)(a) of this section.~~

(C)(1) If a county's share of public assistance expenditures determined under division (B) of this section for a state fiscal year exceeds one hundred ten per cent of the county's share for those expenditures for the immediately preceding state fiscal year, the department of job and family services shall reduce the county's share for expenditures under divisions (B)(1) and (2) of this section so that the total of the county's share for expenditures under division (B) of this section equals one hundred ten per cent of the county's share of those expenditures for the immediately preceding state fiscal year.

(2) A county's share of public assistance expenditures determined under division (B) of this section may be increased pursuant to a sanction under section 5101.24 of the Revised Code.

(D)(1) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and division (D)(2) of this section does not apply to the county, the percentage to be used for the purpose of division (B)(2) of this section is the product of ten multiplied by a fraction of which the numerator is the per capita tax duplicate of the county and the denominator is the per capita tax duplicate of the state as a whole. The department of job and family services shall compute the per capita tax duplicate for the state and for each county by dividing the tax duplicate for the most recent available year by the current estimate of population prepared by the department of development.

(2) If the percentage of families in a county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state and division (D)(1) of this section does not apply to the county, the percentage to be

used for the purpose of division (B)(2) of this section is the 53490  
product of ten multiplied by a fraction of which the numerator is 53491  
the percentage of families in the state with an annual income of 53492  
less than three thousand dollars a year and the denominator is the 53493  
percentage of such families in the county. The department of job 53494  
and family services shall compute the percentage of families with 53495  
an annual income of less than three thousand dollars for the state 53496  
and for each county by multiplying the most recent estimate of 53497  
such families published by the department of development, by a 53498  
fraction, the numerator of which is the estimate of average annual 53499  
personal income published by the bureau of economic analysis of 53500  
the United States department of commerce for the year on which the 53501  
census estimate is based and the denominator of which is the most 53502  
recent such estimate published by the bureau. 53503

(3) If the per capita tax duplicate of a county is less than 53504  
the per capita tax duplicate of the state as a whole and the 53505  
percentage of families in the county with an annual income of less 53506  
than three thousand dollars is greater than the percentage of such 53507  
families in the state, the percentage to be used for the purpose 53508  
of division (B)(2) of this section shall be determined as follows: 53509

(a) Multiply ten by the fraction determined under division 53510  
(D)(1) of this section; 53511

(b) Multiply the product determined under division (D)(3)(a) 53512  
of this section by the fraction determined under division (D)(2) 53513  
of this section. 53514

(4) The department of job and family services shall 53515  
determine, for each county, the percentage to be used for the 53516  
purpose of division (B)(2) of this section not later than the 53517  
first day of July of the year preceding the state fiscal year for 53518  
which the percentage is used. 53519

(E) The department of job and family services shall credit to 53520

a county the amount of federal reimbursement the department 53521  
receives from the United States departments of agriculture and 53522  
health and human services for the county's expenditures for 53523  
administration of food stamps and medicaid that the department 53524  
determines are allowable administrative expenditures. 53525

(F)(1) The director of job and family services shall adopt 53526  
rules in accordance with section 111.15 of the Revised Code to 53527  
establish all of the following: 53528

~~(1)~~(a) The method the department is to use to change a 53529  
county's share of public assistance expenditures determined under 53530  
division (B) of this section as provided in division (C) of this 53531  
section; 53532

~~(2)~~(b) The allocation methodology and formula the department 53533  
will use to determine the amount of funds to credit to a county 53534  
under this section; 53535

~~(3)~~(c) The method the department will use to change the 53536  
payment of the county share of public assistance expenditures from 53537  
a calendar-year basis to a state fiscal year basis; 53538

~~(4)~~(d) The percentage to be used for the purpose of division 53539  
(B)(3) of this section, which shall meet both of the following 53540  
requirements: 53541

(i) The percentage shall not be less than seventy-five per 53542  
cent nor more than eighty-two per cent; 53543

(ii) The percentage shall not exceed the percentage that the 53544  
state's qualified state expenditures is of the state's historic 53545  
state expenditures as those terms are defined in 42 U.S.C. 53546  
609(a)(7). 53547

(e) Other procedures and requirements necessary to implement 53548  
this section. 53549

(2) The director of job and family services may amend the 53550

rule adopted under division (F)(1)(d) of this section to modify 53551  
the percentage on determination that the amount the general 53552  
assembly appropriates for Title IV-A programs makes the 53553  
modification necessary. The rule shall be adopted and amended as 53554  
if an internal management rule and in consultation with the 53555  
director of budget and management. 53556

**Sec. 5101.162.** The Subject to available federal funds and 53557  
appropriations made by the general assembly, the department of job 53558  
and family services may, at its sole discretion, use available 53559  
federal funds to reimburse county expenditures for county 53560  
administration of food stamps or medicaid even though the county 53561  
expenditures meet or exceed the maximum allowable reimbursement 53562  
amount established by rules adopted under section 5101.161 of the 53563  
Revised Code if the board of county commissioners has not entered 53564  
into a partnership fiscal agreement with the director of job and 53565  
family services under section 5101.21 of the Revised Code. The 53566  
director may adopt internal management rules in accordance with 53567  
section 111.15 of the Revised Code to implement this section. 53568

**Sec. 5101.18.** (A) When the director of job and family 53569  
services adopts rules under section 5107.05 regarding income 53570  
requirements for the Ohio works first program and under section 53571  
~~5115.05~~ 5115.03 of the Revised Code regarding income and resource 53572  
requirements for the disability financial assistance program, the 53573  
director shall determine what payments shall be regarded or 53574  
disregarded. In making this determination, the director shall 53575  
consider: 53576

- (1) The source of the payment; 53577
- (2) The amount of the payment; 53578
- (3) The purpose for which the payment was made; 53579
- (4) Whether regarding the payment as income would be in the 53580

public interest; 53581

(5) Whether treating the payment as income would be 53582  
detrimental to any of the programs administered in whole or in 53583  
part by the department of job and family services and whether such 53584  
determination would jeopardize the receipt of any federal grant or 53585  
payment by the state or any receipt of aid under Chapter 5107. of 53586  
the Revised Code. 53587

(B) Any recipient of aid under Title XVI of the "Social 53588  
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, 53589  
whose money payment is discontinued as the result of a general 53590  
increase in old-age, survivors, and disability insurance benefits 53591  
under such act, shall remain a recipient for the purpose of 53592  
receiving medical assistance through the medical assistance 53593  
program established under section 5111.01 of the Revised Code. 53594

**Sec. 5101.181.** (A) As used in this section and section 53595  
5101.182 of the Revised Code, "public assistance" includes, in 53596  
addition to Ohio works first; ~~prevention~~, all of the following: 53597

(1) Prevention retention, and contingency; ~~medicaid~~ 53598

(2) Medicaid; ~~and disability~~ 53599

(3) Disability financial assistance, ~~general;~~ 53600

(4) Disability medical assistance; 53601

(5) General assistance provided prior to July 17, 1995, under 53602  
former Chapter 5113. of the Revised Code. 53603

(B) As part of the procedure for the determination of 53604  
overpayment to a recipient of public assistance under Chapter 53605  
5107., 5108., 5111., or 5115. of the Revised Code, the director of 53606  
job and family services shall furnish quarterly the name and 53607  
social security number of each individual who receives public 53608  
assistance to the director of administrative services, the 53609  
administrator of the bureau of workers' compensation, and each of 53610

the state's retirement boards. Within fourteen days after 53611  
receiving the name and social security number of an individual who 53612  
receives public assistance, the director of administrative 53613  
services, administrator, or board shall inform the auditor of 53614  
state as to whether such individual is receiving wages or 53615  
benefits, the amount of any wages or benefits being received, the 53616  
social security number, and the address of the individual. The 53617  
director of administrative services, administrator, boards, and 53618  
any agent or employee of those officials and boards shall comply 53619  
with the rules of the director of job and family services 53620  
restricting the disclosure of information regarding recipients of 53621  
public assistance. Any person who violates this provision shall 53622  
thereafter be disqualified from acting as an agent or employee or 53623  
in any other capacity under appointment or employment of any state 53624  
board, commission, or agency. 53625

(C) The auditor of state may enter into a reciprocal 53626  
agreement with the director of job and family services or 53627  
comparable officer of any other state for the exchange of names, 53628  
current or most recent addresses, or social security numbers of 53629  
persons receiving public assistance under Title IV-A or under 53630  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 53631  
U.S.C. 301, as amended. 53632

(D)(1) The auditor of state shall retain, for not less than 53633  
two years, at least one copy of all information received under 53634  
this section and sections 145.27, 742.41, 3307.20, 3309.22, 53635  
4123.27, 5101.182, and 5505.04 of the Revised Code. The auditor 53636  
shall review the information to determine whether overpayments 53637  
were made to recipients of public assistance under Chapters 5107., 53638  
5108., 5111., and 5115. of the Revised Code. The auditor of state 53639  
shall initiate action leading to prosecution, where warranted, of 53640  
recipients who received overpayments by forwarding the name of 53641  
each recipient who received overpayment, together with other 53642

pertinent information, to the director of job and family services 53643  
and the attorney general, to the district director of job and 53644  
family services of the district through which public assistance 53645  
was received, and to the county director of job and family 53646  
services and county prosecutor of the county through which public 53647  
assistance was received. 53648

(2) The auditor of state and the attorney general or their 53649  
designees may examine any records, whether in computer or printed 53650  
format, in the possession of the director of job and family 53651  
services or any county director of job and family services. They 53652  
shall provide safeguards which restrict access to such records to 53653  
purposes directly connected with an audit or investigation, 53654  
prosecution, or criminal or civil proceeding conducted in 53655  
connection with the administration of the programs and shall 53656  
comply with the rules of the director of job and family services 53657  
restricting the disclosure of information regarding recipients of 53658  
public assistance. Any person who violates this provision shall 53659  
thereafter be disqualified from acting as an agent or employee or 53660  
in any other capacity under appointment or employment of any state 53661  
board, commission, or agency. 53662

(3) Costs incurred by the auditor of state in carrying out 53663  
the auditor of state's duties under this division shall be borne 53664  
by the auditor of state. 53665

Sec. 5101.20. (A) As used in this section of the Revised 53666  
Code: 53667

(1) "Local area" has the same meaning as in section 101 of 53668  
the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 53669  
2801, as amended, and division (A) of section 6301.01 of the 53670  
Revised Code; 53671

(2) "Chief elected official" has the same meaning as in 53672  
section 101 of the "Workforce Investment Act of 1998," 112 Stat. 53673

936, 29 U.S.C. 2801, as amended, and division (F) of section 53674  
6301.01 of the Revised Code; 53675

(3) "Grantee" means the chief elected officials of a local 53676  
area. 53677

(B) The director of job and family services shall enter into 53678  
one or more written grant agreements with each local area under 53679  
which financial assistance is awarded for workforce development 53680  
activities included in the agreements. A grant agreement shall 53681  
establish the terms and conditions governing the accountability 53682  
for and use of grants provided by the department of job and family 53683  
services to the grantee for the administration of workforce 53684  
development activities funded under the "Workforce Investment Act 53685  
of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended. 53686

(C) In the case of a local area comprised of multiple 53687  
political subdivisions, nothing in this section shall preclude the 53688  
chief elected officials of a local area from entering into an 53689  
agreement among themselves to distribute any liability for 53690  
activities of the local area, but such an agreement shall not be 53691  
binding on the department of job and family services. 53692

(D) The written grant agreement entered into under division 53693  
(B) of this section shall comply with all applicable federal and 53694  
state laws governing workforce development activities. All federal 53695  
conditions and restrictions that apply to the use of grants 53696  
received by the department of job and family services shall apply 53697  
to the use of the grants received by the local areas from the 53698  
department. 53699

(E) A written grant agreement entered into under division (B) 53700  
of this section shall: 53701

(1) Identify the chief elected officials for the local area; 53702

(2) Provide for the incorporation of the local workforce 53703  
development plan; 53704

(3) Include the chief elected officials' assurance that the local area and any subgrantee or contractor of the local area will do all of the following: 53705  
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53707

(a) Ensure that the financial assistance awarded under the grant agreement is used, and the workforce development duties included in the agreement are performed, in accordance with requirements established by the department or any of the following: federal or state law, the state plan for receipt of federal financial participation, grant agreements between the department and a federal agency, or executive orders. 53708  
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(b) Ensure that the chief elected officials and any subgrantee or contractor of the local area utilize a financial management system and other accountability mechanisms that meet requirements the department establishes; 53715  
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(c) Require the chief elected officials and any subgrantee or contractor of the local area to do both of the following: 53719  
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(i) Monitor all private and government entities that receive a payment from financial assistance awarded under the grant agreement to ensure that each entity uses the payment in accordance with requirements for the workforce development duties included in the agreement; 53721  
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(ii) Take action to recover payments that are not used in accordance with the requirements for the workforce development duties that are included in the agreement. 53726  
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(d) Require the chief elected officials of a local area to promptly reimburse the department the amount that represents the amount a local area is responsible for of funds the department pays to any entity because of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty; 53729  
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(e) Require chief elected officials of a local area to take 53735

prompt corrective action if the department, auditor of state, 53736  
federal agency, or other entity authorized by federal or state law 53737  
to determine compliance with requirements for a workforce 53738  
development duty included in the agreement determines compliance 53739  
has not been achieved; 53740

(4) Provide that the award of financial assistance is subject 53741  
to the availability of federal funds and appropriations made by 53742  
the general assembly; 53743

(5) Provide for annual financial, administrative, or other 53744  
incentive awards, if any, to be provided in accordance with 53745  
section 5101.23 of the Revised Code. 53746

(6) Establish the method of amending or terminating the grant 53747  
agreement and an expedited process for correcting terms or 53748  
conditions of the agreement that the director and the chief 53749  
elected officials agree are erroneous. 53750

(7) Provide for the department of job and family services to 53751  
award financial assistance for the workforce development duties 53752  
included in the agreement in accordance with a methodology for 53753  
determining the amount of the award established by rules adopted 53754  
under division (F) of this section. 53755

(8) Determine the dates that the grant agreement begins and 53756  
ends. 53757

(F)(1) The director shall adopt rules in accordance with 53758  
section 111.15 of the Revised Code governing grant agreements. The 53759  
director shall adopt the rules as if they were internal management 53760  
rules. The rules shall establish methodologies to be used to 53761  
determine the amount of financial assistance to be awarded under 53762  
the agreements and may do any of the following: 53763

(a) Govern the establishment of consolidated funding 53764  
allocations and other allocations; 53765

(b) Specify allowable uses of financial assistance awarded under the agreements; 53766  
53767

(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of financial assistance awarded under the agreements and determine compliance with requirements established by the department or any of the following: a federal or state law, state plan for receipt of federal financial participation, grant agreement between the department and a federal entity, or executive order. 53768  
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(2) A requirement of a grant agreement established by a rule adopted under this division is applicable to a grant agreement without having to be restated in the grant agreement. 53776  
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Sec. 5101.201. The director of job and family services may enter into agreements with one-stop operators and one-stop partners for the purpose of implementing the requirements of section 121 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801. 53779  
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Sec. 5101.21. (A) As used in sections 5101.21 to 5101.24 of the Revised Code, "workforce development agency" and "workforce development activity" have the same meanings as in section 6301.01 of the Revised Code this section, "county signer" means all of the following: 53784  
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(1) A board of county commissioners; 53789

(2) A county children services board appointed under section 5153.03 of the Revised Code if required by division (B) of this section to enter into a fiscal agreement; 53790  
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(3) A county elected official that is a child support enforcement agency if required by division (B) of this section to enter into a fiscal agreement. 53793  
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(B) The director of job and family services ~~shall~~ may enter 53796  
into a one or more written ~~partnership agreement~~ fiscal agreements 53797  
with ~~each board~~ boards of county commissioners. 53798

~~(C)(1) Each partnership agreement shall include provisions~~ 53799  
~~regarding the administration and design of all of the following:~~ 53800

~~(a) The Ohio works first program established under Chapter~~ 53801  
~~5107. of the Revised Code;~~ 53802

~~(b) The prevention, retention, and contingency program~~ 53803  
~~established under Chapter 5108. of the Revised Code;~~ 53804

~~(c) Duties assumed by a county department of job and family~~ 53805  
~~services pursuant to an agreement entered into under section~~ 53806  
~~329.05 of the Revised Code;~~ 53807

~~(d) Any other county department of job and family services'~~ 53808  
~~duties that the director and board mutually agree to include in~~ 53809  
~~the agreement;~~ 53810

~~(e) If, for the purpose of Chapter 6301. of the Revised Code,~~ 53811  
~~the county the board serves is a local area defined in division~~ 53812  
~~(A)(2) or (3) of section 6301.01 of the Revised Code, workforce~~ 53813  
~~development activities provided by the workforce development~~ 53814  
~~agency established or designated for the local area.~~ 53815

~~(2) Each partnership agreement may include provisions~~ 53816  
~~regarding the administration and design of the duties of child~~ 53817  
~~support enforcement agencies and public children services agencies~~ 53818  
~~included in a plan of cooperation entered into under section~~ 53819  
~~307.983 of the Revised Code that the director and board mutually~~ 53820  
~~agree to include in the agreement.~~ 53821

~~(D) Family services duties and workforce development~~ 53822  
~~activities included in a partnership agreement shall be vested in~~ 53823  
~~the board of county commissioners. The agreement shall comply with~~ 53824  
~~federal statutes and regulations, state statutes, and, except as~~ 53825

~~provided in division (D)(9) of this section, state rules governing 53826  
the family services duties or workforce development activities 53827  
included in the agreement. 53828~~

~~A partnership under which financial assistance is awarded for 53829  
family services duties included in the agreements. Boards of 53830  
county commissioners shall select which family services duties to 53831  
include in a fiscal agreement. If a board of county commissioners 53832  
elects to include family services duties of a public children 53833  
services agency and a county children services board appointed 53834  
under section 5153.03 of the Revised Code serves as the county's 53835  
public children services agency, the board of county commissioners 53836  
and county children services board shall jointly enter into the 53837  
fiscal agreement with the director. If a board of county 53838  
commissioners elects to include family services duties of a child 53839  
support enforcement agency and the entity designated under former 53840  
section 2301.35 of the Revised Code prior to October 1, 1997, or 53841  
designated under section 307.981 of the Revised Code as the 53842  
county's child support enforcement agency is an elected official 53843  
of the county, the board of county commissioners and county 53844  
elected official shall jointly enter into the fiscal agreement 53845  
with the director. A fiscal agreement shall include 53846  
responsibilities that the state department of job and family 53847  
services, county family services agencies administering family 53848  
services duties included in the agreement, and workforce 53849  
development agencies administering workforce development 53850  
activities included in the agreement must satisfy. The agreement 53851  
shall establish, specify, or provide for do all of the following: 53852~~

~~(1) Requirements governing the administration and design of, 53853  
and county family services agencies' or workforce development 53854  
agencies' cooperation to enhance, family services duties or 53855  
workforce development activities included in the agreement Specify 53856  
the family services duties included in the agreement and the 53857~~

private and government entities designated under section 307.981 53858  
of the Revised Code to serve as the county family services 53859  
agencies performing the family services duties; 53860

~~(2) Outcomes that county family services agencies or~~ 53861  
~~workforce development agencies are expected to achieve from the~~ 53862  
~~administration and design of family services duties or workforce~~ 53863  
~~development activities included in the agreement and assistance,~~ 53864  
~~services, and technical support the state department will provide~~ 53865  
~~the county family services agencies or workforce development~~ 53866  
~~agencies to aid the agencies in achieving the expected outcomes~~ 53867  
Provide for the department of job and family services to award 53868  
financial assistance for the family services duties included in 53869  
the agreement in accordance with a methodology for determining the 53870  
amount of the award established by rules adopted under division 53871  
(D) of this section; 53872

~~(3) Performance and other administrative standards county~~ 53873  
~~family services agencies or workforce development agencies are~~ 53874  
~~required to meet in the design, administration, and outcomes of~~ 53875  
~~family services duties or workforce development activities~~ 53876  
~~included in the agreement and assistance, services, and technical~~ 53877  
~~support the state department will provide the county family~~ 53878  
~~services agencies or workforce development agencies to aid the~~ 53879  
~~agencies in meeting the performance and other administrative~~ 53880  
~~standards~~ Specify the form of the award of financial assistance 53881  
which may be an allocation, cash draw, reimbursement, property, 53882  
or, to the extent authorized by an appropriation made by the 53883  
general assembly and to the extent practicable and not in conflict 53884  
with a federal or state law, a consolidated funding allocation for 53885  
two or more family services duties included in the agreement; 53886

~~(4) Criteria and methodology the state department will use to~~ 53887  
~~evaluate whether expected outcomes are achieved and performance~~ 53888  
~~and other administrative standards are met and county family~~ 53889

~~services agencies or workforce development agencies will use to~~ 53890  
~~evaluate whether the state department is providing agreed upon~~ 53891  
~~assistance, services, and technical support~~ Provide that the award 53892  
of financial assistance is subject to the availability of federal 53893  
funds and appropriations made by the general assembly; 53894

(5) ~~Annual~~ Specify annual financial, administrative, or other 53895  
incentive awards, if any, to be provided in accordance with 53896  
section 5101.23 of the Revised Code; 53897

(6) ~~The state~~ Include the assurance of each county signer 53898  
that the county signer will do all of the following: 53899

(a) Ensure that the financial assistance awarded under the 53900  
agreement is used, and the family services duties included in the 53901  
agreement are performed, in accordance with requirements for the 53902  
duties established by the department, a federal or state law, or 53903  
any of the following that concern the family services duties 53904  
included in the fiscal agreement and are published under section 53905  
5101.212 of the Revised Code: state plans for receipt of federal 53906  
financial participation, grant agreements between the department 53907  
and a federal agency, and executive orders issued by the governor; 53908

(b) Ensure that the board and county family services agencies 53909  
utilize a financial management system and other accountability 53910  
mechanisms for the financial assistance awarded under the 53911  
agreement that meet requirements the department establishes; 53912

(c) Require the county family services agencies to do both of 53913  
the following: 53914

(i) Monitor all private and government entities that receive 53915  
a payment from financial assistance awarded under the agreement to 53916  
ensure that each entity uses the payment in accordance with 53917  
requirements for the family services duties included in the 53918  
agreement; 53919

(ii) Take action to recover payments that are not used in 53920

accordance with the requirements for the family services duties 53921  
included in the agreement. 53922

(d) Require county family services agencies to promptly 53923  
reimburse the department the amount that represents the amount an 53924  
agency is responsible for, pursuant to action the department takes 53925  
under division (C) of section 5101.24 of the Revised Code, of 53926  
funds the department pays to any entity because of an adverse 53927  
audit finding, adverse quality control finding, final disallowance 53928  
of federal financial participation, or other sanction or penalty; 53929

(e) Require county family services agencies to take prompt 53930  
corrective action, including paying amounts resulting from an 53931  
adverse finding, sanction, or penalty, if the department, auditor 53932  
of state, federal agency, or other entity authorized by federal or 53933  
state law to determine compliance with requirements for a family 53934  
services duty included in the agreement determines compliance has 53935  
not been achieved; 53936

(f) If the department establishes a consolidated funding 53937  
allocation for two or more family services duties included in the 53938  
agreement, require the county family services agencies to use 53939  
funds available in the consolidated funding allocation only for 53940  
the purpose for which the funds are appropriated. 53941

(7) Provide for the department taking action pursuant to 53942  
division (C) of section 5101.24 of the Revised Code if authorized 53943  
by division (B)(1), (2), ~~or~~ (3), or (4) of that section applies; 53944

~~(7) The funding of family services duties or workforce 53945  
development activities included in the agreement and whether the 53946  
state department will establish a consolidated funding allocation 53947  
under division (E) of this section. The agreement shall either 53948  
specify the amount of payments to be made for the family services 53949  
duties or workforce development activities included in the 53950  
agreement or the method that will be used to determine the amount 53951~~

~~of payments.~~ 53952

(8) ~~Audits~~ Provide for timely audits required by federal 53953  
~~statutes and regulations~~ and state law and ~~requirements for~~ 53954  
require prompt release of audit findings and prompt action to 53955  
correct problems identified in an audit; 53956

(9) ~~Which, if any, of the state department's rules will be~~ 53957  
~~waived so that a policy provided for in the agreement may be~~ 53958  
~~implemented~~ Comply with all of the requirements for the family 53959  
services duties that are included in the agreement and have been 53960  
established by the department, federal or state law, or any of the 53961  
following that concern the family services duties included in the 53962  
fiscal agreement and are published under section 5101.212 of the 53963  
Revised Code: state plans for receipt of federal financial 53964  
participation, grant agreements between the department and a 53965  
federal agency, and executive orders issued by the governor; 53966

(10) ~~The~~ Provide for dispute resolution procedures in 53967  
accordance with section 5101.24 of the Revised Code; 53968

(11) Establish the method of amending or terminating the 53969  
agreement and an expedited process for correcting terms or 53970  
conditions of the agreement that the director and ~~board of each~~ 53971  
county ~~commissioners~~ signer agree are erroneous; 53972

~~(11) Dispute resolution procedures for anticipated and~~ 53973  
~~unanticipated disputes. The agreement may establish different~~ 53974  
~~dispute resolution procedures for different types of disputes.~~ 53975  
~~Dispute resolution procedures may include negotiation, mediation,~~ 53976  
~~arbitration, adjudication conducted by a hearing officer or~~ 53977  
~~fact-finding panel, and other procedures.~~ 53978

(12) ~~The date the agreement is to commence or~~ Except as 53979  
provided in rules adopted under division (D) of this section, 53980  
begin on the first day of July of an odd-numbered year and end on 53981  
the last day of June of the next odd-numbered year. An agreement 53982

~~may not commence before it is entered into nor end later than the~~ 53983  
~~last day of the state fiscal biennium for which it is entered~~ 53984  
~~into.~~ 53985

~~(13) If workforce development activities are included in the~~ 53986  
~~agreement, all of the following:~~ 53987

~~(a) The workforce development plan prepared under section~~ 53988  
~~6301.07 of the Revised Code to be attached to and incorporated~~ 53989  
~~into the agreement;~~ 53990

~~(b) A description of the services, and a list of the core~~ 53991  
~~services, provided in the one stop system for workforce~~ 53992  
~~development activities the county served by the board participates~~ 53993  
~~in under section 6301.06 of the Revised Code to be included in the~~ 53994  
~~agreement;~~ 53995

~~(c) If the county served by the board of county commissioners~~ 53996  
~~is in the type of local area defined in division (A)(3) of section~~ 53997  
~~6301.01 of the Revised Code, the method and manner by which the~~ 53998  
~~board of county commissioners of each county and the chief elected~~ 53999  
~~official of a municipal corporation in the local area shall~~ 54000  
~~coordinate workforce development activities and resolve~~ 54001  
~~disagreements concerning either of the following:~~ 54002

~~(i) Choices concerning specifically who to appoint to the~~ 54003  
~~workforce policy board created under section 6301.06 of the~~ 54004  
~~Revised Code, within the criteria for membership set forth in that~~ 54005  
~~section;~~ 54006

~~(ii) Whether a member of the workforce policy board is~~ 54007  
~~performing satisfactorily for purposes of serving at the pleasure~~ 54008  
~~of the chief elected officials of the local area.~~ 54009

~~(14) Other provisions determined necessary by the state~~ 54010  
~~department, board, county family services agency, and workforce~~ 54011  
~~development agency.~~ 54012

~~(E)(C)~~ The state department shall make payments authorized by a partnership fiscal agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out family services duties ~~or workforce development activities vested in the board of county commissioners under~~ included in the agreement, including funds for personal services and maintenance.

~~(F)(1)~~ To the extent practicable and not in conflict with federal statutes or regulations, state law, or an appropriation made by the general assembly, the director may establish a consolidated funding allocation for any of the following:

~~(a)~~ Two or more family services duties included in the agreement;

~~(b)~~ Two or more workforce development activities included in the agreement;

~~(c)~~ One or more family services duties and workforce development activities included in the agreement.

~~(2)~~ The consolidated funding allocation may be for either of the following:

~~(a)~~ A county that is the type of local area defined in division (A)(2) of section 6301.01 of the Revised Code;

~~(b)~~ Two or more counties, or a municipal corporation and one or more counties, in the type of local area defined in division (A)(3) of section 6301.01 of the Revised Code that are coordinating and integrating workforce development activities in the local area.

~~(3)~~ A county family services agency or workforce development agency shall use funds available in a consolidated funding allocation only for the purpose for which the funds were appropriated.

(D)(1) The director shall adopt rules in accordance with

section 111.15 of the Revised Code governing fiscal agreements. 54043  
The director shall adopt the rules as if they were internal 54044  
management rules. Before adopting the rules, the director shall 54045  
give the public an opportunity to review and comment on the 54046  
proposed rules. The rules shall establish methodologies to be used 54047  
to determine the amount of financial assistance to be awarded 54048  
under the agreements. The rules also shall establish terms and 54049  
conditions under which an agreement may be entered into after the 54050  
first day of July of an odd-numbered year. The rules may do any or 54051  
all of the following: 54052

(a) Govern the establishment of consolidated funding 54053  
allocations and specify the time period for which a consolidated 54054  
funding allocation is to be provided if the effective date of the 54055  
agreement is after the first day of July of an odd-numbered year, 54056  
which may include a time period before the effective date of the 54057  
agreement; 54058

(b) Govern the establishment of other allocations; 54059

(c) Specify allowable uses of financial assistance awarded 54060  
under the agreements; 54061

(d) Establish reporting, cash management, audit, and other 54062  
requirements the director determines are necessary to provide 54063  
accountability for the use of financial assistance awarded under 54064  
the agreements and determine compliance with requirements 54065  
established by the department, a federal or state law, or any of 54066  
the following that concern the family services duties included in 54067  
the agreements and are published under section 5101.212 of the 54068  
Revised Code: state plans for receipt of federal financial 54069  
participation, grant agreements between the department and a 54070  
federal entity, and executive orders issued by the governor. 54071

(2) A requirement of a fiscal agreement established by a rule 54072  
adopted under this division is applicable to a fiscal agreement 54073

without having to be restated in the fiscal agreement. 54074

Sec. 5101.211. (A) Except as provided in division (B) of this section, the director of job and family services may provide for a fiscal agreement entered into under section 5101.21 of the Revised Code to have a retroactive effective date of the first day of July of an odd-numbered year if both of the following are the case: 54075  
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(1) The agreement is entered into after that date and before the last day of that July. 54081  
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(2) The board of county commissioners requests the retroactive effective date and provides the director good cause satisfactory to the director for the reason the agreement was not entered into on or before the first day of that July. 54083  
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(B) The director may provide for a fiscal agreement to have a retroactive effective date of July 1, 2003, if both of the following are the case: 54087  
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(1) The agreement is entered into after July 1, 2003, and before August 29, 2003. 54090  
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(2) The board of county commissioners requests the retroactive effective date. 54092  
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Sec. 5101.212. The department of job and family services shall publish in a manner accessible to the public all of the following that concern family services duties included in fiscal agreements entered into under section 5101.21 of the Revised Code: state plans for receipt of federal financial participation, grant agreements between the department and a federal agency, and executive orders issued by the governor. The department may publish the materials electronically or otherwise. 54094  
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Sec. 5101.213. (A) Except as provided in section 5101.211 of 54102

the Revised Code, if a fiscal agreement under section 5101.21 of 54103  
the Revised Code between the director of job and family services 54104  
and a board of county commissioners is not in effect, all of the 54105  
following apply: 54106

(1) The department of job and family services shall award to 54107  
the county the board serves financial assistance for family 54108  
services duties in accordance with a methodology for determining 54109  
the amount of the award established by rules adopted under 54110  
division (B) of this section. 54111

(2) The financial assistance may be provided in the form of 54112  
allocations, cash draws, reimbursements, and property but may not 54113  
be made in the form of a consolidated funding allocation. 54114

(3) The award of the financial assistance is subject to the 54115  
availability of federal funds and appropriations made by the 54116  
general assembly. 54117

(4) The county family services agencies performing the family 54118  
services duties for which the financial assistance is awarded 54119  
shall do all of the following: 54120

(a) Use the financial assistance, and perform the family 54121  
services duties, in accordance with requirements for the duties 54122  
established by the department, a federal or state law, or any of 54123  
the following that concern the duties: state plans for receipt of 54124  
federal financial participation, grant agreements between the 54125  
department and a federal agency, and executive orders issued by 54126  
the governor; 54127

(b) Utilize a financial management system and other 54128  
accountability mechanisms for the financial assistance that meet 54129  
requirements the department establishes; 54130

(c) Monitor all private and government entities that receive 54131  
a payment from the financial assistance to ensure that each entity 54132

uses the payment in accordance with requirements for the family services duties and take action to recover payments that are not used in accordance with the requirements for the family services duties; 54133  
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(d) Promptly reimburse the department the amount that represents the amount an agency is responsible for, pursuant to action the department takes under division (C) of section 5101.24 of the Revised Code, of funds the department pays to any entity because of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty; 54137  
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(e) Take prompt corrective action, including paying amounts resulting from an adverse finding, sanction, or penalty, if the department, auditor of state, federal agency, or other entity authorized by federal or state law to determine compliance with requirements for a family services duty determines compliance has not been achieved. 54144  
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(B) The director shall adopt rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The director shall adopt the rules as if they were internal management rules. Before adopting the rules, the director shall give the public an opportunity to review and comment on the proposed rules. The rules shall establish methodologies to be used to determine the amount of financial assistance to be awarded and may do any or all of the following: 54150  
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(1) Govern the establishment of funding allocations; 54158

(2) Specify allowable uses of financial assistance the department awards under this section; 54159  
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(3) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of the financial assistance and 54161  
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determine compliance with requirements established by the 54164  
department, a federal or state law, or any of the following that 54165  
concern the family services duties for which the financial 54166  
assistance is awarded: state plans for receipt of federal 54167  
financial participation, grant agreements between the department 54168  
and a federal entity, and executive orders issued by the governor. 54169

**Sec. ~~5101.211~~ 5101.214.** The director of job and family 54170  
services may enter into a written agreement with one or more state 54171  
agencies, as defined in section 117.01 of the Revised Code, and 54172  
state universities and colleges to assist in the coordination, 54173  
provision, or enhancement of the family services duties of a 54174  
county family services agency or the workforce development 54175  
activities of a workforce development agency. The director also 54176  
may enter into written agreements or contracts with, or issue 54177  
grants to, private and government entities under which funds are 54178  
provided for the enhancement or innovation of family services 54179  
duties or workforce development activities on the state or local 54180  
level. ~~The terms of an agreement, contract, or grant under this~~ 54181  
~~section may be incorporated into a partnership agreement the~~ 54182  
~~director enters into with a board of county commissioners under~~ 54183  
~~section 5101.21 or with the chief elected official of a municipal~~ 54184  
~~corporation under section 5101.213 of the Revised Code, if the~~ 54185  
~~director and board or chief elected official and state agency,~~ 54186  
~~state university or college, or private or government entity~~ 54187  
~~agree.~~ 54188

The director may adopt internal management rules in 54189  
accordance with section 111.15 of the Revised Code to implement 54190  
this section. 54191

**Sec. ~~5101.212~~ 5101.215.** If the director of job and family 54192  
services enters into an agreement or contracts with, or issues a 54193  
grant to, a religious organization under section ~~5101.211~~ 5101.214 54194

of the Revised Code, the religious organization shall comply with 54195  
section 104 of the Personal Responsibility and Work Opportunity 54196  
and Reconciliation Act of 1996 (P.L. 104-193). 54197

Sec. 5101.216. The director of job and family services may 54198  
enter into one or more written operational agreements with boards 54199  
of county commissioners to do one or more of the following 54200  
regarding family services duties: 54201

(A) Provide for the director to amend or rescind a rule the 54202  
director previously adopted; 54203

(B) Provide for the director to modify procedures or 54204  
establish alternative procedures to accommodate special 54205  
circumstances in a county; 54206

(C) Provide for the director and board to jointly identify 54207  
operational problems of mutual concern and develop a joint plan to 54208  
address the problems; 54209

(D) Establish a framework for the director and board to 54210  
modify the use of existing resources in a manner that is 54211  
beneficial to the department of job and family services and the 54212  
county that the board serves and improves family services duties 54213  
for the recipients of the services. 54214

**Sec. 5101.22.** The department of job and family services may 54215  
establish performance and other administrative standards for the 54216  
administration and outcomes of family services duties ~~and~~ 54217  
~~workforce development activities~~ and determine at intervals the 54218  
department decides the degree to which a county family services 54219  
agency ~~or workforce development agency~~ complies with a performance 54220  
or other administrative standard. The department may use 54221  
statistical sampling, performance audits, case reviews, or other 54222  
methods it determines necessary and appropriate to determine 54223  
compliance with performance and administrative standards. 54224

~~A performance or other administrative standard established 54225  
under this section for a family service duty or workforce 54226  
development activity does not apply to a county family services 54227  
agency or workforce development agency administering the duty if a 54228  
different performance or administrative standard is specified for 54229  
the agency's administration of the duty or activity pursuant to a 54230  
partnership agreement entered into under section 5101.21 or 54231  
5101.213 of the Revised Code. 54232~~

Sec. 5101.221. (A) Except as provided by division (C) of this 54233  
section, if the department of job and family services determines 54234  
that a county family services agency has failed to comply with a 54235  
performance or other administrative standard established under 54236  
section 5101.22 of the Revised Code or by federal law for the 54237  
administration or outcome of a family services duty, the 54238  
department shall require the agency to develop, submit to the 54239  
department for approval, and comply with a corrective action plan. 54240

(B) If a county family services agency fails to develop, 54242  
submit to the department, or comply with a corrective action plan 54243  
under division (A) of this section, or the department disapproves 54244  
the agency's corrective action plan, the department may require 54245  
the agency to develop, submit to the department for approval, and 54246  
comply with a corrective action plan that requires the agency to 54247  
commit existing resources to the plan. 54248

(C) The department may not require a county family services 54249  
agency to take action under this section for failure to comply 54250  
with a performance or other administrative standard established 54251  
for an incentive awarded by the department. Instead, the 54252  
department may require a county family services agency that fails 54253  
to comply with that kind of performance or other administrative 54254  
standard to take action in accordance with rules adopted by the 54255

department governing the standard. 54256

(D) At the request of a county family services agency, the 54257  
department shall assist the agency with the development of a 54258  
corrective action plan under this section and provide the agency 54259  
technical assistance in the implementation of the plan. 54260

Sec. 5101.222. The director of job and family services may 54261  
adopt rules in accordance with section 111.15 of the Revised Code 54262  
to implement sections 5101.22 to 5101.222 of the Revised Code. If 54263  
the director adopts the rules, the director shall adopt the rules 54264  
as if they were internal management rules. 54265

**Sec. 5101.24.** (A) As used in this section, "responsible 54266  
entity" means ~~the following:~~ 54267

~~(1) If the family services duty or workforce development~~ 54268  
~~activity involved is included in a partnership agreement a board~~ 54269  
~~of county commissioners and the director of job and family~~ 54270  
~~services enters into under section 5101.21 of the Revised Code,~~ 54271  
~~the board regardless of the fact that or a county family services~~ 54272  
~~agency performs the family services duty or a workforce~~ 54273  
~~development agency performs the workforce development activity.~~ 54274

~~(2) If the family services duty or workforce development~~ 54275  
~~activity involved is not included in a partnership agreement, the~~ 54276  
~~county family services agency or workforce development agency,~~ 54277  
whichever the director of job and family services determines is 54278  
appropriate to take action against under division (C) of this 54279  
section. 54280

(B) The Regardless of whether a family services duty is 54281  
performed by a county family services agency, private or 54282  
government entity pursuant to a contract entered into under 54283  
section 307.982 of the Revised Code or division (C)(2) of section 54284  
5153.16 of the Revised Code, or private or government provider of 54285

a family service duty, the department of job and family services 54286  
may take action under division (C) of this section against the 54287  
responsible entity if the department determines any of the 54288  
following apply to the county family services agency performing 54289  
the family services duty or workforce development agency providing 54290  
the workforce development activity are the case: 54291

(1) The agency fails to meet a performance standard specified 54292  
in a partnership agreement entered into under section 5101.21 or 54293  
established A requirement of a fiscal agreement entered into under 54294  
section 5101.21 of the Revised Code that includes the family 54295  
services duty, including a requirement for fiscal agreements 54296  
established by rules adopted under that section, is not complied 54297  
with; 54298

(2) A county family services agency fails to develop, submit 54299  
to the department, or comply with a corrective action plan under 54300  
division (B) of section 5101.221 of the Revised Code, or the 54301  
department disapproves the agency's corrective action plan 54302  
developed under division (B) of section 5101.22 5101.221 of the 54303  
Revised Code for the duty or activity; 54304

~~(2)~~ The agency fails to comply with a (3) A requirement for 54305  
the family services duty established by the department or any of 54306  
the following is not complied with: a federal statute or 54307  
regulations, state statute, or a department rule for the duty or 54308  
activity law, state plan for receipt of federal financial 54309  
participation, grant agreement between the department and a 54310  
federal agency, or executive order issued by the governor; 54311

~~(3)~~(4) The agency responsible entity is solely or partially 54312  
responsible, as determined by the director of job and family 54313  
services, for an adverse audit or finding, adverse quality control 54314  
finding, final disallowance of federal financial participation, or 54315  
other sanction or penalty regarding the family services duty or 54316  
activity. 54317

(C) The department may take one or more of the following 54318  
actions against the responsible entity ~~if~~ when authorized by 54319  
division (B)(1), (2), ~~or (3)~~, or (4) of this section ~~applies~~: 54320

(1) Require the responsible entity to ~~submit to and~~ comply 54321  
with a corrective action plan pursuant to a time schedule 54322  
specified by the department. The corrective action plan shall be 54323  
established or approved by the department and shall not require a 54324  
county family services agency to commit resources to the plan. 54325

(2) Require the responsible entity to comply with a 54326  
corrective action plan pursuant to a time schedule specified by 54327  
the department. The corrective action plan shall be established or 54328  
approved by the department and require a county family services 54329  
agency to commit to the plan existing resources identified by the 54330  
agency. 54331

(3) Require the responsible entity to do one of the 54332  
following: 54333

(a) Share with the department a final disallowance of federal 54334  
financial participation or other sanction or penalty; 54335

(b) Reimburse the department the final amount the department 54336  
pays to the federal government or another entity that represents 54337  
the amount the ~~agency~~ responsible entity is responsible for of an 54338  
adverse audit ~~or finding, adverse~~ quality control finding, final 54339  
disallowance of federal financial participation, or other sanction 54340  
or penalty issued by the federal government, auditor of state, or 54341  
other entity; 54342

(c) Pay the federal government or another entity the final 54343  
amount that represents the amount the ~~agency~~ responsible entity is 54344  
responsible for of an adverse audit ~~or finding, adverse~~ quality 54345  
control finding, final disallowance of federal financial 54346  
participation, or other sanction or penalty issued by the federal 54347  
government, auditor of state, or other entity; 54348

(d) Pay the department the final amount that represents the amount the responsible entity is responsible for of an adverse audit finding or adverse quality control finding. 54349  
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~~(3)~~(4) Impose a ~~financial or~~ an administrative sanction ~~or~~ or ~~adverse audit~~ issued by the department against the responsible entity. A sanction may be increased if the department has previously taken action against the responsible entity under this division. 54352  
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~~(4)~~(5) Perform, or contract with a government or private entity for the entity to perform, the family services duty ~~or~~ or ~~workforce development activity~~ until the department is satisfied that the responsible entity ensures that the duty ~~or activity~~ will be performed satisfactorily. If the department performs or contracts with an entity to perform a family services duty ~~or~~ or ~~workforce development activity~~ under division (C)~~(4)~~(5) of this section, the department may do either or both of the following: 54357  
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(a) Spend funds in the county treasury appropriated by the board of county commissioners for the duty ~~or activity~~; 54365  
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(b) Withhold funds allocated or reimbursements due to the responsible entity for the duty ~~or activity~~ and spend the funds for the duty ~~or activity~~. 54367  
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~~(5)~~(6) Request that the attorney general bring mandamus proceedings to compel the responsible entity to take or cease the action that causes division (B)(1), (2), ~~or~~ or ~~(3)~~, or (4) of this section to apply. The attorney general shall bring mandamus proceedings in the Franklin county court of appeals at the department's request. 54370  
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(7) If the department takes action under this division because of division (B)(3) of this section, temporarily withhold funds allocated or reimbursement due to the responsible entity until the department determines that the responsible entity is in 54376  
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compliance with the requirement. The department shall release the 54380  
funds when the department determines that compliance has been 54381  
achieved. 54382

(D) If the department ~~decides~~ proposes to take action against 54383  
the responsible entity under division (C) of this section, the 54384  
department shall notify the responsible entity and county auditor. 54385  
The notice shall be in writing and specify the action the 54386  
department proposes to take. The department shall send the notice 54387  
by regular United States mail. 54388

~~The~~ Except as provided by division (E) of this section, the 54389  
responsible entity may request an administrative review of a 54390  
proposed action, ~~other than a proposed action under division~~ 54391  
~~(C)(5) of this section, by sending a written request to the~~ 54392  
~~department not later than~~ in accordance with administrative review 54393  
procedures the department shall establish. The administrative 54394  
review procedures shall comply with all of the following: 54395

(1) A request for an administrative review shall state 54396  
specifically all of the following: 54397

(a) The proposed action specified in the notice from the 54398  
department for which the review is requested; 54399

(b) The reason why the responsible entity believes the 54400  
proposed action is inappropriate; 54401

(c) All facts and legal arguments that the responsible entity 54402  
wants the department to consider; 54403

(d) The name of the person who will serve as the responsible 54404  
entity's representative in the review. 54405

(2) If the department's notice specifies more than one 54406  
proposed action and the responsible entity does not specify all of 54407  
the proposed actions in its request pursuant to division (D)(1)(a) 54408  
of this section, the proposed actions not specified in the request 54409

shall not be subject to administrative review and the parts of the 54410  
notice regarding those proposed actions shall be final and binding 54411  
on the responsible entity. 54412

(3) In the case of a proposed action under division (C)(1) of 54413  
this section, the responsible entity shall have fifteen calendar 54414  
days after the department mails the notice to the responsible 54415  
entity to send a written request to the department for an 54416  
administrative review. If it receives such a request within the 54417  
required time, the department shall postpone taking action under 54418  
division (C)(1) of this section for fifteen calendar days 54419  
following the day it receives the request. ~~The~~ or extended period 54420  
of time provided for in division (D)(5) of this section to allow a 54421  
representative of the department and a representative of the 54422  
responsible entity shall attempt an informal opportunity to 54423  
resolve any dispute during that fifteen-day or extended period. 54424

~~(2)~~(4) In the case of a proposed action under division 54425  
(C)(2), (3), (4), (5), or (7) of this section, ~~forty-five~~ the 54426  
responsible entity shall have thirty calendar days after the 54427  
department mails the notice to the responsible entity to send a 54428  
written request to the department for an administrative review. 54429  
~~The administrative review shall be limited solely to the issue of~~ 54430  
~~the amount the responsible entity shall share with the department,~~ 54431  
~~reimburse the department, or pay to the federal government or~~ 54432  
~~another entity under division (C)(2) of this section. The~~ If it 54433  
receives such a request within the required time, the department 54434  
shall postpone taking action under division (C)(2), (3), (4), (5), 54435  
or (7) of this section for thirty calendar days following the day 54436  
it receives the request or extended period of time provided for in 54437  
division (D)(5) of this section to allow a representative of the 54438  
department and a representative of the responsible entity ~~shall~~ 54439  
~~attempt~~ an informal opportunity to resolve any dispute ~~within~~ 54440  
~~sixty days~~ during that thirty-day or extended period. 54441

~~(3) In the case of a proposed action under division (C)(3) or (4) of this section, forty five days after the department mails the notice to the responsible entity. The department and responsible entity shall attempt to resolve any dispute within sixty days.~~ 54442  
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~~If the department and responsible entity fail to resolve any dispute within the required time, the department shall conduct a hearing in accordance with Chapter 119. of the Revised Code, except that the department, notwithstanding section 119.07 of the Revised Code, is not required to schedule the hearing within fifteen days of the responsible entity's request.~~ 54447  
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~~(E)(5) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the fifteen- or thirty-day period, the director of job and family services and representative of the responsible entity may enter into a written agreement extending the time period for attempting an informal resolution of the dispute under division (D)(3) or (4) of this section.~~ 54453  
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~~(6) In the case of a proposed action under division (C)(3) of this section, the responsible entity may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or entity other than the department.~~ 54460  
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~~(7) If the responsible entity fails to request an administrative review within the required time, the responsible entity loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible entity.~~ 54466  
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~~(8) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to~~ 54471  
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the dispute within the time provided by division (D)(3), (4), or 54473  
(5) of this section, the director shall appoint an administrative 54474  
review panel to conduct the administrative review. The review 54475  
panel shall consist of department employees and one director or 54476  
other representative of the type of county family services agency 54477  
that is responsible for the kind of family services duty that is 54478  
the subject of the dispute and serves a different county than the 54479  
county served by the responsible entity. No individual involved in 54480  
the department's proposal to take action against the responsible 54481  
entity may serve on the review panel. The review panel shall 54482  
review the responsible entity's request. The review panel may 54483  
require that the department or responsible entity submit 54484  
additional information and schedule and conduct an informal 54485  
hearing to obtain testimony or additional evidence. A review of a 54486  
proposal to take action under division (C)(3) of this section 54487  
shall be limited solely to the issue of the amount the responsible 54488  
entity shall share with the department, reimburse the department, 54489  
or pay to the federal government, department, or other entity 54490  
under division (C)(3) of this section. The review panel is not 54491  
required to make a stenographic record of its hearing or other 54492  
proceedings. 54493

(9) After finishing an administrative review, an 54494  
administrative review panel appointed under division (D)(8) of 54495  
this section shall submit a written report to the director setting 54496  
forth its findings of fact, conclusions of law, and 54497  
recommendations for action. The director may approve, modify, or 54498  
disapprove the recommendations. If the director modifies or 54499  
disapproves the recommendations, the director shall state the 54500  
reasons for the modification or disapproval and the actions to be 54501  
taken against the responsible entity. 54502

(10) The director's approval, modification, or disapproval 54503  
under division (D)(9) of this section shall be final and binding 54504

on the responsible entity and shall not be subject to further 54505  
departmental review. 54506

(E) The responsible entity is not entitled to an 54507  
administrative review under division (D) of this section for any 54508  
of the following: 54509

(1) An action taken under division (C)(6) of this section; 54510

(2) An action taken under section 5101.242 of the Revised 54511  
Code; 54512

(3) An action taken under division (C)(3) of this section if 54513  
the federal government, auditor of state, or entity other than the 54514  
department has identified the county family services agency as 54515  
being solely or partially responsible for an adverse audit 54516  
finding, adverse quality control finding, final disallowance of 54517  
federal financial participation, or other sanction or penalty; 54518

(4) An adjustment to an allocation, cash draw, advance, or 54519  
reimbursement to a county family services agency that the 54520  
department determines necessary for budgetary reasons; 54521

(5) Withholding of a cash draw or reimbursement due to 54522  
noncompliance with a reporting requirement established in rules 54523  
adopted under section 5101.243 of the Revised Code. 54524

(F) This section does not apply to other actions the 54525  
department takes against the responsible entity pursuant to 54526  
authority granted by another state law unless the other state law 54527  
requires the department to take the action in accordance with this 54528  
section. 54529

(G) The director of job and family services may adopt rules 54530  
in accordance with Chapter 119. of the Revised Code as necessary 54531  
to implement this section. 54532

**Sec. 5101.241. (A) As used in this section:** 54533

(1) "Local area" and "chief elected official" have the same 54534  
meaning as in section 5101.20 of the Revised Code. 54535

(2) "Responsible entity" means the chief elected officials of 54536  
a local area. 54537

(B) The department of job and family services may take action 54538  
under division (C) of this section against the responsible entity, 54539  
regardless of who performs the workforce development activity, if 54540  
the department determines any of the following are the case: 54541

(1) A requirement of a grant agreement entered into under 54542  
section 5101.20 of the Revised Code that includes the workforce 54543  
development activity, including a requirement for grant agreements 54544  
established by rules adopted under that section, is not complied 54545  
with; 54546

(2) A performance standard for the workforce development 54547  
activity established by the federal government or the department 54548  
is not met; 54549

(3) A requirement for the workforce development activity 54550  
established by the department or any of the following is not 54551  
complied with: a federal or state law, state plan for receipt of 54552  
federal financial participation, grant agreement between the 54553  
department and a federal agency, or executive order; 54554

(4) The responsible entity is solely or partially 54555  
responsible, as determined by the director of job and family 54556  
services, for an adverse audit finding, adverse quality control 54557  
finding, final disallowance of federal financial participation, or 54558  
other sanction or penalty regarding the workforce development 54559  
activity. 54560

(C) The department may take one or more of the following 54561  
actions against the responsible entity when authorized by division 54562  
(B)(1), (2), (3), or (4) of this section: 54563

<u>(1) Require the responsible entity to submit to and comply with a corrective action plan, established or approved by the department, pursuant to a time schedule specified by the department;</u>	54564
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<u>(2) Require the responsible entity to do one of the following:</u>	54568
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<u>(a) Share with the department a final disallowance of federal financial participation or other sanction or penalty;</u>	54570
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<u>(b) Reimburse the department the amount the department pays to the federal government or another entity that represents the amount the responsible entity is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity;</u>	54572
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<u>(c) Pay the federal government or another entity the amount that represents the amount the responsible entity is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity;</u>	54579
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<u>(d) Pay the department the amount that represents the amount the responsible entity is responsible for of an adverse audit finding, adverse quality control finding, or other sanction or penalty issued by the department.</u>	54585
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<u>(3) Impose a financial or administrative sanction or adverse audit finding issued by the department against the responsible entity, which may be increased with each subsequent action taken against the responsible entity.</u>	54589
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<u>(4) Perform or contract with a government or private entity for the entity to perform the workforce development activity until</u>	54593
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the department is satisfied that the responsible entity ensures 54595  
that the activity will be performed to the department's 54596  
satisfaction. If the department performs or contracts with an 54597  
entity to perform the workforce development activity under 54598  
division (C)(4) of this section, the department may withhold funds 54599  
allocated to or reimbursements due to the responsible entity for 54600  
the activity and use those funds to implement division (C)(4) of 54601  
this section. 54602

(5) Request the attorney general to bring mandamus 54603  
proceedings to compel the responsible entity to take or cease the 54604  
actions listed in division (B) of this section. The attorney 54605  
general shall bring any mandamus proceedings in the Franklin 54606  
county court of appeals at the department's request. 54607

(6) If the department takes action under this division 54608  
because of division (B)(3) of this section, withhold funds 54609  
allocated or reimbursement due to the responsible entity until the 54610  
department determines that the responsible entity is in compliance 54611  
with the requirement. The department shall release the funds when 54612  
the department determines that compliance has been achieved. 54613

(D) The department shall notify the responsible entity and 54614  
the appropriate county auditor when the department proposes to 54615  
take action under division (C) of this section. The notice shall 54616  
be in writing and specify the action the department proposes to 54617  
take. The department shall send the notice by regular United 54618  
States mail. Except as provided in division (E) of this section, 54619  
the responsible entity may request an administrative review of a 54620  
proposed action in accordance with administrative review 54621  
procedures the department shall establish. The administrative 54622  
review procedures shall comply with all of the following: 54623

(1) A request for an administrative review shall state 54624  
specifically all of the following: 54625

<u>(a) The proposed action specified in the notice from the department for which the review is requested;</u>	54626
<u>(b) The reason why the responsible entity believes the proposed action is inappropriate;</u>	54628
<u>(c) All facts and legal arguments that the responsible entity wants the department to consider;</u>	54629
<u>(d) The name of the person who will serve as the responsible entity's representative in the review.</u>	54630
<u>(2) If the department's notice specifies more than one proposed action and the responsible entity does not specify all of the proposed actions in its request pursuant to division (D)(1)(a) of this section, the proposed actions not specified in the request shall not be subject to administrative review and the parts of the notice regarding those proposed actions shall be final and binding on the responsible entity.</u>	54631
<u>(3) In the case of a proposed action under division (C)(1) of this section, the responsible entity shall have fifteen calendar days after the department mails the notice to the responsible entity to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(1) of this section for fifteen calendar days following the day it receives the request to allow a representative of the department and a representative of the responsible entity an informal opportunity to resolve any dispute during that fifteen-day period.</u>	54632
<u>(4) In the case of a proposed action under division (C)(2), (3), or (4) of this section, the responsible entity shall have thirty calendar days after the department mails the notice to the responsible entity to send a written request to the department for an administrative review. If it receives such a request within the</u>	54633
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required time, the department shall postpone taking action under 54657  
division (C)(2), (3), or (4) of this section for thirty calendar 54658  
days following the day it receives the request to allow a 54659  
representative of the department and a representative of the 54660  
responsible entity an informal opportunity to resolve any dispute 54661  
during that thirty-day period. 54662

(5) In the case of a proposed action under division (C)(2) of 54663  
this section, the responsible entity may not include in its 54664  
request disputes over a finding, final disallowance of federal 54665  
financial participation, or other sanction or penalty issued by 54666  
the federal government, auditor of state, or other entity other 54667  
than the department. 54668

(6) If the responsible entity fails to request an 54669  
administrative review within the required time, the responsible 54670  
entity loses the right to request an administrative review of the 54671  
proposed actions specified in the notice and the notice becomes 54672  
final and binding on the responsible entity. 54673

(7) If the informal opportunity provided in division (D)(3) 54674  
or (4) of this section does not result in a written resolution to 54675  
the dispute, the director of job and family services shall appoint 54676  
an administrative review panel to conduct the administrative 54677  
review. The review panel shall consist of department employees who 54678  
are not involved in the department's proposal to take action 54679  
against the responsible entity. The review panel shall review the 54680  
responsible entity's request. The review panel may require that 54681  
the department or responsible entity submit additional information 54682  
and schedule and conduct an informal hearing to obtain testimony 54683  
or additional evidence. A review of a proposal to take action 54684  
under division (C)(2) of this section shall be limited solely to 54685  
the issue of the amount the responsible entity shall share with 54686  
the department, reimburse the department, or pay to the federal 54687  
government, department, or other entity under division (C)(2) of 54688

this section. The review panel is not required to make a 54689  
stenographic record of its hearing or other proceedings. 54690

(8) After finishing an administrative review, an 54691  
administrative review panel appointed under division (D)(7) of 54692  
this section shall submit a written report to the director setting 54693  
forth its findings of fact, conclusions of law, and 54694  
recommendations for action. The director may approve, modify, or 54695  
disapprove the recommendations. If the director modifies or 54696  
disapproves the recommendations, the director shall state the 54697  
reasons for the modification or disapproval and the actions to be 54698  
taken against the responsible entity. 54699

(9) The director's approval, modification, or disapproval 54700  
under division (D)(8) of this section shall be final and binding 54701  
on the responsible entity and shall not be subject to further 54702  
departmental review. 54703

(E) The responsible entity is not entitled to an 54704  
administrative review under division (D) of this section for any 54705  
of the following: 54706

(1) An action taken under division (C)(5) or (6) of this 54707  
section; 54708

(2) An action taken under section 5101.242 of the Revised 54709  
Code; 54710

(3) An action taken under division (C)(2) of this section if 54711  
the federal government, auditor of state, or entity other than the 54712  
department has identified the responsible entity as being solely 54713  
or partially responsible for an adverse audit finding, adverse 54714  
quality control finding, final disallowance of federal financial 54715  
participation, or other sanction or penalty; 54716

(4) An adjustment to an allocation, cash draw, advance, or 54717  
reimbursement to the responsible entity's local area that the 54718  
department determines necessary for budgetary reasons; 54719

(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code. 54720  
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(F) This section does not apply to other actions the department takes against the responsible entity pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section. 54723  
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(G) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. 54728  
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Sec. 5101.242. The department of job and family services may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a responsible entity to recover any funds that the department determines the responsible entity owes the department for actions taken under division (C)(2), (3), (4), or (5) of section 5101.24 or 5101.241 of the Revised Code. 54731  
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Sec. 5101.243. The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code establishing reporting requirements for family services duties and workforce development activities. If the director adopts the rules, the director shall adopt the rules as if they were internal management rules and, before adopting the rules, give the public an opportunity to review and comment on the proposed rules. 54738  
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Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code: 54745  
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(A) "County agency" means a county department of job and family services or a public children services agency. 54747  
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(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.

(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.

(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

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

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

issued under section 107.17 of the Revised Code. 54781

~~(F)~~(G) "Public assistance recipient" means an applicant for 54782  
or recipient or former recipient of public assistance. 54783

**Sec. 5101.27.** (A) Except as permitted by this section, 54784  
section 5101.28 or 5101.29 of the Revised Code, or the rules 54785  
adopted under division (A) of section 5101.30 of the Revised Code, 54786  
or required by federal law, no person or government entity shall 54787  
solicit, disclose, receive, use, or knowingly permit, or 54788  
participate in the use of any information regarding a public 54789  
assistance recipient for any purpose not directly connected with 54790  
the administration of a public assistance program. 54791

(B)~~(1)~~ To the extent permitted by federal law, the department 54792  
of job and family services and county agencies shall ~~release~~ do 54793  
both of the following: 54794

(1) Release information regarding a public assistance 54795  
recipient for purposes directly connected to the administration of 54796  
the program to a government entity responsible for administering a 54797  
that public assistance program ~~or any other state, federal, or~~ 54798  
~~federally assisted program that provides cash or in-kind~~ 54799  
~~assistance or services directly to individuals based on need or~~ 54800  
~~for the purpose of protecting children to a government entity~~ 54801  
~~responsible for administering a children's protective services~~ 54802  
~~program.~~ 54803

~~(2) To the extent permitted by federal law, the department~~ 54804  
~~and county agencies shall provide~~ Provide information regarding a 54805  
public assistance recipient to a law enforcement agency for the 54806  
purpose of any investigation, prosecution, or criminal or civil 54807  
proceeding relating to the administration of a that public 54808  
assistance program. 54809

(C) To the extent permitted by federal law and section 54810

1347.08 of the Revised Code, the department and county agencies 54811  
shall provide access to information regarding a public assistance 54812  
recipient to all of the following: 54813

(1) The recipient; 54814

(2) The authorized representative, ~~as defined in rules~~ 54815  
~~adopted under section 5101.30 of the Revised Code, of the~~ 54816  
~~recipient;~~ 54817

(3) The ~~parent or~~ legal guardian of the recipient; 54818

(4) The attorney of the recipient, if the attorney has 54819  
written authorization that complies with section 5101.271 of the 54820  
Revised Code from the recipient. 54821

(D) To the extent permitted by federal law and subject to 54822  
division (E) of this section, the department and county agencies 54823  
may ~~release~~ do both of the following: 54824

(1) Release information about a public assistance recipient 54825  
if the recipient gives voluntary, written ~~consent that~~ 54826  
~~specifically identifies the persons or government entities to~~ 54827  
~~which the information may be released.~~ 54828

~~The~~ authorization that complies with section 5101.271 of the 54829  
Revised Code; 54830

(2) Release information regarding a public assistance 54831  
recipient to a state, federal, or federally assisted program that 54832  
provides cash or in-kind assistance or services directly to 54833  
individuals based on need or for the purpose of protecting 54834  
children to a government entity responsible for administering a 54835  
children's protective services program. 54836

(E) Except when the release is required by division (B), (C), 54837  
or (D)(2) of this section, the department or county agency shall 54838  
release the information only ~~to the persons or government entities~~ 54839  
~~specified in the document evidencing consent. Consent may be~~ 54840

~~time limited or ongoing, at the discretion of the individual 54841  
giving it, and may be rescinded at any time; however, an 54842  
individual cannot rescind consent retroactively. The document 54843  
evidencing consent must state that consent may be rescinded in 54844  
accordance with the authorization. The department or county agency 54845  
shall provide, at no cost, a copy of each written authorization to 54846  
the individual who signed it. 54847~~

~~(F) The department or a county agency may release information 54848  
under this division (D) of this section concerning a the receipt 54849  
of medical assistance provided under Chapter 5111. of the Revised 54850  
Code a public assistance program only if ~~both~~ all of the following 54851  
conditions are ~~the case~~ met: 54852~~

~~(1) The release of information is for purposes directly 54853  
connected to the administration of programs created under Chapter 54854  
5111. of the Revised Code or services provision of medical 54855  
assistance provided under programs created under that chapter a 54856  
public assistance program; 54857~~

~~(2) The information is released to persons or government 54858  
entities that are subject to standards of confidentiality and 54859  
safeguarding information substantially comparable to those 54860  
established for programs created under Chapter 5111. of the 54861  
Revised Code medical assistance provided under a public assistance 54862  
program; 54863~~

~~(3) The department or county agency has obtained an 54864  
authorization consistent with section 5101.271 of the Revised 54865  
Code. 54866~~

~~(G) Information concerning the receipt of medical assistance 54867  
provided under a public assistance program may be released only if 54868  
the release complies with this section and rules adopted by the 54869  
department pursuant to section 5101.30 of the Revised Code or, if 54870  
more restrictive, the Health Insurance Portability and 54871~~

Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 54872  
42 U.S.C. 1320d, et seq., as amended, and regulations adopted by 54873  
the United States department of health and human services to 54874  
implement the act. 54875

(H) The department of job and family services may adopt rules 54876  
defining "authorized representative" for purposes of division 54877  
(C)(2) of this section. 54878

**Sec. 5101.271.** (A) For the purposes of section 5101.27 of the 54879  
Revised Code, an authorization shall be made on a form that uses 54880  
language understandable to the average person and contains all of 54881  
the following: 54882

(1) A description of the information to be used or disclosed 54883  
that identifies the information in a specific and meaningful 54884  
fashion; 54885

(2) The name or other specific identification of the person 54886  
or class of persons authorized to make the requested use or 54887  
disclosure; 54888

(3) The name or other specific identification of the person 54889  
or governmental entity to which the information may be released; 54890

(4) A description of each purpose of the requested use or 54891  
disclosure of the information; 54892

(5) The date on which the authorization expires or an event 54893  
related either to the individual who is the subject of the request 54894  
or to the purposes of the requested use or disclosure, the 54895  
occurrence of which will cause the authorization to expire; 54896

(6) A statement that the information used or disclosed 54897  
pursuant to the authorization may be disclosed by the recipient of 54898  
the information and may no longer be protected from disclosure; 54899

(7) The signature of the individual or the individual's 54900  
authorized representative and the date on which the authorization 54901

was signed; 54902

(8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 54903  
54904

(9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following: 54905  
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54907

(a) A description of how the individual or authorized representative may revoke the authorization; 54908  
54909

(b) If the department of job and family services' privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice. 54910  
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(10) A statement that treatment, payment, enrollment, or eligibility for public assistance cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance program. 54914  
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(B) When an individual requests information pursuant to section 5101.27 of the Revised Code regarding the individual's receipt of public assistance and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 54918  
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**Sec. 5101.28.** ~~(A) The department of job and family services shall enter into written agreements with law enforcement agencies to exchange, obtain, or share~~ (1) On request of the department of job and family services or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department, ~~or county agencies, and law enforcement agencies~~ agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's 54924  
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assistance group is ~~either of the following:~~ 54932

~~(1) A a fugitive felon;~~ 54933

~~(2) Violating felon or violating a condition of probation, a 54934  
community control sanction, parole, or a post-release control 54935  
sanction imposed under state or federal law.~~ 54936

(2) A county agency may enter into a written agreement with a 54937  
local law enforcement agency establishing procedures concerning 54938  
access to information and providing for compliance with division 54939  
(F) of this section. 54940

(B) The To the extent permitted by federal law, the 54941  
department and county agencies shall provide information, except 54942  
information directly related to the receipt of medical assistance 54943  
or medical services, regarding recipients of public assistance 54944  
under a program administered by the state department or a county 54945  
agency pursuant to Chapter 5107., 5108., or 5115. of the Revised 54946  
Code to law enforcement agencies on request for the purposes of 54947  
investigations, prosecutions, and criminal and civil proceedings 54948  
that are within the scope of the law enforcement agencies' 54949  
official duties. 54950

(C) Information about a recipient shall be exchanged, 54951  
obtained, or shared only if the department, county agency, or law 54952  
enforcement agency requesting the information gives sufficient 54953  
information to specifically identify the recipient. In addition to 54954  
the recipient's name, identifying information may include the 54955  
recipient's current or last known address, social security number, 54956  
other identifying number, age, gender, physical characteristics, 54957  
any information specified in an agreement entered into under 54958  
division (A) of this section, or any information considered 54959  
appropriate by the department or agency. 54960

(D)(1) The department and its officers and employees are not 54961  
liable in damages in a civil action for any injury, death, or loss 54962

to person or property that allegedly arises from the release of 54963  
information in accordance with divisions (A), (B), and (C) of this 54964  
section. This section does not affect any immunity or defense that 54965  
the department and its officers and employees may be entitled to 54966  
under another section of the Revised Code or the common law of 54967  
this state, including section 9.86 of the Revised Code. 54968

(2) The county agencies and their employees are not liable in 54969  
damages in a civil action for any injury, death, or loss to person 54970  
or property that allegedly arises from the release of information 54971  
in accordance with divisions (A), (B), and (C) of this section. 54972  
"Employee" has the same meaning as in division (B) of section 54973  
2744.01 of the Revised Code. This section does not affect any 54974  
immunity or defense that the county agencies and their employees 54975  
may be entitled to under another section of the Revised Code or 54976  
the common law of this state, including section 2744.02 and 54977  
division (A)(6) of section 2744.03 of the Revised Code. 54978

(E) To the extent permitted by federal law, the department 54979  
and county agencies shall provide access to information to the 54980  
auditor of state acting pursuant to Chapter 117. or sections 54981  
5101.181 and 5101.182 of the Revised Code and to any other 54982  
government entity authorized by ~~ex~~ federal law to conduct an audit 54983  
of or similar activity involving a public assistance program. 54984

(F) The auditor of state shall prepare an annual report on 54985  
the outcome of the agreements required under division (A) of this 54986  
section. The report shall include the number of fugitive felons 54987  
and probation and parole violators apprehended during the 54988  
immediately preceding year as a result of the exchange of 54989  
information pursuant to that division. The auditor of state shall 54990  
file the report with the governor, the president and minority 54991  
leader of the senate, and the speaker and minority leader of the 54992  
house of representatives. The state department, county agencies, 54993  
and law enforcement agencies shall cooperate with the auditor of 54994

state's office in gathering the information required under this 54995  
division. 54996

(G) To the extent permitted by federal law, the department of 54997  
job and family services, county departments of job and family 54998  
services, and employees of the departments may report to a public 54999  
children services agency or other appropriate agency information 55000  
on known or suspected physical or mental injury, sexual abuse or 55001  
exploitation, or negligent treatment or maltreatment, of a child 55002  
receiving public assistance, if circumstances indicate that the 55003  
child's health or welfare is threatened. 55004

**Sec. 5101.35.** (A) As used in this section: 55005

(1) "Agency" means the following entities that administer a 55006  
family services program: 55007

(a) The department of job and family services; 55008

(b) A county department of job and family services; 55009

(c) A public children services agency; 55010

(d) A private or government entity administering, in whole or 55011  
in part, a family services program for or on behalf of the 55012  
department of job and family services or a county department of 55013  
job and family services or public children services agency. 55014

(2) "Appellant" means an applicant, participant, former 55015  
participant, recipient, or former recipient of a family services 55016  
program who is entitled by federal or state law to a hearing 55017  
regarding a decision or order of the agency that administers the 55018  
program. 55019

(3) "Family services program" means assistance provided under 55020  
a Title IV-A program as defined in section 5101.80 of the Revised 55021  
Code or under Chapter 5104., 5111., or 5115. or section 173.35, 55022  
5101.141, 5101.46, 5101.54, 5153.163, or 5153.165 of the Revised 55023  
Code, other than assistance provided under section 5101.46 of the 55024

Revised Code by the department of mental health, the department of 55025  
mental retardation and developmental disabilities, a board of 55026  
alcohol, drug addiction, and mental health services, or a county 55027  
board of mental retardation and developmental disabilities. 55028

(B) Except as provided ~~in~~ by division (G) of this section, an 55029  
appellant who appeals under federal or state law a decision or 55030  
order of an agency administering a family services program shall, 55031  
at the appellant's request, be granted a state hearing by the 55032  
department of job and family services. This state hearing shall be 55033  
conducted in accordance with rules adopted under this section. The 55034  
state hearing shall be tape-recorded, but neither the recording 55035  
nor a transcript of the recording shall be part of the official 55036  
record of the proceeding. A state hearing decision is binding upon 55037  
the agency and department, unless it is reversed or modified on 55038  
appeal to the director of job and family services or a court of 55039  
common pleas. 55040

(C) Except as provided by division (G) of this section, an 55041  
appellant who disagrees with a state hearing decision may make an 55042  
administrative appeal to the director of job and family services 55043  
in accordance with rules adopted under this section. This 55044  
administrative appeal does not require a hearing, but the director 55045  
or the director's designee shall review the state hearing decision 55046  
and previous administrative action and may affirm, modify, remand, 55047  
or reverse the state hearing decision. Any person designated to 55048  
make an administrative appeal decision on behalf of the director 55049  
shall have been admitted to the practice of law in this state. An 55050  
administrative appeal decision is the final decision of the 55051  
department and is binding upon the department and agency, unless 55052  
it is reversed or modified on appeal to the court of common pleas. 55053

(D) An agency shall comply with a decision issued pursuant to 55054  
division (B) or (C) of this section within the time limits 55055  
established by rules adopted under this section. If a county 55056

department of job and family services or a public children 55057  
services agency fails to comply within these time limits, the 55058  
department may take action pursuant to section 5101.24 of the 55059  
Revised Code. If another agency fails to comply within the time 55060  
limits, the department may force compliance by withholding funds 55061  
due the agency or imposing another sanction established by rules 55062  
adopted under this section. 55063

(E) An appellant who disagrees with an administrative appeal 55064  
decision of the director of job and family services or the 55065  
director's designee issued under division (C) of this section may 55066  
appeal from the decision to the court of common pleas pursuant to 55067  
section 119.12 of the Revised Code. The appeal shall be governed 55068  
by section 119.12 of the Revised Code except that: 55069

(1) The person may appeal to the court of common pleas of the 55070  
county in which the person resides, or to the court of common 55071  
pleas of Franklin county if the person does not reside in this 55072  
state. 55073

(2) The person may apply to the court for designation as an 55074  
indigent and, if the court grants this application, the appellant 55075  
shall not be required to furnish the costs of the appeal. 55076

(3) The appellant shall mail the notice of appeal to the 55077  
department of job and family services and file notice of appeal 55078  
with the court within thirty days after the department mails the 55079  
administrative appeal decision to the appellant. For good cause 55080  
shown, the court may extend the time for mailing and filing notice 55081  
of appeal, but such time shall not exceed six months from the date 55082  
the department mails the administrative appeal decision. Filing 55083  
notice of appeal with the court shall be the only act necessary to 55084  
vest jurisdiction in the court. 55085

(4) The department shall be required to file a transcript of 55086  
the testimony of the state hearing with the court only if the 55087

court orders the department to file the transcript. The court 55088  
shall make such an order only if it finds that the department and 55089  
the appellant are unable to stipulate to the facts of the case and 55090  
that the transcript is essential to a determination of the appeal. 55091  
The department shall file the transcript not later than thirty 55092  
days after the day such an order is issued. 55093

(F) The department of job and family services shall adopt 55094  
rules in accordance with Chapter 119. of the Revised Code to 55095  
implement this section, including rules governing the following: 55096

(1) State hearings under division (B) of this section. The 55097  
rules shall include provisions regarding notice of eligibility 55098  
termination and the opportunity of an appellant appealing a 55099  
decision or order of a county department of job and family 55100  
services to request a county conference with the county department 55101  
before the state hearing is held. 55102

(2) Administrative appeals under division (C) of this 55103  
section; 55104

(3) Time limits for complying with a decision issued under 55105  
division (B) or (C) of this section; 55106

(4) Sanctions that may be applied against an agency under 55107  
division (D) of this section. 55108

(G) The department of job and family services may adopt rules 55109  
in accordance with Chapter 119. of the Revised Code establishing 55110  
~~in an~~ an appeals process for an appellant who appeals a decision or 55111  
order regarding a Title IV-A program identified under division 55112  
(A)(3)(c) or (d) of section 5101.80 of the Revised Code that is 55113  
different from the appeals process established by this section. 55114  
The different appeals process may include having a state agency 55115  
that administers the Title IV-A program pursuant to an interagency 55116  
agreement entered into under section 5101.801 of the Revised Code 55117  
administer the appeals process. 55118

(H) The requirements of Chapter 119. of the Revised Code 55119  
apply to a state hearing or administrative appeal under this 55120  
section only to the extent, if any, specifically provided by rules 55121  
adopted under this section. 55122

**Sec. 5101.36.** Any application for public assistance gives a 55123  
right of subrogation to the department of job and family services 55124  
for any workers' compensation benefits payable to a person who is 55125  
subject to a support order, as defined in section 3119.01 of the 55126  
Revised Code, on behalf of the applicant, to the extent of any 55127  
public assistance payments made on the applicant's behalf. If the 55128  
director of job and family services, in consultation with a child 55129  
support enforcement agency and the administrator of the bureau of 55130  
workers' compensation, determines that a person responsible for 55131  
support payments to a recipient of public assistance is receiving 55132  
workers' compensation, the director shall notify the administrator 55133  
of the amount of the benefit to be paid to the department of job 55134  
and family services. 55135

For purposes of this section, "public assistance" means 55136  
medical assistance provided through the medical assistance program 55137  
established under section 5111.01 of the Revised Code; Ohio works 55138  
first provided under Chapter 5107. of the Revised Code; 55139  
prevention, retention, and contingency benefits and services 55140  
provided under Chapter 5108. of the Revised Code; ~~or~~ disability 55141  
financial assistance provided under Chapter 5115. of the Revised 55142  
Code; or disability medical assistance provided under Chapter 55143  
5115. of the Revised Code. 55144

**Sec. 5101.46.** (A) As used in this section: 55145

(1) "Title XX" means Title XX of the "Social Security Act," 55146  
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 55147

(2) "Respective local agency" means, with respect to the 55148

department of job and family services, a county department of job and family services; with respect to the department of mental health, a board of alcohol, drug addiction, and mental health services; and with respect to the department of mental retardation and developmental disabilities, a county board of mental retardation and developmental disabilities.

(3) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(B) The departments of job and family services, mental health, and mental retardation and developmental disabilities, with their respective local agencies, shall administer the provision of social services funded through grants made under Title XX. The social services furnished with Title XX funds shall be directed at the following goals:

(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(2) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care;

(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(C)(1) All federal funds received under Title XX shall be	55180
appropriated as follows:	55181
(a) Seventy-two and one-half per cent to the department of	55182
job and family services;	55183
(b) Twelve and ninety-three one-hundredths per cent to the	55184
department of mental health;	55185
(c) Fourteen and fifty-seven one-hundredths per cent to the	55186
department of mental retardation and developmental disabilities.	55187
(2) Each state department shall, subject to the approval of	55188
the controlling board, develop formulas for the distribution of	55189
their Title XX appropriations to their respective local agencies.	55190
The formulas shall take into account the total population of the	55191
area that is served by the agency, the percentage of the	55192
population in the area that falls below the federal poverty	55193
guidelines, and the agency's history of and ability to utilize	55194
Title XX funds.	55195
(3) Each of the state departments shall expend no more than	55196
three per cent of its Title XX appropriation for state	55197
administrative costs. Each of the department's respective local	55198
agencies shall expend no more than fourteen per cent of its Title	55199
XX appropriation for local administrative costs.	55200
(4) The department of job and family services shall expend no	55201
more than two per cent of its Title XX appropriation for the	55202
training of the following:	55203
(a) Employees of county departments of job and family	55204
services;	55205
(b) Providers of services under contract with the state	55206
departments' respective local agencies;	55207
(c) Employees of a public children services agency directly	55208
engaged in providing Title XX services.	55209

(D) The department of job and family services shall prepare a biennial comprehensive Title XX social services plan on the intended use of Title XX funds. The department shall develop a method for obtaining public comment during the development of the plan and following its completion.

For each state fiscal year, the department of job and family services shall prepare a report on the actual use of Title XX funds. The department shall make the report available for public inspection.

The departments of mental health and mental retardation and developmental disabilities shall prepare and submit to the department of job and family services the portions of each biennial plan and annual report that apply to services for mental health and mental retardation and developmental disabilities. Each respective local agency of the three state departments shall submit information as necessary for the preparation of biennial plans and annual reports.

(E) Each county department shall adopt a county profile for the administration and provision of Title XX social services in the county. In developing its county profile, the county department shall take into consideration the comments and recommendations received from the public by the county family services planning committee pursuant to section 329.06 of the Revised Code. As part of its preparation of the county profile, the county department may prepare a local needs report analyzing the need for Title XX social services.

The county department shall submit the county profile to the board of county commissioners for its review. Once the county profile has been approved by the board, the county department shall file a copy of the county profile with the department of job and family services. The department shall approve the county profile if the department determines the profile provides for the

Title XX social services to meet the goals specified in division 55242  
(B) of this section. 55243

(F) Not less often than every two years, the departments of 55244  
job and family services, mental health, and mental retardation and 55245  
developmental disabilities each shall commission an entity 55246  
independent of itself to conduct an audit of its Title XX 55247  
expenditures in accordance with generally accepted auditing 55248  
principles. Within thirty days following the completion of its 55249  
audit, each department shall submit a copy of the audit to the 55250  
general assembly and to the United States secretary of health and 55251  
human services. 55252

(G) Any of the three state departments and their respective 55253  
local agencies may require that an entity under contract to 55254  
provide social services with Title XX funds submit to an audit on 55255  
the basis of alleged misuse or improper accounting of funds. The 55256  
three state departments and their respective local agencies may 55257  
terminate or refuse to enter into a Title XX contract with a 55258  
provider of social services if there are adverse findings in an 55259  
audit that are the responsibility of the provider. The amount of 55260  
any adverse findings shall not be reimbursed with Title XX funds. 55261  
The cost of conducting an audit shall be reimbursed under a 55262  
subsequent or amended Title XX contract with the provider. 55263

(H) If federal funds received by the department of job and 55264  
family services for use under Chapters 5107. and 5108. of the 55265  
Revised Code are transferred by the controlling board for use in 55266  
providing social services under this section, the distribution and 55267  
use of the funds are not subject to the provisions of division (C) 55268  
of this section. The department may do one or both of the 55269  
following with the funds: 55270

(1) Distribute the funds to the county departments of job and 55271  
family services; 55272

(2) Use the funds for services that benefit individuals 55273  
eligible for services consistent with the principles of Title IV-A 55274  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 55275  
301, as amended. 55276

(I) Except for the authority to adopt rules under division 55277  
(J) of this section as necessary to carry out this division, this 55278  
section does not apply to any distribution by the department of 55279  
job and family services of funds for reimbursement of allowable 55280  
Title XX expenditures when the funds for the reimbursement are 55281  
received from a federal funding source other than Title XX. 55282

(J) The department of job and family services may adopt rules 55283  
necessary to carry out the purposes of this section. Rules adopted 55284  
under this division shall be adopted in accordance with Chapter 55285  
119. of the Revised Code, unless they are internal management 55286  
rules governing fiscal and administrative matters. Internal 55287  
management rules may be adopted in accordance with section 111.15 55288  
of the Revised Code. 55289

**Sec. 5101.58.** As used in this section and section 5101.59 of 55290  
the Revised Code, "public assistance" means aid provided under 55291  
Chapter 5111. or 5115. of the Revised Code and participation in 55292  
the Ohio works first program established under Chapter 5107. of 55293  
the Revised Code. 55294

The acceptance of public assistance gives a right of recovery 55295  
to the department of job and family services and a county 55296  
department of job and family services against the liability of a 55297  
third party for the cost of medical services and care arising out 55298  
of injury, disease, or disability of the public assistance 55299  
recipient or participant. When an action or claim is brought 55300  
against a third party by a public assistance recipient or 55301  
participant, the entire amount of any settlement or compromise of 55302  
the action or claim, or any court award or judgment, is subject to 55303

the recovery right of the department of job and family services or 55304  
county department of job and family services. Except in the case 55305  
of a recipient or participant who receives medical services or 55306  
care through a managed care organization, the department's or 55307  
county department's claim shall not exceed the amount of medical 55308  
expenses paid by the departments on behalf of the recipient or 55309  
participant. In the case of a recipient or participant who 55310  
receives medical services or care through a managed care 55311  
organization, the amount of the department's or county 55312  
department's claim shall be the amount the managed care 55313  
organization pays for medical services or care rendered to the 55314  
recipient or participant, even if that amount is more than the 55315  
amount the departments pay to the managed care organization for 55316  
the recipient's or participant's medical services or care. Any 55317  
settlement, compromise, judgment, or award that excludes the cost 55318  
of medical services or care shall not preclude the departments 55319  
from enforcing their rights under this section. 55320

Prior to initiating any recovery action, the recipient or 55321  
participant, or the recipient's or participant's representative, 55322  
shall disclose the identity of any third party against whom the 55323  
recipient or participant has or may have a right of recovery. 55324  
Disclosure shall be made to the department of job and family 55325  
services when medical expenses have been paid pursuant to Chapter 55326  
5111. or 5115. of the Revised Code. Disclosure shall be made to 55327  
both the department of job and family services and the appropriate 55328  
county department of job and family services when medical expenses 55329  
have been paid pursuant to Chapter 5115. of the Revised Code. No 55330  
settlement, compromise, judgment, or award or any recovery in any 55331  
action or claim by a recipient or participant where the 55332  
departments have a right of recovery shall be made final without 55333  
first giving the appropriate departments notice and a reasonable 55334  
opportunity to perfect their rights of recovery. If the 55335  
departments are not given appropriate notice, the recipient or 55336

participant is liable to reimburse the departments for the 55337  
recovery received to the extent of medical payments made by the 55338  
departments. The departments shall be permitted to enforce their 55339  
recovery rights against the third party even though they accepted 55340  
prior payments in discharge of their rights under this section if, 55341  
at the time the departments received such payments, they were not 55342  
aware that additional medical expenses had been incurred but had 55343  
not yet been paid by the departments. The third party becomes 55344  
liable to the department of job and family services or county 55345  
department of job and family services as soon as the third party 55346  
is notified in writing of the valid claims for recovery under this 55347  
section. 55348

The right of recovery does not apply to that portion of any 55349  
judgment, award, settlement, or compromise of a claim, to the 55350  
extent of attorneys' fees, costs, or other expenses incurred by a 55351  
recipient or participant in securing the judgment, award, 55352  
settlement, or compromise, or to the extent of medical, surgical, 55353  
and hospital expenses paid by such recipient or participant from 55354  
the recipient's or participant's own resources. Attorney fees and 55355  
costs or other expenses in securing any recovery shall not be 55356  
assessed against any claims of the departments. 55357

To enforce their recovery rights, the departments may do any 55358  
of the following: 55359

(A) Intervene or join in any action or proceeding brought by 55360  
the recipient or participant or on the recipient's or 55361  
participant's behalf against any third party who may be liable for 55362  
the cost of medical services and care arising out of the 55363  
recipient's or participant's injury, disease, or disability; 55364

(B) Institute and pursue legal proceedings against any third 55365  
party who may be liable for the cost of medical services and care 55366  
arising out of the recipient's or participant's injury, disease, 55367  
or disability; 55368

(C) Initiate legal proceedings in conjunction with the 55369  
injured, diseased, or disabled recipient or participant or the 55370  
recipient's or participant's legal representative. 55371

Recovery rights created by this section may be enforced 55372  
separately or jointly by the department of job and family services 55373  
and the county department of job and family services. 55374

The right of recovery given to the department under this 55375  
section does not include rights to support from any other person 55376  
assigned to the state under sections 5107.20 and ~~5115.13~~ 5115.07 55377  
of the Revised Code, but includes payments made by a third party 55378  
under contract with a person having a duty to support. 55379

The director of job and family services may adopt rules in 55380  
accordance with Chapter 119. of the Revised Code the department 55381  
considers necessary to implement this section. 55382

**Sec. 5101.59.** (A) The application for or acceptance of public 55383  
assistance constitutes an automatic assignment of certain rights 55384  
to the department of job and family services. This assignment 55385  
includes the rights of the applicant, recipient, or participant 55386  
and also the rights of any other member of the assistance group 55387  
for whom the applicant, recipient, or participant can legally make 55388  
an assignment. 55389

Pursuant to this section, the applicant, recipient, or 55390  
participant assigns to the department any rights to medical 55391  
support available to the applicant, recipient, or participant or 55392  
for other members of the assistance group under an order of a 55393  
court or administrative agency, and any rights to payments from 55394  
any third party liable to pay for the cost of medical care and 55395  
services arising out of injury, disease, or disability of the 55396  
applicant, recipient, participant, or other members of the 55397  
assistance group. 55398

Medicare benefits shall not be assigned pursuant to this 55399  
section. Benefits assigned to the department by operation of this 55400  
section are directly reimbursable to the department by liable 55401  
third parties. 55402

(B) Refusal by the applicant, recipient, or participant to 55403  
cooperate in obtaining medical support and payments for self or 55404  
any other member of the assistance group renders the applicant, 55405  
recipient, or participant ineligible for public assistance, unless 55406  
cooperation is waived by the department. Eligibility shall 55407  
continue for any individual who cannot legally assign the 55408  
individual's own rights and who would have been eligible for 55409  
public assistance but for the refusal to assign the individual's 55410  
rights or to cooperate as required by this section by another 55411  
person legally able to assign the individual's rights. 55412

If the applicant, recipient, or participant or any member of 55413  
the assistance group becomes ineligible for public assistance, the 55414  
department shall restore to the applicant, recipient, participant, 55415  
or member of the assistance group any future rights to benefits 55416  
assigned under this section. 55417

The rights of assignment given to the department under this 55418  
section do not include rights to support assigned under section 55419  
5107.20 or ~~5115.13~~ 5115.07 of the Revised Code. 55420

(C) The director of job and family services may adopt rules 55421  
in accordance with Chapter 119. of the Revised Code to implement 55422  
this section, including rules that specify what constitutes 55423  
cooperating with efforts to obtain medical support and payments 55424  
and when the cooperation requirement may be waived. 55425

**Sec. 5101.75.** (A) As used in sections 5101.75, 5101.751, 55426  
5101.752, 5101.753, and 5101.754 of the Revised Code: 55427

(1) "Alternative source of long-term care" includes a 55428

residential care facility licensed under Chapter 3721. of the 55429  
Revised Code, an adult care facility licensed under Chapter 3722. 55430  
of the Revised Code, home and community-based services, and a 55431  
nursing home licensed under Chapter 3721. of the Revised Code that 55432  
is not a nursing facility. 55433

(2) "Medicaid" means the medical assistance program 55434  
established under Chapter 5111. of the Revised Code. 55435

(3) "Nursing facility" has the same meaning as in section 55436  
5111.20 of the Revised Code. 55437

(4) "Representative" means a person acting on behalf of an 55438  
applicant for admission to a nursing facility. A representative 55439  
may be a family member, attorney, hospital social worker, or any 55440  
other person chosen to act on behalf of an applicant. 55441

(5) "Third-party payment source" means a third-party payer as 55442  
defined in section 3901.38 of the Revised Code or medicaid. 55443

(B) Effective July 1, 1994, the department of job and family 55444  
services may assess a person applying or intending to apply for 55445  
admission to a nursing facility who is not an applicant for or 55446  
recipient of medicaid to determine whether the person is in need 55447  
of nursing facility services and whether an alternative source of 55448  
long-term care is more appropriate for the person in meeting the 55449  
person's physical, mental, and psychosocial needs than admission 55450  
to the facility to which the person has applied. 55451

Each assessment shall be performed by the department or an 55452  
agency designated by the department under section 5101.751 of the 55453  
Revised Code and shall be based on information provided by the 55454  
person or the person's representative. It shall consider the 55455  
person's physical, mental, and psychosocial needs and the 55456  
availability and effectiveness of informal support and care. The 55457  
department or designated agency shall determine the person's 55458  
physical, mental, and psychosocial needs by using, to the maximum 55459

extent appropriate, information from the resident assessment 55460  
instrument specified in rules adopted by the department under 55461  
division (A) of section 5111.231 of the Revised Code. The 55462  
department or designated agency shall also use the criteria and 55463  
procedures established in rules adopted by the department under 55464  
division (I) of this section. Assessments may be performed only by 55465  
persons certified by the department under section 5101.752 of the 55466  
Revised Code. The department or designated agency shall make a 55467  
recommendation on the basis of the assessment and, not later than 55468  
the time the assessment is required to be performed under division 55469  
(D) of this section, give the person assessed written notice of 55470  
the recommendation, which shall explain the basis for the 55471  
recommendation. If the department or designated agency determines 55472  
pursuant to an assessment that an alternative source of long-term 55473  
care is more appropriate for the person than admission to the 55474  
facility to which the person has applied, the department or 55475  
designated agency shall include in the notice possible sources of 55476  
financial assistance for the alternative source of long-term care. 55477  
If the department or designated agency has been informed that the 55478  
person has a representative, it shall give the notice to the 55479  
representative. 55480

(C) A person is not required to be assessed under division 55481  
(B) of this section if any of the following apply: 55482

(1) The circumstances specified by rules adopted under 55483  
division (I) of this section exist. 55484

(2) The person is to receive care in a nursing facility under 55485  
a contract for continuing care as defined in section 173.13 of the 55486  
Revised Code. 55487

(3) The person has a contractual right to admission to a 55488  
nursing facility operated as part of a system of continuing care 55489  
in conjunction with one or more facilities that provide a less 55490  
intensive level of services, including a residential care facility 55491

licensed under Chapter 3721. of the Revised Code, an adult-care 55492  
facility licensed under Chapter 3722. of the Revised Code, or an 55493  
independent living arrangement; 55494

(4) The person is to receive continual care in a home for the 55495  
aged exempt from taxation under section 5701.13 of the Revised 55496  
Code; 55497

(5) The person is to receive care in the nursing facility for 55498  
not more than fourteen days in order to provide temporary relief 55499  
to the person's primary caregiver and the nursing facility 55500  
notifies the department of the person's admittance not later than 55501  
twenty-four hours after admitting the person; 55502

(6) The person is to be transferred from another nursing 55503  
facility, unless the nursing facility from which or to which the 55504  
person is to be transferred determines that the person's medical 55505  
condition has changed substantially since the person's admission 55506  
to the nursing facility from which the person is to be transferred 55507  
or a review is required by a third-party payment source; 55508

(7) The person is to be readmitted to a nursing facility 55509  
following a period of hospitalization, unless the hospital or 55510  
nursing facility determines that the person's medical condition 55511  
has changed substantially since the person's admission to the 55512  
hospital, or a review is required by a third-party payment source; 55513

(8) The department or designated agency fails to complete an 55514  
assessment within the time required by division (D) or (E) of this 55515  
section or determines after a partial assessment that the person 55516  
should be exempt from the assessment. 55517

(D) The department or designated agency shall perform a 55518  
complete assessment, or, if circumstances provided by rules 55519  
adopted under division (I) of this section exist, a partial 55520  
assessment, as follows: 55521

(1) In the case of a hospitalized person applying or 55522

intending to apply to a nursing facility, not later than two 55523  
working days after the person or the person's representative is 55524  
notified that a bed is available in a nursing facility; 55525

(2) In the case of an emergency as determined in accordance 55526  
with rules adopted under division (I) of this section, not later 55527  
than one working day after the person or the person's 55528  
representative is notified that a bed is available in a nursing 55529  
facility; 55530

(3) In all other cases, not later than five calendar days 55531  
after the person or the person's representative who submits the 55532  
application is notified that a bed is available in a nursing 55533  
facility. 55534

(E) If the department or designated agency conducts a partial 55535  
assessment under division (D) of this section, it shall complete 55536  
the rest of the assessment not later than one hundred eighty days 55537  
after the date the person is admitted to the nursing facility 55538  
unless the assessment entity determines the person should be 55539  
exempt from the assessment. 55540

(F) A person assessed under this section or the person's 55541  
representative may file a complaint with the department about the 55542  
assessment process. The department shall work to resolve the 55543  
complaint in accordance with rules adopted under division (I) of 55544  
this section. 55545

(G) A person is not required to seek an alternative source of 55546  
long-term care and may be admitted to or continue to reside in a 55547  
nursing facility even though an alternative source of long-term 55548  
care is available or the person is determined pursuant to an 55549  
assessment under this section not to need nursing facility 55550  
services. 55551

(H) No nursing facility ~~with~~ for which an operator has a 55552  
provider agreement with the department under section 5111.22 of 55553

the Revised Code shall admit or retain any person, other than a 55554  
person exempt from the assessment requirement as provided by 55555  
division (C) of this section, as a resident unless the nursing 55556  
facility has received evidence that a complete or partial 55557  
assessment has been completed. 55558

(I) The director of job and family services shall adopt rules 55559  
in accordance with Chapter 119. of the Revised Code to implement 55560  
and administer this section. The rules shall include all of the 55561  
following: 55562

(1) The information a person being assessed or the person's 55563  
representative must provide to enable the department or designated 55564  
agency to do the assessment; 55565

(2) Criteria to be used to determine whether a person is in 55566  
need of nursing facility services; 55567

(3) Criteria to be used to determine whether an alternative 55568  
source of long-term care is appropriate for the person being 55569  
assessed; 55570

(4) Criteria and procedures to be used to determine a 55571  
person's physical, mental, and psychosocial needs; 55572

(5) Criteria to be used to determine the effectiveness and 55573  
continued availability of a person's current source of informal 55574  
support and care; 55575

(6) Circumstances, in addition to those specified in division 55576  
(C) of this section, under which a person is not required to be 55577  
assessed; 55578

(7) Circumstances under which the department or designated 55579  
agency may perform a partial assessment under division (D) of this 55580  
section; 55581

(8) The method by which a situation will be determined to be 55582  
an emergency for the purpose of division (D)(2) of this section; 55583

(9) The method by which the department will attempt to resolve complaints filed under division (F) of this section. 55584  
55585

(J) The director of job and family services may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code in either of the following circumstances: 55586  
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(1) The nursing facility fails to notify the department within the required time about an admission described in division (C)(5) of this section; 55590  
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55592

(2) The nursing facility admits, without evidence that a complete or partial assessment has been conducted, a person other than a person exempt from the assessment requirement as provided by division (C) of this section. 55593  
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The director shall deposit all fines collected under this division into the residents protection fund established by section 5111.62 of the Revised Code. 55597  
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**Sec. 5101.80.** (A) As used in this section and in section 5101.801 of the Revised Code: 55600  
55601

(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code. 55602  
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(2) "State agency" has the same meaning as in section 9.82 of the Revised Code. 55604  
55605

(3) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended: 55606  
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(a) The Ohio works first program established under Chapter 5107. of the Revised Code; 55611  
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(b) The prevention, retention, and contingency program 55613  
established under Chapter 5108. of the Revised Code; 55614

(c) A program established by the general assembly or an 55615  
executive order issued by the governor that is administered or 55616  
supervised by the department of job and family services pursuant 55617  
to section 5101.801 of the Revised Code; 55618

(d) A component of a Title IV-A program identified under 55619  
divisions (A)(3)(a) to (c) of this section that the Title IV-A 55620  
state plan prepared under division (C)(1) of this section 55621  
identifies as a component. 55622

(B) The department of job and family services shall act as 55623  
the single state agency to administer and supervise the 55624  
administration of Title IV-A programs. The Title IV-A state plan 55625  
and amendments to the plan prepared under division (C) of this 55626  
section are binding on county family services agencies and state 55627  
agencies that administer a Title IV-A program. No county family 55628  
services agency or state agency administering a Title IV-A program 55629  
may establish, by rule or otherwise, a policy governing the Title 55630  
IV-A program that is inconsistent with a Title IV-A program policy 55631  
established, in rule or otherwise, by the director of job and 55632  
family services. 55633

(C) The department of job and family services shall do all of 55634  
the following: 55635

(1) Prepare and submit to the United States secretary of 55636  
health and human services a Title IV-A state plan for Title IV-A 55637  
programs; 55638

(2) Prepare and submit to the United States secretary of 55639  
health and human services amendments to the Title IV-A state plan 55640  
that the department determines necessary, including amendments 55641  
necessary to implement Title IV-A programs identified in division 55642  
(A)(3)(c) and (d) of this section; 55643

- (3) Prescribe forms for applications, certificates, reports, records, and accounts of county family services agencies and state agencies administering a Title IV-A program, and other matters related to Title IV-A programs; 55644  
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- (4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs; 55648  
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- (5) Require reports and information from each county family services agency and state agency administering a Title IV-A program as may be necessary or advisable regarding the Title IV-A program; 55652  
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- (6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program; 55656  
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- (7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and section 5101.801 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and section and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 55660  
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- (8) Conduct investigations and audits as are necessary regarding Title IV-A programs; 55667  
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- (9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents; 55669  
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- (10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must 55672  
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require the private entity to do all of the following: 55675

(a) Examine issues of process, practice, impact, and 55676  
outcomes; 55677

(b) Study former participants of Ohio works first who have 55678  
not participated in Ohio works first for at least one year to 55679  
determine whether they are employed, the type of employment in 55680  
which they are engaged, the amount of compensation they are 55681  
receiving, whether their employer provides health insurance, 55682  
whether and how often they have received benefits or services 55683  
under the prevention, retention, and contingency program, and 55684  
whether they are successfully self sufficient; 55685

(c) Provide the department with reports at times the 55686  
department specifies. 55687

(11) Not later than January 1, 2001, and the first day of 55688  
each January and July thereafter, prepare a report containing 55689  
information on the following: 55690

(a) Individuals exhausting the time limits for participation 55691  
in Ohio works first set forth in section 5107.18 of the Revised 55692  
Code. 55693

(b) Individuals who have been exempted from the time limits 55694  
set forth in section 5107.18 of the Revised Code and the reasons 55695  
for the exemption. 55696

(12) Not later than January 1, 2001, and on a quarterly basis 55697  
thereafter until December 1, 2003, prepare, to the extent the 55698  
necessary data is available to the department, a report based on 55699  
information determined under section 5107.80 of the Revised Code 55700  
that states how many former Ohio works first participants entered 55701  
the workforce during the most recent previous quarter for which 55702  
the information is known and includes information regarding the 55703  
earnings of those former participants. The report shall include a 55704  
county-by-county breakdown and shall not contain the names or 55705

social security numbers of former participants. 55706

(13) To the extent authorized by section 5101.801 of the 55707  
Revised Code, enter into interagency agreements with state 55708  
agencies for the administration of Title IV-A programs identified 55709  
under division (A)(3)(c) and (d) of this section. 55710

(D) The department shall provide copies of the reports it 55711  
receives under division (C)(10) of this section and prepares under 55712  
divisions (C)(11) and (12) of this section to the governor, the 55713  
president and minority leader of the senate, and the speaker and 55714  
minority leader of the house of representatives. The department 55715  
shall provide copies of the reports to any private or government 55716  
entity on request. 55717

(E) An authorized representative of the department or a 55718  
county family services agency or state agency administering a 55719  
Title IV-A program shall have access to all records and 55720  
information bearing thereon for the purposes of investigations 55721  
conducted pursuant to this section. 55722

**Part I of this act continues in Part II.** 55723

**\* \* \* end of Part I \* \* \*** 55724

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**Part II** 55726

**Part II of this act continues Part I.** 55727

**Sec. 5101.83.** (A) As used in this section: 55728

(1) "Assistance group" has the same meaning as in ~~sections~~ 55729  
section 5107.02 ~~and 5108.01~~ of the Revised Code, except that it 55730  
also means a group provided benefits and services under the 55731  
prevention, retention, and contingency program ~~because the members~~ 55732  
~~of the group share a common need for benefits and services.~~ 55733

(2) "Fraudulent assistance" means assistance and service, 55734  
including cash assistance, provided under the Ohio works first 55735  
program established under Chapter 5107., or benefits and services 55736  
provided under the prevention, retention, and contingency program 55737  
established under Chapter 5108. of the Revised Code, to or on 55738  
behalf of an assistance group that is provided as a result of 55739  
fraud by a member of the assistance group, including an 55740  
intentional violation of the program's requirements. "Fraudulent 55741  
assistance" does not include assistance or services to or on 55742  
behalf of an assistance group that is provided as a result of an 55743  
error that is the fault of a county department of job and family 55744  
services or the state department of job and family services. 55745

(B) If a county director of job and family services 55746  
determines that an assistance group has received fraudulent 55747  
assistance, the assistance group is ineligible to participate in 55748  
the Ohio works first program or the prevention, retention, and 55749  
contingency program until a member of the assistance group repays 55750  
the cost of the fraudulent assistance. If a member repays the cost 55751  
of the fraudulent assistance and the assistance group otherwise 55752  
meets the eligibility requirements for the Ohio works first 55753  
program or the prevention, retention, and contingency program, the 55754  
assistance group shall not be denied the opportunity to 55755  
participate in the program. 55756

This section does not limit the ability of a county 55757  
department of job and family services to recover erroneous 55758  
payments under section 5107.76 of the Revised Code. 55759

The state department of job and family services shall adopt 55760  
rules in accordance with Chapter 119. of the Revised Code to 55761  
implement this section. 55762

**Sec. 5101.97.** (A)(1) Not later than the ~~first~~ last day of 55763

each July and January, the department of job and family services 55764  
shall complete a report on the characteristics of the individuals 55765  
who participate in or receive services through the programs 55766  
operated by the department and the outcomes of the individuals' 55767  
participation in or receipt of services through the programs. The 55768  
~~report~~ reports shall be for the six-month periods ending on the 55769  
last days of June and December and shall include information on 55770  
the following: 55771

(a) Work activities, developmental activities, and 55772  
alternative work activities established under sections 5107.40 to 55773  
5107.69 of the Revised Code; 55774

(b) Programs of publicly funded child day-care, as defined in 55775  
section 5104.01 of the Revised Code; 55776

(c) Child support enforcement programs; 55777

(d) Births to recipients of the medical assistance program 55778  
established under Chapter 5111. of the Revised Code. 55779

(2) ~~Not later than the first day of each July, the department~~ 55780  
~~shall complete a progress report on the partnership agreements~~ 55781  
~~between the director of job and family services and boards of~~ 55782  
~~county commissioners under section 5101.21 of the Revised Code.~~ 55783  
~~The report shall include a review of whether the county family~~ 55784  
~~services agencies and workforce development agencies satisfied~~ 55785  
~~performance standards included in the agreements and whether the~~ 55786  
~~department provided assistance, services, and technical support~~ 55787  
~~specified in the agreements to aid the agencies in meeting the~~ 55788  
~~performance standards.~~ 55789

~~(3)~~ The department shall submit the reports required under 55790  
~~divisions~~ division (A)(1) ~~and (2)~~ of this section to the speaker 55791  
and minority leader of the house of representatives, the president 55792  
and minority leader of the senate, the legislative budget officer, 55793  
the director of budget and management, and each board of county 55794

commissioners. The department shall provide copies of ~~each report~~ 55795  
the reports to any person or government entity on request. 55796

In designing the format for ~~each report~~ the reports, the 55797  
department shall consult with individuals, organizations, and 55798  
government entities interested in the programs operated by the 55799  
department, so that the reports are designed to enable the general 55800  
assembly and the public to evaluate the effectiveness of the 55801  
programs and identify any needs that the programs are not meeting. 55802

(B) Whenever the federal government requires that the 55803  
department submit a report on a program that is operated by the 55804  
department or is otherwise under the department's jurisdiction, 55805  
the department shall prepare and submit the report in accordance 55806  
with the federal requirements applicable to that report. To the 55807  
extent possible, the department may coordinate the preparation and 55808  
submission of a particular report with any other report, plan, or 55809  
other document required to be submitted to the federal government, 55810  
as well as with any report required to be submitted to the general 55811  
assembly. The reports required by the Personal Responsibility and 55812  
Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may be 55813  
submitted as an annual summary. 55814

**Sec. 5103.031.** (A) Except as provided in section 5103.033 of 55815  
the Revised Code, the department of job and family services may 55816  
not issue a certificate under section 5103.03 of the Revised Code 55817  
to a foster home unless the foster caregiver successfully 55818  
completes the following amount of preplacement training through 55819  
~~the Ohio child welfare training program~~ or a preplacement training 55820  
program operated under section 5103.034 or 5153.60 of the Revised 55821  
Code: 55822

(1) If the foster home is a family foster home, at least 55823  
twelve hours; 55824

(2) If the foster home is a specialized foster home, at least 55825

thirty-six hours. 55826

(B) No child may be placed in a family foster home unless the 55827  
foster caregiver completes at least twelve additional hours of 55828  
preplacement training through ~~the Ohio child welfare training~~ 55829  
~~program or~~ a preplacement training program operated under section 55830  
5103.034 or 5153.60 of the Revised Code. 55831

**Sec. 5103.033.** The department of job and family services may 55832  
issue or renew a certificate under section 5103.03 of the Revised 55833  
Code to a foster home for the care of a child who is in the 55834  
custody of a public children services agency or private child 55835  
placing agency pursuant to an agreement entered into under section 55836  
5103.15 of the Revised Code regarding a child who was less than 55837  
six months of age on the date the agreement was executed if the 55838  
foster caregiver successfully completes the following amount of 55839  
training: 55840

(A) For an initial certificate, at least twelve hours of 55841  
preplacement training through ~~the Ohio child welfare training~~ 55842  
~~program or~~ a preplacement training program operated under section 55843  
5103.034 or 5153.60 of the Revised Code; 55844

(B) For renewal of a certificate, at least twelve hours each 55845  
year of continuing training in accordance with the foster 55846  
caregiver's needs assessment and continuing training plan 55847  
developed and implemented under section 5103.035 of the Revised 55848  
Code. 55849

**Sec. 5103.034.** ~~(A) A public children services agency,~~ private 55850  
child placing agency, or private noncustodial agency operating a 55851  
preplacement training program or continuing training program 55852  
approved by the department of job and family services under 55853  
section 5103.038 of the Revised Code or the Ohio child welfare 55854  
training program operating a preplacement training program or 55855

continuing training program pursuant to section 5153.60 of the Revised Code shall make the program available to foster caregivers. The agency or program shall make the programs available without regard to the type of recommending agency from which a foster caregiver seeks a recommendation ~~and without charge to the foster caregiver.~~

(B) A private child placing agency or private noncustodial agency operating a preplacement training program or continuing training program approved by the department of job and family services under section 5103.038 of the Revised Code may condition the enrollment of a foster caregiver in a program on either or both of the following:

(1) Availability of space in the training program;

(2) If applicable, payment of an instruction or registration fee, if any, by the foster caregiver's recommending agency.

(C) The Ohio child welfare training program operating a preplacement training program or continuing training program pursuant to section 5153.60 of the Revised Code may condition the enrollment in a preplacement training program or continuing training program of a foster caregiver whose recommending agency is a private child placing agency or private noncustodial agency on either or both of the following:

(1) Availability of space in the training program;

(2) Assignment to the program by the foster caregiver's recommending agency of the allowance payable under section 5103.0313 of the Revised Code.

(D) A private child placing agency or private noncustodial agency may contract with an individual or a public or private entity to administer a preplacement training program or continuing training program operated by the agency and approved by the department of job and family services under section 5103.038 of

the Revised Code. 55887

**Sec. 5103.036.** For the purpose of determining whether a 55888  
foster caregiver has satisfied the requirement of section 5103.031 55889  
or 5103.032 of the Revised Code, a recommending agency shall 55890  
accept training obtained from ~~the Ohio child welfare training~~ 55891  
~~program or pursuant to~~ a preplacement training program or 55892  
continuing training program operated under section 5103.034 or 55893  
5153.60 of the Revised Code regardless of whether the program is 55894  
operated by the recommending agency ~~operated the preplacement~~ 55895  
~~training program or continuing training program.~~ The agency may 55896  
require that the foster caregiver successfully complete additional 55897  
training as a condition of the agency recommending that the 55898  
department of job and family services certify or recertify the 55899  
foster caregiver's foster home under section 5103.03 of the 55900  
Revised Code. 55901

**Sec. 5103.037.** The department of job and family services, in 55902  
consultation with the departments of youth services, mental 55903  
health, education, mental retardation and developmental 55904  
disabilities, and alcohol and drug addiction services, shall 55905  
develop a model design of a preplacement training program for 55906  
foster caregivers seeking an initial certificate under section 55907  
5103.03 of the Revised Code and a model design of a continuing 55908  
training program for foster caregivers seeking renewal of a 55909  
certificate under that section. The model design of a preplacement 55910  
training program shall comply with section 5103.039 of the Revised 55911  
Code. The model design of a continuing training program shall 55912  
comply with section 5103.0310 of the Revised Code. The department 55913  
of job and family services shall make the model designs available 55914  
to ~~public children services agencies~~ the Ohio child welfare 55915  
training program, private child placing agencies, and private 55916  
noncustodial agencies. 55917

Sec. 5103.038. (A) Every other year by a date specified in 55918  
rules adopted under section 5103.0316 of the Revised Code, each 55919  
~~public children services agency,~~ private child placing agency, and 55920  
private noncustodial agency that seeks to operate a preplacement 55921  
training program or continuing training program under section 55922  
5103.034 of the Revised Code shall submit to the department of job 55923  
and family services a proposal outlining the program. The proposal 55924  
may be the same as, a modification of, or different from, a model 55925  
design developed under section 5103.037 of the Revised Code. ~~The~~ 55926  
~~proposal shall include a budget for the program regarding the cost~~ 55927  
~~associated with trainers, obtaining sites at which the training is~~ 55928  
~~provided, and the administration of the training. The budget shall~~ 55929  
~~be consistent with rules adopted under section 5103.0316 of the~~ 55930  
~~Revised Code governing the department of job and family services'~~ 55931  
~~reimbursement of public children services agencies, private child~~ 55932  
~~placing agencies, and private noncustodial agencies under section~~ 55933  
~~5103.0313 of the Revised Code.~~ 55934

(B) Not later than thirty days after receiving a proposal 55935  
under division (A) of this section, the department shall either 55936  
approve or disapprove the proposed program. The department shall 55937  
approve a proposed preplacement training program if it complies 55938  
with section 5103.039 or 5103.0310 of the Revised Code, as 55939  
appropriate, and, in the case of a proposal submitted by an agency 55940  
operating a preplacement training program at the time the proposal 55941  
is submitted, the department is satisfied with the agency's 55942  
operation of the program. The department shall approve a proposed 55943  
continuing training program if it complies with section 5103.0310 55944  
or 5103.0311 of the Revised Code, as appropriate, and, in the case 55945  
of a proposal submitted by an agency operating a continuing 55946  
training program at the time the proposal is submitted, the 55947  
department is satisfied with the agency's operation of the 55948  
program. ~~The department shall disapprove a proposed program if the~~ 55949

~~program's budget is not consistent with rules adopted under~~ 55950  
~~section 5103.0316 of the Revised Code governing the department's~~ 55951  
~~reimbursement of public children services agencies, private child~~ 55952  
~~placing agencies, and private noncustodial agencies under section~~ 55953  
~~5103.0313 of the Revised Code.~~ If the department disapproves a 55954  
proposal, it shall provide the reason for disapproval to the 55955  
agency that submitted the proposal and advise the agency of how to 55956  
revise the proposal so that the department can approve it. 55957

(C) The department's approval under division (B) of this 55958  
section of a proposed preplacement training program or continuing 55959  
training program is valid only for two years following the year 55960  
the proposal for the program is submitted to the department under 55961  
division (A) of this section. 55962

**Sec. 5103.0312.** A public children services agency, private 55963  
child placing agency, or private noncustodial agency acting as a 55964  
recommending agency for foster caregivers who hold certificates 55965  
issued under section 5103.03 of the Revised Code shall pay those 55966  
foster caregivers ~~who have had at least one foster child placed in~~ 55967  
~~their home~~ a stipend to reimburse them for attending ~~training~~ 55968  
~~courses provided by the Ohio child welfare training program or~~ 55969  
~~pursuant to~~ a preplacement training program or continuing training 55970  
program operated under section 5103.034 or 5153.60 of the Revised 55971  
Code. The payment shall be based on a stipend rate established by 55972  
the department of job and family services. The stipend rate shall 55973  
be the same regardless of the type of recommending agency from 55974  
which a foster caregiver seeks a recommendation. The department 55975  
shall, pursuant to rules adopted under section 5103.0316 of the 55976  
Revised Code, reimburse the recommending agency for stipend 55977  
payments it makes in accordance with this section. 55978

**Sec. 5103.0313.** The department of job and family services 55979  
shall ~~reimburse the following~~ compensate a private child placing 55980

~~agency or private noncustodial agency for the cost of providing 55981  
procuring or operating preplacement and continuing training to 55982  
foster caregivers. 55983~~

~~(A) The Ohio child welfare training program; 55984~~

~~(B) A public children services agency, private child placing 55985  
agency, or private noncustodial agency through a preplacement 55986  
training program or continuing training program operated programs 55987  
under section 5103.034 of the Revised Code for foster caregivers 55988  
who are recommended for initial certification or recertification 55989  
by the agency. 55990~~

~~The reimbursement compensation shall be on a per diem basis 55991  
and limited to the cost associated with the trainer, obtaining a 55992  
site at which the training is provided, and the administration of 55993  
the training paid to the agency in the form of an allowance for 55994  
each hour of preplacement and continuing training provided or 55995  
received. A reimbursement rate shall be the same regardless of 55996  
whether the training program is operated by the Ohio child welfare 55997  
training program or a public children services agency, private 55998  
child placing agency, or private noncustodial agency. 55999~~

**Sec. 5103.0314.** The department of job and family services 56000  
shall not ~~reimburse~~ compensate a recommending agency for ~~the cost~~ 56001  
~~of~~ any training the agency requires a foster caregiver to undergo 56002  
as a condition of the agency recommending the department certify 56003  
or recertify the foster caregiver's foster home under section 56004  
5103.03 of the Revised Code if the training is in addition to the 56005  
minimum training required by section 5103.031 or 5103.032 of the 56006  
Revised Code. 56007

**Sec. 5103.0315.** The department of job and family services 56008  
shall seek federal financial participation for the cost of making 56009  
payments under section 5103.0312 of the Revised Code and 56010

~~reimbursements~~ allowances under section 5103.0313 of the Revised Code. The department shall notify the governor, president of the senate, minority leader of the senate, speaker of the house of representatives, and minority leader of the house of representatives of any proposed federal legislation that endangers the federal financial participation.

**Sec. 5103.0316.** ~~Not later than ninety days after January 1, 2001, the~~ The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of sections 5103.031 to 5103.0316 of the Revised Code. The rules shall provide for all of the following:

(A) For the purpose of section 5103.038 of the Revised Code, the date by which a ~~public children services agency,~~ private child placing agency, or private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code must submit to the department a proposal outlining the program;

(B) Requirements governing the department's ~~reimbursement compensation of the Ohio child welfare training program and public children services agencies,~~ private child placing agencies, and private noncustodial agencies under sections 5103.0312 and 5103.0313 of the Revised Code;

(C) Any other matter the department considers appropriate.

**Sec. 5103.154.** (A) Information concerning all children who are, pursuant to section 2151.353 or 5103.15 of the Revised Code, in the permanent custody of an institution or association certified by the department of job and family services under section 5103.03 of the Revised Code shall be listed with the department within ninety days after permanent custody is

effective, unless the child has been placed for adoption or unless 56041  
an application for placement was initiated under section 5103.16 56042  
of the Revised Code. 56043

(B) All persons who wish to adopt children, and are approved 56044  
by an agency so empowered under this chapter, shall be listed with 56045  
the department within ninety days of approval, unless a person 56046  
requests in writing that that person's name not be so listed, or 56047  
has had a child placed in that person's home in preparation for 56048  
adoption, or has filed a petition for adoption. 56049

(C) All persons who wish to adopt a child with special needs 56050  
as defined in rules adopted under section 5153.163 of the Revised 56051  
Code, and who are approved by an agency so empowered under this 56052  
chapter, shall be listed separately by the department within 56053  
ninety days of approval, unless a person requests in writing that 56054  
that person's name not be so listed, or has had a child with 56055  
special needs placed in that person's home in preparation for 56056  
adoption, or has filed a petition for adoption. 56057

(D) The department shall forward information on such children 56058  
and listed persons at least quarterly, to all public children 56059  
services agencies and all certified agencies. 56060

(E) The appropriate listed names shall be removed when a 56061  
child is placed in an adoptive home or when a person withdraws an 56062  
application for adoption. 56063

(F) No later than six months after the end of each fiscal 56064  
year, the department shall compile a report of its conclusions 56065  
regarding the effectiveness of its actions pursuant to this 56066  
section and of the restrictions on placement under division ~~(F)~~(G) 56067  
of section 5153.163 of the Revised Code in increasing adoptive 56068  
placements of children with special needs, together with its 56069  
recommendations, and shall submit a copy of the report to the 56070  
chairpersons of the principal committees of the senate and the 56071

house of representatives who consider welfare legislation. 56072

Sec. 5103.155. As used in this section, "children with special needs" has the same meaning as in rules adopted under section 5153.163 of the Revised Code. 56073  
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If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may use surplus moneys in the fund to promote adoption of children with special needs. 56076  
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**Sec. 5104.01.** As used in this chapter: 56082

(A) "Administrator" means the person responsible for the daily operation of a center or type A home. The administrator and the owner may be the same person. 56083  
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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 56086  
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(C) "Authorized provider" means a person authorized by a county director of job and family services to operate a certified type B family day-care home. 56088  
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(D) "Border state child day-care provider" means a child day-care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child day-care. 56091  
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(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco 56095  
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parentis with respect to the child and whose presence in the home 56101  
is needed as the caretaker of the child. 56102

(F) "Certified type B family day-care home" and "certified 56103  
type B home" mean a type B family day-care home that is certified 56104  
by the director of the county department of job and family 56105  
services pursuant to section 5104.11 of the Revised Code to 56106  
receive public funds for providing child day-care pursuant to this 56107  
chapter and any rules adopted under it. 56108

(G) "Chartered nonpublic school" means a school that meets 56109  
standards for nonpublic schools prescribed by the state board of 56110  
education for nonpublic schools pursuant to section 3301.07 of the 56111  
Revised Code. 56112

(H) "Child" includes an infant, toddler, preschool child, or 56113  
school child. 56114

(I) "Child care block grant act" means the "Child Care and 56115  
Development Block Grant Act of 1990," established in section 5082 56116  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 56117  
1388-236 (1990), 42 U.S.C. 9858, as amended. 56118

(J) "Child day camp" means a program in which only school 56119  
children attend or participate, that operates for no more than 56120  
seven hours per day, that operates only during one or more public 56121  
school district's regular vacation periods or for no more than 56122  
fifteen weeks during the summer, and that operates outdoor 56123  
activities for each child who attends or participates in the 56124  
program for a minimum of fifty per cent of each day that children 56125  
attend or participate in the program, except for any day when 56126  
hazardous weather conditions prevent the program from operating 56127  
outdoor activities for a minimum of fifty per cent of that day. 56128  
For purposes of this division, the maximum seven hours of 56129  
operation time does not include transportation time from a child's 56130  
home to a child day camp and from a child day camp to a child's 56131

home. 56132

(K) "Child day-care" means administering to the needs of 56133  
infants, toddlers, preschool children, and school children outside 56134  
of school hours by persons other than their parents or guardians, 56135  
custodians, or relatives by blood, marriage, or adoption for any 56136  
part of the twenty-four-hour day in a place or residence other 56137  
than a child's own home. 56138

(L) "Child day-care center" and "center" mean any place in 56139  
which child day-care or publicly funded child day-care is provided 56140  
for thirteen or more children at one time or any place that is not 56141  
the permanent residence of the licensee or administrator in which 56142  
child day-care or publicly funded child day-care is provided for 56143  
seven to twelve children at one time. In counting children for the 56144  
purposes of this division, any children under six years of age who 56145  
are related to a licensee, administrator, or employee and who are 56146  
on the premises of the center shall be counted. "Child day-care 56147  
center" and "center" do not include any of the following: 56148

(1) A place located in and operated by a hospital, as defined 56149  
in section 3727.01 of the Revised Code, in which the needs of 56150  
children are administered to, if all the children whose needs are 56151  
being administered to are monitored under the on-site supervision 56152  
of a physician licensed under Chapter 4731. of the Revised Code or 56153  
a registered nurse licensed under Chapter 4723. of the Revised 56154  
Code, and the services are provided only for children who, in the 56155  
opinion of the child's parent, guardian, or custodian, are 56156  
exhibiting symptoms of a communicable disease or other illness or 56157  
are injured; 56158

(2) A child day camp; 56159

(3) A place that provides child day-care, but not publicly 56160  
funded child day-care, if all of the following apply: 56161

(a) An organized religious body provides the child day-care; 56162

(b) A parent, custodian, or guardian of at least one child	56163
receiving child day-care is on the premises and readily accessible	56164
at all times;	56165
(c) The child day-care is not provided for more than thirty	56166
days a year;	56167
(d) The child day-care is provided only for preschool and	56168
school children.	56169
(M) "Child day-care resource and referral service	56170
organization" means a community-based nonprofit organization that	56171
provides child day-care resource and referral services but not	56172
child day-care.	56173
(N) "Child day-care resource and referral services" means all	56174
of the following services:	56175
(1) Maintenance of a uniform data base of all child day-care	56176
providers in the community that are in compliance with this	56177
chapter, including current occupancy and vacancy data;	56178
(2) Provision of individualized consumer education to	56179
families seeking child day-care;	56180
(3) Provision of timely referrals of available child day-care	56181
providers to families seeking child day-care;	56182
(4) Recruitment of child day-care providers;	56183
(5) Assistance in the development, conduct, and dissemination	56184
of training for child day-care providers and provision of	56185
technical assistance to current and potential child day-care	56186
providers, employers, and the community;	56187
(6) Collection and analysis of data on the supply of and	56188
demand for child day-care in the community;	56189
(7) Technical assistance concerning locally, state, and	56190
federally funded child day-care and early childhood education	56191
programs;	56192

(8) Stimulation of employer involvement in making child day-care more affordable, more available, safer, and of higher quality for their employees and for the community;	56193 56194 56195
(9) Provision of written educational materials to caretaker parents and informational resources to child day-care providers;	56196 56197
(10) Coordination of services among child day-care resource and referral service organizations to assist in developing and maintaining a statewide system of child day-care resource and referral services if required by the department of job and family services;	56198 56199 56200 56201 56202
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child day-care centers and parent cooperative type A family day-care homes.	56203 56204 56205 56206
(O) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	56207 56208 56209 56210 56211
(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child day-care or publicly funded child day-care for children on a temporary, irregular basis.	56212 56213 56214 56215 56216
(Q) "Employee" means a person who either:	56217
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	56218 56219
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	56220 56221
(R) "Employer" means a person, firm, institution,	56222

organization, or agency that operates a child day-care center or 56223  
type A family day-care home subject to licensure under this 56224  
chapter. 56225

(S) "Federal poverty line" means the official poverty 56226  
guideline as revised annually in accordance with section 673(2) of 56227  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 56228  
U.S.C. 9902, as amended, for a family size equal to the size of 56229  
the family of the person whose income is being determined. 56230

(T) "Head start program" means a comprehensive child 56231  
development program that receives funds distributed under the 56232  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 56233  
amended, or under ~~section~~ sections 3301.31 to 3301.37 of the 56234  
Revised Code. 56235

(U) "Income" means gross income, as defined in section 56236  
5107.10 of the Revised Code, less any amounts required by federal 56237  
statutes or regulations to be disregarded. 56238

(V) "Indicator checklist" means an inspection tool, used in 56239  
conjunction with an instrument-based program monitoring 56240  
information system, that contains selected licensing requirements 56241  
that are statistically reliable indicators or predictors of a 56242  
child day-care center or type A family day-care home's compliance 56243  
with licensing requirements. 56244

(W) "Infant" means a child who is less than eighteen months 56245  
of age. 56246

(X) "In-home aide" means a person certified by a county 56247  
director of job and family services pursuant to section 5104.12 of 56248  
the Revised Code to provide publicly funded child day-care to a 56249  
child in a child's own home pursuant to this chapter and any rules 56250  
adopted under it. 56251

(Y) "Instrument-based program monitoring information system" 56252  
means a method to assess compliance with licensing requirements 56253

for child day-care centers and type A family day-care homes in 56254  
which each licensing requirement is assigned a weight indicative 56255  
of the relative importance of the requirement to the health, 56256  
growth, and safety of the children that is used to develop an 56257  
indicator checklist. 56258

(Z) "License capacity" means the maximum number in each age 56259  
category of children who may be cared for in a child day-care 56260  
center or type A family day-care home at one time as determined by 56261  
the director of job and family services considering building 56262  
occupancy limits established by the department of commerce, number 56263  
of available child-care staff members, amount of available indoor 56264  
floor space and outdoor play space, and amount of available play 56265  
equipment, materials, and supplies. 56266

(AA) "Licensed preschool program" or "licensed school child 56267  
program" means a preschool program or school child program, as 56268  
defined in section 3301.52 of the Revised Code, that is licensed 56269  
by the department of education pursuant to sections 3301.52 to 56270  
3301.59 of the Revised Code. 56271

(BB) "Licensee" means the owner of a child day-care center or 56272  
type A family day-care home that is licensed pursuant to this 56273  
chapter and who is responsible for ensuring its compliance with 56274  
this chapter and rules adopted pursuant to this chapter. 56275

(CC) "Operate a child day camp" means to operate, establish, 56276  
manage, conduct, or maintain a child day camp. 56277

(DD) "Owner" includes a person, as defined in section 1.59 of 56278  
the Revised Code, or government entity. 56279

(EE) "Parent cooperative child day-care center," "parent 56280  
cooperative center," "parent cooperative type A family day-care 56281  
home," and "parent cooperative type A home" mean a corporation or 56282  
association organized for providing educational services to the 56283  
children of members of the corporation or association, without 56284

gain to the corporation or association as an entity, in which the 56285  
services of the corporation or association are provided only to 56286  
children of the members of the corporation or association, 56287  
ownership and control of the corporation or association rests 56288  
solely with the members of the corporation or association, and at 56289  
least one parent-member of the corporation or association is on 56290  
the premises of the center or type A home during its hours of 56291  
operation. 56292

(FF) "Part-time child day-care center," "part-time center," 56293  
"part-time type A family day-care home," and "part-time type A 56294  
home" mean a center or type A home that provides child day-care or 56295  
publicly funded child day-care for no more than four hours a day 56296  
for any child. 56297

(GG) "Place of worship" means a building where activities of 56298  
an organized religious group are conducted and includes the 56299  
grounds and any other buildings on the grounds used for such 56300  
activities. 56301

(HH) "Preschool child" means a child who is three years old 56302  
or older but is not a school child. 56303

(II) "Protective day-care" means publicly funded child 56304  
day-care for the direct care and protection of a child to whom 56305  
either of the following applies: 56306

(1) A case plan prepared and maintained for the child 56307  
pursuant to section 2151.412 of the Revised Code indicates a need 56308  
for protective day-care and the child resides with a parent, 56309  
stepparent, guardian, or another person who stands in loco 56310  
parentis as defined in rules adopted under section 5104.38 of the 56311  
Revised Code; 56312

(2) The child and the child's caretaker either temporarily 56313  
reside in a facility providing emergency shelter for homeless 56314  
families or are determined by the county department of job and 56315

family services to be homeless, and are otherwise ineligible for 56316  
publicly funded child day-care. 56317

(JJ) "Publicly funded child day-care" means administering to 56318  
the needs of infants, toddlers, preschool children, and school 56319  
children under age thirteen during any part of the 56320  
twenty-four-hour day by persons other than their caretaker parents 56321  
for remuneration wholly or in part with federal or state funds, 56322  
including funds available under the child care block grant act 56323  
~~funds~~ Title IV-A, and Title XX, distributed by the department of 56324  
job and family services. 56325

(KK) "Religious activities" means any of the following: 56326  
worship or other religious services; religious instruction; Sunday 56327  
school classes or other religious classes conducted during or 56328  
prior to worship or other religious services; youth or adult 56329  
fellowship activities; choir or other musical group practices or 56330  
programs; meals; festivals; or meetings conducted by an organized 56331  
religious group. 56332

(LL) "School child" means a child who is enrolled in or is 56333  
eligible to be enrolled in a grade of kindergarten or above but is 56334  
less than fifteen years old. 56335

(MM) "School child day-care center," "school child center," 56336  
"school child type A family day-care home," and "school child type 56337  
A family home" mean a center or type A home that provides child 56338  
day-care for school children only and that does either or both of 56339  
the following: 56340

(1) Operates only during that part of the day that 56341  
immediately precedes or follows the public school day of the 56342  
school district in which the center or type A home is located; 56343

(2) Operates only when the public schools in the school 56344  
district in which the center or type A home is located are not 56345  
open for instruction with pupils in attendance. 56346

(NN) "State median income" means the state median income 56347  
calculated by the department of development pursuant to division 56348  
(A)(1)(g) of section 5709.61 of the Revised Code. 56349

(OO) "Title IV-A" means Title IV-A of the "Social Security 56350  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 56351

(PP) "Title XX" means Title XX of the "Social Security Act," 56352  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 56353

(OO) "Toddler" means a child who is at least eighteen months 56354  
of age but less than three years of age. 56355

~~(PP)~~(RR) "Type A family day-care home" and "type A home" mean 56356  
a permanent residence of the administrator in which child day-care 56357  
or publicly funded child day-care is provided for seven to twelve 56358  
children at one time or a permanent residence of the administrator 56359  
in which child day-care is provided for four to twelve children at 56360  
one time if four or more children at one time are under two years 56361  
of age. In counting children for the purposes of this division, 56362  
any children under six years of age who are related to a licensee, 56363  
administrator, or employee and who are on the premises of the type 56364  
A home shall be counted. "Type A family day-care home" does not 56365  
include a residence in which the needs of children are 56366  
administered to, if all of the children whose needs are being 56367  
administered to are siblings of the same immediate family and the 56368  
residence is the home of the siblings. "Type A family day-care 56369  
home" and "type A home" do not include any child day camp. 56370

~~(OO)~~(SS) "Type B family day-care home" and "type B home" mean 56371  
a permanent residence of the provider in which child day-care is 56372  
provided for one to six children at one time and in which no more 56373  
than three children are under two years of age at one time. In 56374  
counting children for the purposes of this division, any children 56375  
under six years of age who are related to the provider and who are 56376  
on the premises of the type B home shall be counted. "Type B 56377

family day-care home" does not include a residence in which the 56378  
needs of children are administered to, if all of the children 56379  
whose needs are being administered to are siblings of the same 56380  
immediate family and the residence is the home of the siblings. 56381  
"Type B family day-care home" and "type B home" do not include any 56382  
child day camp. 56383

**Sec. 5104.011.** (A) The director of job and family services 56384  
shall adopt rules pursuant to Chapter 119. of the Revised Code 56385  
governing the operation of child day-care centers, including, but 56386  
not limited to, parent cooperative centers, part-time centers, 56387  
drop-in centers, and school child centers, which rules shall 56388  
reflect the various forms of child day-care and the needs of 56389  
children receiving child day-care or publicly funded child 56390  
day-care and, ~~no later than January 1, 1992,~~ shall include 56391  
specific rules for school child day-care centers that are 56392  
developed in consultation with the department of education. The 56393  
rules shall not require an existing school facility that is in 56394  
compliance with applicable building codes to undergo an additional 56395  
building code inspection or to have structural modifications. The 56396  
rules shall include the following: 56397

(1) Submission of a site plan and descriptive plan of 56398  
operation to demonstrate how the center proposes to meet the 56399  
requirements of this chapter and rules adopted pursuant to this 56400  
chapter for the initial license application; 56401

(2) Standards for ensuring that the physical surroundings of 56402  
the center are safe and sanitary including, but not limited to, 56403  
the physical environment, the physical plant, and the equipment of 56404  
the center; 56405

(3) Standards for the supervision, care, and discipline of 56406  
children receiving child day-care or publicly funded child 56407  
day-care in the center; 56408

(4) Standards for a program of activities, and for play 56409  
equipment, materials, and supplies, to enhance the development of 56410  
each child; however, any educational curricula, philosophies, and 56411  
methodologies that are developmentally appropriate and that 56412  
enhance the social, emotional, intellectual, and physical 56413  
development of each child shall be permissible. As used in this 56414  
division, "program" does not include instruction in religious or 56415  
moral doctrines, beliefs, or values that is conducted at child 56416  
day-care centers owned and operated by churches and does include 56417  
methods of disciplining children at child day-care centers. 56418

(5) Admissions policies and procedures, health care policies 56419  
and procedures, including, but not limited to, procedures for the 56420  
isolation of children with communicable diseases, first aid and 56421  
emergency procedures, procedures for discipline and supervision of 56422  
children, standards for the provision of nutritious meals and 56423  
snacks, and procedures for screening children and employees, 56424  
including, but not limited to, any necessary physical examinations 56425  
and immunizations; 56426

(6) Methods for encouraging parental participation in the 56427  
center and methods for ensuring that the rights of children, 56428  
parents, and employees are protected and that responsibilities of 56429  
parents and employees are met; 56430

(7) Procedures for ensuring the safety and adequate 56431  
supervision of children traveling off the premises of the center 56432  
while under the care of a center employee; 56433

(8) Procedures for record keeping, organization, and 56434  
administration; 56435

(9) Procedures for issuing, renewing, denying, and revoking a 56436  
license that are not otherwise provided for in Chapter 119. of the 56437  
Revised Code; 56438

(10) Inspection procedures; 56439

(11) Procedures and standards for setting initial and renewal license application fees;	56440 56441
(12) Procedures for receiving, recording, and responding to complaints about centers;	56442 56443
(13) Procedures for enforcing section 5104.04 of the Revised Code;	56444 56445
(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	56446 56447 56448 56449 56450
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.	56451 56452 56453 56454 56455 56456
(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;	56457 56458 56459 56460
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the center;	56461 56462 56463 56464
(18) Any other procedures and standards necessary to carry out this chapter.	56465 56466
(B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for	56467 56468 56469

the child day-care operation exclusive of any parts of the 56470  
structure in which the care of children is prohibited by law or by 56471  
rules adopted by the board of building standards. The minimum of 56472  
thirty-five square feet of usable indoor floor space shall not 56473  
include hallways, kitchens, storage areas, or any other areas that 56474  
are not available for the care of children, as determined by the 56475  
director, in meeting the space requirement of this division, and 56476  
bathrooms shall be counted in determining square footage only if 56477  
they are used exclusively by children enrolled in the center, 56478  
except that the exclusion of hallways, kitchens, storage areas, 56479  
bathrooms not used exclusively by children enrolled in the center, 56480  
and any other areas not available for the care of children from 56481  
the minimum of thirty-five square feet of usable indoor floor 56482  
space shall not apply to: 56483

(a) Centers licensed prior to or on September 1, 1986, that 56484  
continue under licensure after that date; 56485

(b) Centers licensed prior to or on September 1, 1986, that 56486  
are issued a new license after that date solely due to a change of 56487  
ownership of the center. 56488

(2) The child day-care center shall have on the site a safe 56489  
outdoor play space which is enclosed by a fence or otherwise 56490  
protected from traffic or other hazards. The play space shall 56491  
contain not less than sixty square feet per child using such space 56492  
at any one time, and shall provide an opportunity for supervised 56493  
outdoor play each day in suitable weather. The director may exempt 56494  
a center from the requirement of this division, if an outdoor play 56495  
space is not available and if all of the following are met: 56496

(a) The center provides an indoor recreation area that has 56497  
not less than sixty square feet per child using the space at any 56498  
one time, that has a minimum of one thousand four hundred forty 56499  
square feet of space, and that is separate from the indoor space 56500  
required under division (B)(1) of this section. 56501

(b) The director has determined that there is regularly 56502  
available and scheduled for use a conveniently accessible and safe 56503  
park, playground, or similar outdoor play area for play or 56504  
recreation. 56505

(c) The children are closely supervised during play and while 56506  
traveling to and from the area. 56507

The director also shall exempt from the requirement of this 56508  
division a child day-care center that was licensed prior to 56509  
September 1, 1986, if the center received approval from the 56510  
director prior to September 1, 1986, to use a park, playground, or 56511  
similar area, not connected with the center, for play or 56512  
recreation in lieu of the outdoor space requirements of this 56513  
section and if the children are closely supervised both during 56514  
play and while traveling to and from the area and except if the 56515  
director determines upon investigation and inspection pursuant to 56516  
section 5104.04 of the Revised Code and rules adopted pursuant to 56517  
that section that the park, playground, or similar area, as well 56518  
as access to and from the area, is unsafe for the children. 56519

(3) The child day-care center shall have at least two 56520  
responsible adults available on the premises at all times when 56521  
seven or more children are in the center. The center shall 56522  
organize the children in the center in small groups, shall provide 56523  
child-care staff to give continuity of care and supervision to the 56524  
children on a day-by-day basis, and shall ensure that no child is 56525  
left alone or unsupervised. Except as otherwise provided in 56526  
division (E) of this section, the maximum number of children per 56527  
child-care staff member and maximum group size, by age category of 56528  
children, are as follows: 56529

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
			56530
			56531
			56532
			56533

(a) Infants:			56534
(i) Less than twelve			56535
months old	5:1, or		56536
	12:2 if two		56537
	child-care		56538
	staff members		56539
	are in the room	12	56540
(ii) At least twelve			56541
months old, but			56542
less than eighteen			56543
months old	6:1	12	56544
(b) Toddlers:			56545
(i) At least eighteen			56546
months old, but			56547
less than thirty			56548
months old	7:1	14	56549
(ii) At least thirty months			56550
old, but less than			56551
three years old	8:1	16	56552
(c) Preschool			56553
children:			56554
(i) Three years old	12:1	24	56555
(ii) Four years old and			56556
five years old who			56557
are not school			56558
children	14:1	28	56559
(d) School children:			56560
(i) A child who is			56561
enrolled in or is			56562
eligible to be			56563
enrolled in a grade			56564
of kindergarten			56565
or above, but			56566

is less than			56567
eleven years old	18:1	36	56568
(ii) Eleven through fourteen			56569
years old	20:1	40	56570

Except as otherwise provided in division (E) of this section, 56571  
the maximum number of children per child-care staff member and 56572  
maximum group size requirements of the younger age group shall 56573  
apply when age groups are combined. 56574

(4)(a) The child day-care center administrator shall show the 56575  
director both of the following: 56576

(i) Evidence of at least high school graduation or 56577  
certification of high school equivalency by the state board of 56578  
education or the appropriate agency of another state; 56579

(ii) Evidence of having completed at least two years of 56580  
training in an accredited college, university, or technical 56581  
college, including courses in child development or early childhood 56582  
education, or at least two years of experience in supervising and 56583  
giving daily care to children attending an organized group 56584  
program. 56585

(b) In addition to the requirements of division (B)(4)(a) of 56586  
this section, any administrator employed or designated on or after 56587  
September 1, 1986, shall show evidence of, and any administrator 56588  
employed or designated prior to September 1, 1986, shall show 56589  
evidence within six years after such date of, at least one of the 56590  
following: 56591

(i) Two years of experience working as a child-care staff 56592  
member in a center and at least four courses in child development 56593  
or early childhood education from an accredited college, 56594  
university, or technical college, except that a person who has two 56595  
years of experience working as a child-care staff member in a 56596  
particular center and who has been promoted to or designated as 56597

administrator of that center shall have one year from the time the 56598  
person was promoted to or designated as administrator to complete 56599  
the required four courses; 56600

(ii) Two years of training, including at least four courses 56601  
in child development or early childhood education from an 56602  
accredited college, university, or technical college; 56603

(iii) A child development associate credential issued by the 56604  
national child development associate credentialing commission; 56605

(iv) An associate or higher degree in child development or 56606  
early childhood education from an accredited college, technical 56607  
college, or university, or a license designated for teaching in an 56608  
associate teaching position in a preschool setting issued by the 56609  
state board of education. 56610

(5) All child-care staff members of a child day-care center 56611  
shall be at least eighteen years of age, and shall furnish the 56612  
director evidence of at least high school graduation or 56613  
certification of high school equivalency by the state board of 56614  
education or the appropriate agency of another state or evidence 56615  
of completion of a training program approved by the department of 56616  
job and family services or state board of education, except as 56617  
follows: 56618

(a) A child-care staff member may be less than eighteen years 56619  
of age if the staff member is either of the following: 56620

(i) A graduate of a two-year vocational child-care training 56621  
program approved by the state board of education; 56622

(ii) A student enrolled in the second year of a vocational 56623  
child-care training program approved by the state board of 56624  
education which leads to high school graduation, provided that the 56625  
student performs the student's duties in the child day-care center 56626  
under the continuous supervision of an experienced child-care 56627  
staff member, receives periodic supervision from the vocational 56628

child-care training program teacher-coordinator in the student's 56629  
high school, and meets all other requirements of this chapter and 56630  
rules adopted pursuant to this chapter. 56631

(b) A child-care staff member shall be exempt from the 56632  
educational requirements of this division if the staff member: 56633

(i) Prior to January 1, 1972, was employed or designated by a 56634  
child day-care center and has been continuously employed since 56635  
either by the same child day-care center employer or at the same 56636  
child day-care center; or 56637

(ii) Is a student enrolled in the second year of a vocational 56638  
child-care training program approved by the state board of 56639  
education which leads to high school graduation, provided that the 56640  
student performs the student's duties in the child day-care center 56641  
under the continuous supervision of an experienced child-care 56642  
staff member, receives periodic supervision from the vocational 56643  
child-care training program teacher-coordinator in the student's 56644  
high school, and meets all other requirements of this chapter and 56645  
rules adopted pursuant to this chapter. 56646

(6) Every child day-care staff member of a child day-care 56647  
center annually shall complete fifteen hours of inservice training 56648  
in child development or early childhood education, child abuse 56649  
recognition and prevention, first aid, and in prevention, 56650  
recognition, and management of communicable diseases, until a 56651  
total of forty-five hours of training has been completed, unless 56652  
the staff member furnishes one of the following to the director: 56653

(a) Evidence of an associate or higher degree in child 56654  
development or early childhood education from an accredited 56655  
college, university, or technical college; 56656

(b) A license designated for teaching in an associate 56657  
teaching position in a preschool setting issued by the state board 56658  
of education; 56659

(c) Evidence of a child development associate credential; 56660

(d) Evidence of a preprimary credential from the American 56661  
Montessori society or the association Montessori international. 56662  
For the purposes of division (B)(6) of this section, "hour" means 56663  
sixty minutes. 56664

(7) The administrator of each child day-care center shall 56665  
prepare at least once annually and for each group of children at 56666  
the center a roster of names and telephone numbers of parents, 56667  
custodians, or guardians of each group of children attending the 56668  
center and upon request shall furnish the roster for each group to 56669  
the parents, custodians, or guardians of the children in that 56670  
group. The administrator may prepare a roster of names and 56671  
telephone numbers of all parents, custodians, or guardians of 56672  
children attending the center and upon request shall furnish the 56673  
roster to the parents, custodians, or guardians of the children 56674  
who attend the center. The administrator shall not include in any 56675  
roster the name or telephone number of any parent, custodian, or 56676  
guardian who requests the administrator not to include the 56677  
parent's, custodian's, or guardian's name or number and shall not 56678  
furnish any roster to any person other than a parent, custodian, 56679  
or guardian of a child who attends the center. 56680

(C)(1) Each child day-care center shall have on the center 56681  
premises and readily available at all times at least one 56682  
child-care staff member who has completed a course in first aid 56683  
and in prevention, recognition, and management of communicable 56684  
diseases which is approved by the state department of health and a 56685  
staff member who has completed a course in child abuse recognition 56686  
and prevention training which is approved by the department of job 56687  
and family services. 56688

(2) The administrator of each child day-care center shall 56689  
maintain enrollment, health, and attendance records for all 56690  
children attending the center and health and employment records 56691

for all center employees. The records shall be confidential, 56692  
except as otherwise provided in division (B)(7) of this section 56693  
and except that they shall be disclosed by the administrator to 56694  
the director upon request for the purpose of administering and 56695  
enforcing this chapter and rules adopted pursuant to this chapter. 56696  
Neither the center nor the licensee, administrator, or employees 56697  
of the center shall be civilly or criminally liable in damages or 56698  
otherwise for records disclosed to the director by the 56699  
administrator pursuant to this division. It shall be a defense to 56700  
any civil or criminal charge based upon records disclosed by the 56701  
administrator to the director that the records were disclosed 56702  
pursuant to this division. 56703

(3)(a) Any parent who is the residential parent and legal 56704  
custodian of a child enrolled in a child day-care center and any 56705  
custodian or guardian of such a child shall be permitted unlimited 56706  
access to the center during its hours of operation for the 56707  
purposes of contacting their children, evaluating the care 56708  
provided by the center, evaluating the premises of the center, or 56709  
for other purposes approved by the director. A parent of a child 56710  
enrolled in a child day-care center who is not the child's 56711  
residential parent shall be permitted unlimited access to the 56712  
center during its hours of operation for those purposes under the 56713  
same terms and conditions under which the residential parent of 56714  
that child is permitted access to the center for those purposes. 56715  
However, the access of the parent who is not the residential 56716  
parent is subject to any agreement between the parents and, to the 56717  
extent described in division (C)(3)(b) of this section, is subject 56718  
to any terms and conditions limiting the right of access of the 56719  
parent who is not the residential parent, as described in division 56720  
(I) of section 3109.051 of the Revised Code, that are contained in 56721  
a parenting time order or decree issued under that section, 56722  
section 3109.12 of the Revised Code, or any other provision of the 56723  
Revised Code. 56724

(b) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.

(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.

(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of division (B)(1) or (2) of this section; the maximum number of children per child-care staff member and maximum group size requirements of division (B)(3) of this section; the educational and experience requirements of division (B)(4) of this section; the age, educational, and experience requirements of division (B)(5) of this section; the number of inservice training hours required

under division (B)(6) of this section; or the requirement for at least annual preparation of a roster for each group of children of names and telephone numbers of parents, custodians, or guardians of each group of children attending the center that must be furnished upon request to any parent, custodian, or guardian of any child in that group required under division (B)(7) of this section; however, the rules shall provide procedures for determining compliance with those requirements.

(E)(1) When age groups are combined, the maximum number of children per child-care staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives services in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(3) of this section shall apply.

(2) The maximum number of toddlers or preschool children per child-care staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (B)(3) of this section if all the following criteria are met:

(a) At least one child-care staff member is present in the room.

(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (B)(3) of this section.

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.

(d) The maximum number established under division (E)(2) of this section is in effect for no more than one and one-half hours

during a twenty-four-hour day. 56788

(F) The director of job and family services shall adopt rules 56789  
pursuant to Chapter 119. of the Revised Code governing the 56790  
operation of type A family day-care homes, including, but not 56791  
limited to, parent cooperative type A homes, part-time type A 56792  
homes, drop-in type A homes, and school child type A homes, which 56793  
shall reflect the various forms of child day-care and the needs of 56794  
children receiving child day-care. The rules shall include the 56795  
following: 56796

(1) Submission of a site plan and descriptive plan of 56797  
operation to demonstrate how the type A home proposes to meet the 56798  
requirements of this chapter and rules adopted pursuant to this 56799  
chapter for the initial license application; 56800

(2) Standards for ensuring that the physical surroundings of 56801  
the type A home are safe and sanitary, including, but not limited 56802  
to, the physical environment, the physical plant, and the 56803  
equipment of the type A home; 56804

(3) Standards for the supervision, care, and discipline of 56805  
children receiving child day-care or publicly funded child 56806  
day-care in the type A home; 56807

(4) Standards for a program of activities, and for play 56808  
equipment, materials, and supplies, to enhance the development of 56809  
each child; however, any educational curricula, philosophies, and 56810  
methodologies that are developmentally appropriate and that 56811  
enhance the social, emotional, intellectual, and physical 56812  
development of each child shall be permissible; 56813

(5) Admissions policies and procedures, health care policies 56814  
and procedures, including, but not limited to, procedures for the 56815  
isolation of children with communicable diseases, first aid and 56816  
emergency procedures, procedures for discipline and supervision of 56817  
children, standards for the provision of nutritious meals and 56818

snacks, and procedures for screening children and employees,	56819
including, but not limited to, any necessary physical examinations	56820
and immunizations;	56821
(6) Methods for encouraging parental participation in the	56822
type A home and methods for ensuring that the rights of children,	56823
parents, and employees are protected and that the responsibilities	56824
of parents and employees are met;	56825
(7) Procedures for ensuring the safety and adequate	56826
supervision of children traveling off the premises of the type A	56827
home while under the care of a type A home employee;	56828
(8) Procedures for record keeping, organization, and	56829
administration;	56830
(9) Procedures for issuing, renewing, denying, and revoking a	56831
license that are not otherwise provided for in Chapter 119. of the	56832
Revised Code;	56833
(10) Inspection procedures;	56834
(11) Procedures and standards for setting initial and renewal	56835
license application fees;	56836
(12) Procedures for receiving, recording, and responding to	56837
complaints about type A homes;	56838
(13) Procedures for enforcing section 5104.04 of the Revised	56839
Code;	56840
(14) A standard requiring the inclusion, on or after July 1,	56841
1987, of a current department of job and family services toll-free	56842
telephone number on each type A home provisional license or	56843
license which any person may use to report a suspected violation	56844
by the type A home of this chapter or rules adopted pursuant this	56845
chapter;	56846
(15) Requirements for the training of administrators and	56847
child-care staff members in first aid, in prevention, recognition,	56848

and management of communicable diseases, and in child abuse	56849
recognition and prevention;	56850
(16) Procedures to be used by licensees for checking the	56851
references of potential employees of type A homes and procedures	56852
to be used by the director for checking the references of	56853
applicants for licenses to operate type A homes;	56854
(17) Standards providing for the special needs of children	56855
who are handicapped or who require treatment for health conditions	56856
while the child is receiving child day-care or publicly funded	56857
child day-care in the type A home;	56858
(18) Standards for the maximum number of children per	56859
child-care staff member;	56860
(19) Requirements for the amount of usable indoor floor space	56861
for each child;	56862
(20) Requirements for safe outdoor play space;	56863
(21) Qualifications and training requirements for	56864
administrators and for child-care staff members;	56865
(22) Procedures for granting a parent who is the residential	56866
parent and legal custodian, or a custodian or guardian access to	56867
the type A home during its hours of operation;	56868
(23) Standards for the preparation and distribution of a	56869
roster of parents, custodians, and guardians;	56870
(24) Any other procedures and standards necessary to carry	56871
out this chapter.	56872
(G) The director of job and family services shall adopt rules	56873
pursuant to Chapter 119. of the Revised Code governing the	56874
certification of type B family day-care homes.	56875
(1) The rules shall include procedures, standards, and other	56876
necessary provisions for granting limited certification to type B	56877
family day-care homes that are operated by the following adult	56878

providers: 56879

(a) Persons who provide child day-care for eligible children 56880  
who are great-grandchildren, grandchildren, nieces, nephews, or 56881  
siblings of the provider or for eligible children whose caretaker 56882  
parent is a grandchild, child, niece, nephew, or sibling of the 56883  
provider; 56884

(b) Persons who provide child day-care for eligible children 56885  
all of whom are the children of the same caretaker parent. 56886

The rules shall require, and shall include procedures for the 56887  
director to ensure, that type B family day-care homes that receive 56888  
a limited certification provide child day-care to children in a 56889  
safe and sanitary manner. With regard to providers who apply for 56890  
limited certification, a provider shall be granted a provisional 56891  
limited certification on signing a declaration under oath 56892  
attesting that the provider meets the standards for limited 56893  
certification. Such provisional limited certifications shall 56894  
remain in effect for no more than sixty calendar days and shall 56895  
entitle the provider to offer publicly funded child day-care 56896  
during the provisional period. Except as otherwise provided in 56897  
division (G)(1) of this section, prior to the expiration of the 56898  
provisional limited certificate, a county department of job and 56899  
family services shall inspect the home and shall grant limited 56900  
certification to the provider if the provider meets the 56901  
requirements of this division. Limited certificates remain valid 56902  
for two years unless earlier revoked. Except as otherwise provided 56903  
in division (G)(1) of this section, providers operating under 56904  
limited certification shall be inspected annually. 56905

If a provider is a person described in division (G)(1)(a) of 56906  
this section or a person described in division (G)(1)(b) of this 56907  
section who is a friend of the caretaker parent, the provider and 56908  
the caretaker parent may verify in writing to the county 56909  
department of job and family services that minimum health and 56910

safety requirements are being met in the home. If such 56911  
verification is provided, the county shall waive any inspection 56912  
and any criminal records check required by this chapter and grant 56913  
limited certification to the provider. 56914

(2) The rules shall provide for safeguarding the health, 56915  
safety, and welfare of children receiving child day-care or 56916  
publicly funded child day-care in a certified type B home and 56917  
shall include the following: 56918

(a) Standards for ensuring that the type B home and the 56919  
physical surroundings of the type B home are safe and sanitary, 56920  
including, but not limited to, physical environment, physical 56921  
plant, and equipment; 56922

(b) Standards for the supervision, care, and discipline of 56923  
children receiving child day-care or publicly funded child 56924  
day-care in the home; 56925

(c) Standards for a program of activities, and for play 56926  
equipment, materials, and supplies to enhance the development of 56927  
each child; however, any educational curricula, philosophies, and 56928  
methodologies that are developmentally appropriate and that 56929  
enhance the social, emotional, intellectual, and physical 56930  
development of each child shall be permissible; 56931

(d) Admission policies and procedures, health care, first aid 56932  
and emergency procedures, procedures for the care of sick 56933  
children, procedures for discipline and supervision of children, 56934  
nutritional standards, and procedures for screening children and 56935  
authorized providers, including, but not limited to, any necessary 56936  
physical examinations and immunizations; 56937

(e) Methods of encouraging parental participation and 56938  
ensuring that the rights of children, parents, and authorized 56939  
providers are protected and the responsibilities of parents and 56940  
authorized providers are met; 56941

(f) Standards for the safe transport of children when under the care of authorized providers;	56942 56943
(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	56944 56945
(h) Procedures for the inspection of type B family day-care homes that require, at a minimum, that each type B family day-care home be inspected prior to certification to ensure that the home is safe and sanitary;	56946 56947 56948 56949
(i) Procedures for record keeping and evaluation;	56950
(j) Procedures for receiving, recording, and responding to complaints;	56951 56952
(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the type B home;	56953 56954 56955 56956
(l) Requirements for the amount of usable indoor floor space for each child;	56957 56958
(m) Requirements for safe outdoor play space;	56959
(n) Qualification and training requirements for authorized providers;	56960 56961
(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	56962 56963 56964
(p) Any other procedures and standards necessary to carry out this chapter.	56965 56966
(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child day-care for eligible children who are	56967 56968 56969 56970 56971

great-grandchildren, grandchildren, nieces, nephews, or siblings 56972  
of the in-home aide or for eligible children whose caretaker 56973  
parent is a grandchild, child, niece, nephew, or sibling of the 56974  
in-home aide. The rules shall require, and shall include 56975  
procedures for the director to ensure, that in-home aides that 56976  
receive a limited certification provide child day-care to children 56977  
in a safe and sanitary manner. The rules shall provide for 56978  
safeguarding the health, safety, and welfare of children receiving 56979  
publicly funded child day-care in their own home and shall include 56980  
the following: 56981

(1) Standards for ensuring that the child's home and the 56982  
physical surroundings of the child's home are safe and sanitary, 56983  
including, but not limited to, physical environment, physical 56984  
plant, and equipment; 56985

(2) Standards for the supervision, care, and discipline of 56986  
children receiving publicly funded child day-care in their own 56987  
home; 56988

(3) Standards for a program of activities, and for play 56989  
equipment, materials, and supplies to enhance the development of 56990  
each child; however, any educational curricula, philosophies, and 56991  
methodologies that are developmentally appropriate and that 56992  
enhance the social, emotional, intellectual, and physical 56993  
development of each child shall be permissible; 56994

(4) Health care, first aid, and emergency procedures, 56995  
procedures for the care of sick children, procedures for 56996  
discipline and supervision of children, nutritional standards, and 56997  
procedures for screening children and in-home aides, including, 56998  
but not limited to, any necessary physical examinations and 56999  
immunizations; 57000

(5) Methods of encouraging parental participation and 57001  
ensuring that the rights of children, parents, and in-home aides 57002

are protected and the responsibilities of parents and in-home aides are met;	57003 57004
(6) Standards for the safe transport of children when under the care of in-home aides;	57005 57006
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	57007 57008
(8) Procedures for inspection of homes of children receiving publicly funded child day-care in their own homes;	57009 57010
(9) Procedures for record keeping and evaluation;	57011
(10) Procedures for receiving, recording, and responding to complaints;	57012 57013
(11) Qualifications and training requirements for in-home aides;	57014 57015
(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child day-care in the child's own home;	57016 57017 57018 57019
(13) Any other procedures and standards necessary to carry out this chapter.	57020 57021
(I) To the extent that any rules adopted for the purposes of this section require a health care professional to perform a physical examination, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.	57022 57023 57024 57025 57026
(J) <u>(1)</u> The director of job and family services shall <del>send copies</del> <u>do all of the following:</u>	57027 57028
<u>(a) Send to each licensee notice of proposed rules to each licensee and each county director of job and family services and shall give governing the licensure of child day-care centers and type A homes;</u>	57029 57030 57031 57032

(b) Give public notice of hearings regarding the rules to 57033  
each licensee and each county director of job and family services 57034  
at least thirty days prior to the date of the public hearing, in 57035  
accordance with section 119.03 of the Revised Code. 57036

(c) Prior to the effective date of a rule, the director of 57037  
job and family services shall provide copies, in either paper or 57038  
electronic form, a copy of the adopted rule to each licensee and 57039  
each county director of job and family services. 57040

(2) The director shall do all of the following: 57041

(a) Send to each county director of job and family services a 57042  
notice of proposed rules governing the certification of type B 57043  
family homes and in-home aides that includes an internet web site 57044  
address where the proposed rules can be viewed; 57045

(b) Give public notice of hearings regarding the proposed 57046  
rules not less than thirty days in advance; 57047

(c) Provide to each county director of job and family 57048  
services an electronic copy of each adopted rule prior to the 57049  
rule's effective date. 57050

(3) The county director of job and family services shall send 57051  
copies of proposed rules to each authorized provider and in-home 57052  
aide and shall give public notice of hearings regarding the rules 57053  
to each authorized provider and in-home aide at least thirty days 57054  
prior to the date of the public hearing, in accordance with 57055  
section 119.03 of the Revised Code. Prior to the effective date of 57056  
a rule, the county director of job and family services shall 57057  
provide copies of the adopted rule to each authorized provider and 57058  
in-home aide. 57059

(4) Additional copies of proposed and adopted rules shall be 57060  
made available by the director of job and family services to the 57061  
public on request at no charge. 57062

(K) The director of job and family services shall review all rules adopted pursuant to this chapter at least once every seven years.

(L) Notwithstanding any provision of the Revised Code, the director of job and family services shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values.

**Sec. 5104.02.** (A) The director of job and family services is responsible for the licensing of child day-care centers and type A family day-care homes, and for the enforcement of this chapter and of rules promulgated pursuant to this chapter. No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child day-care center or type A family day-care home without a license issued under section 5104.03 of the Revised Code. The current license shall be posted in a conspicuous place in the center or type A home that is accessible to parents, custodians, or guardians and employees of the center or type A home at all times when the center or type A home is in operation.

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of this chapter:

(1) A program of child day-care that operates for two or less consecutive weeks;

(2) Child day-care in places of worship during religious activities during which children are cared for while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available;

(3) Religious activities which do not provide child day-care;

(4) Supervised training, instruction, or activities of

children in specific areas, including, but not limited to: art; 57093  
drama; dance; music; gymnastics, swimming, or another athletic 57094  
skill or sport; computers; or an educational subject conducted on 57095  
an organized or periodic basis no more than one day a week and for 57096  
no more than six hours duration; 57097

(5) Programs in which the director determines that at least 57098  
one parent, custodian, or guardian of each child is on the 57099  
premises of the facility offering child day-care and is readily 57100  
accessible at all times, except that child day-care provided on 57101  
the premises at which a parent, custodian, or guardian is employed 57102  
more than two and one-half hours a day shall be licensed in 57103  
accordance with division (A) of this section; 57104

(6)(a) Programs that provide child day-care funded and 57105  
regulated or operated and regulated by state departments other 57106  
than the department of job and family services or the state board 57107  
of education when the director of job and family services has 57108  
determined that the rules governing the program are equivalent to 57109  
or exceed the rules promulgated pursuant to this chapter. 57110

Notwithstanding any exemption from regulation under this 57111  
chapter, each state department shall submit to the director of job 57112  
and family services a copy of the rules that govern programs that 57113  
provide child day-care and are regulated or operated and regulated 57114  
by the department. Annually, each state department shall submit to 57115  
the director a report for each such program it regulates or 57116  
operates and regulates that includes the following information: 57117

(i) The site location of the program; 57118

(ii) The maximum number of infants, toddlers, preschool 57119  
children, or school children served by the program at one time; 57120

(iii) The number of adults providing child day-care for the 57121  
number of infants, toddlers, preschool children, or school 57122  
children; 57123

(iv) Any changes in the rules made subsequent to the time 57124  
when the rules were initially submitted to the director. 57125

The director shall maintain a record of the child day-care 57126  
information submitted by other state departments and shall provide 57127  
this information upon request to the general assembly or the 57128  
public. 57129

(b) Child day-care programs conducted by boards of education 57130  
or by chartered nonpublic schools that are conducted in school 57131  
buildings and that provide child day-care to school children only 57132  
shall be exempt from meeting or exceeding rules promulgated 57133  
pursuant to this chapter. 57134

(7) Any preschool program or school child program, except a 57135  
head start program, that is subject to licensure by the department 57136  
of education under sections 3301.52 to 3301.59 of the Revised 57137  
Code. 57138

(8) Any program providing child day-care that meets all of 57139  
the following requirements and, on October 20, 1987, was being 57140  
operated by a nonpublic school that holds a charter issued by the 57141  
state board of education for kindergarten only: 57142

(a) The nonpublic school has given the notice to the state 57143  
board and the director of job and family services required by 57144  
Section 4 of Substitute House Bill No. 253 of the 117th general 57145  
assembly; 57146

(b) The nonpublic school continues to be chartered by the 57147  
state board for kindergarten, or receives and continues to hold a 57148  
charter from the state board for kindergarten through grade five; 57149

(c) The program is conducted in a school building; 57150

(d) The program is operated in accordance with rules 57151  
promulgated by the state board under sections 3301.52 to 3301.57 57152  
of the Revised Code. 57153

(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal child care and at least two of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(c) The state board of education has approved the program's participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the Revised Code.

(d) The community-based center operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

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

(B)(1) The department shall, at least twice during every twelve-month period of operation of a center or type A home, inspect the center or type A home. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. The licensee shall display all written reports of inspections conducted during the current licensing period in a conspicuous place in the center or type A home.

At least one inspection shall be unannounced and all 57184  
inspections may be unannounced. No person, firm, organization, 57185  
institution, or agency shall interfere with the inspection of a 57186  
center or type A home by any state or local official engaged in 57187  
performing duties required of the state or local official by 57188  
Chapter 5104. of the Revised Code or rules adopted pursuant to 57189  
Chapter 5104. of the Revised Code, including inspecting the center 57190  
or type A home, reviewing records, or interviewing licensees, 57191  
employees, children, or parents. 57192

Upon receipt of any complaint that a center or type A home is 57193  
out of compliance with the requirements of Chapter 5104. of the 57194  
Revised Code or rules adopted pursuant to Chapter 5104. of the 57195  
Revised Code, the department shall investigate and may inspect a 57196  
center or type A home. 57197

(2) If the department implements an instrument-based program 57198  
monitoring information system, it may use an indicator checklist 57199  
to comply with division (B)(1) of this section. 57200

(3) The department shall, at least once during every 57201  
twelve-month period of operation of a center or type A home, 57202  
collect information concerning the amounts charged by the center 57203  
or home for providing child day-care services for use in 57204  
establishing rates of reimbursement and payment pursuant to 57205  
section 5104.30 of the Revised Code. 57206

(C) In the event a licensed center or type A home is 57207  
determined to be out of compliance with the requirements of 57208  
Chapter 5104. of the Revised Code or rules adopted pursuant to 57209  
Chapter 5104. of the Revised Code, the department shall notify the 57210  
licensee of the center or type A home in writing regarding the 57211  
nature of the violation, what must be done to correct the 57212  
violation, and by what date the correction must be made. If the 57213  
correction is not made by the date established by the department, 57214  
the department may commence action under Chapter 119. of the 57215

Revised Code to revoke the license. 57216

(D) The department may deny or revoke a license, or refuse to 57217  
renew a license of a center or type A home, if the applicant 57218  
knowingly makes a false statement on the application, does not 57219  
comply with the requirements of Chapter 5104. or rules adopted 57220  
pursuant to Chapter 5104. of the Revised Code, or has pleaded 57221  
guilty to or been convicted of an offense described in section 57222  
5104.09 of the Revised Code. 57223

(E) If the department finds, after notice and hearing 57224  
pursuant to Chapter 119. of the Revised Code, that any person, 57225  
firm, organization, institution, or agency licensed under section 57226  
5104.03 of the Revised Code is in violation of any provision of 57227  
Chapter 5104. of the Revised Code or rules adopted pursuant to 57228  
Chapter 5104. of the Revised Code, the department may issue an 57229  
order of revocation to the center or type A home revoking the 57230  
license previously issued by the department. Upon the issuance of 57231  
any order of revocation, the person whose license is revoked may 57232  
appeal in accordance with section 119.12 of the Revised Code. 57233

(F) The surrender of a center or type A home license to the 57234  
department or the withdrawal of an application for licensure by 57235  
the owner or administrator of the center or type A home shall not 57236  
prohibit the department from instituting any of the actions set 57237  
forth in this section. 57238

(G) Whenever the department receives a complaint, is advised, 57239  
or otherwise has any reason to believe that a center or type A 57240  
home is providing child day-care without a license issued or 57241  
renewed pursuant to section 5104.03 and is not exempt from 57242  
licensing pursuant to section 5104.02 of the Revised Code, the 57243  
department shall investigate the center or type A home and may 57244  
inspect the areas children have access to or areas necessary for 57245  
the care of children in the center or type A home during suspected 57246  
hours of operation to determine whether the center or type A home 57247

is subject to the requirements of Chapter 5104. or rules adopted 57248  
pursuant to Chapter 5104. of the Revised Code. 57249

(H) The department, upon determining that the center or type 57250  
A home is operating without a license, shall notify the attorney 57251  
general, the prosecuting attorney of the county in which the 57252  
center or type A home is located, or the city attorney, village 57253  
solicitor, or other chief legal officer of the municipal 57254  
corporation in which the center or type A home is located, that 57255  
the center or type A home is operating without a license. Upon 57256  
receipt of the notification, the attorney general, prosecuting 57257  
attorney, city attorney, village solicitor, or other chief legal 57258  
officer of a municipal corporation shall file a complaint in the 57259  
court of common pleas of the county in which the center or type A 57260  
home is located requesting that the court grant an order enjoining 57261  
the owner from operating the center or type A home. The court 57262  
shall grant such injunctive relief upon a showing that the 57263  
respondent named in the complaint is operating a center or type A 57264  
home and is doing so without a license. 57265

(I) The department shall prepare an annual report on 57266  
inspections conducted under this section. The report shall include 57267  
the number of inspections conducted, the number and types of 57268  
violations found, and the steps taken to address the violations. 57269  
The department shall file the report with the governor, the 57270  
president and minority leader of the senate, and the speaker and 57271  
minority leader of the house of representatives on or before the 57272  
first day of January of each year, beginning in 1999. 57273

**Sec. 5104.30.** (A) The department of job and family services 57274  
is hereby designated as the state agency responsible for 57275  
administration and coordination of federal and state funding for 57276  
publicly funded child day-care in this state. Publicly funded 57277  
child day-care shall be provided to the following: 57278

(1) Recipients of transitional child day-care as provided	57279
under section 5104.34 of the Revised Code;	57280
(2) Participants in the Ohio works first program established	57281
under Chapter 5107. of the Revised Code;	57282
(3) Individuals who would be participating in the Ohio works	57283
first program if not for a sanction under section 5107.16 of the	57284
Revised Code and who continue to participate in a work activity,	57285
developmental activity, or alternative work activity pursuant to	57286
an assignment under section 5107.42 of the Revised Code;	57287
(4) A family receiving publicly funded child day-care on	57288
October 1, 1997, until the family's income reaches one hundred	57289
fifty per cent of the federal poverty line;	57290
(5) Subject to available funds, other individuals determined	57291
eligible in accordance with rules adopted under section 5104.38 of	57292
the Revised Code.	57293
The department shall apply to the United States department of	57294
health and human services for authority to operate a coordinated	57295
program for publicly funded child day-care, if the director of job	57296
and family services determines that the application is necessary.	57297
For purposes of this section, the department of job and family	57298
services may enter into agreements with other state agencies that	57299
are involved in regulation or funding of child day-care. The	57300
department shall consider the special needs of migrant workers	57301
when it administers and coordinates publicly funded child day-care	57302
and shall develop appropriate procedures for accommodating the	57303
needs of migrant workers for publicly funded child day-care.	57304
(B) The department of job and family services shall	57305
distribute state and federal funds for publicly funded child	57306
day-care, including appropriations of state funds for publicly	57307
funded child day-care and appropriations of federal funds <del>for</del>	57308
<del>publicly funded child day-care</del> <u>available</u> under Title XX of the	57309

~~"Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as~~ 57310  
~~amended, and the child care block grant act, Title IV-A, and Title~~ 57311  
~~XX.~~ The department may use any state funds appropriated for 57312  
publicly funded child day-care as the state share required to 57313  
match any federal funds appropriated for publicly funded child 57314  
day-care. 57315

(C) ~~The department may~~ In the use of federal funds available 57316  
under the child care block grant act, all of the following apply: 57317

(1) The department may use the federal funds to hire staff to 57318  
prepare any rules required under this chapter and to administer 57319  
and coordinate federal and state funding for publicly funded child 57320  
day-care. 57321

(2) Not more than five per cent of the aggregate amount of 57322  
~~those~~ the federal funds received for a fiscal year may be expended 57323  
for administrative costs. ~~The~~ 57324

(3) The department shall allocate and use at least four per 57325  
cent of the federal funds for the following: 57326

~~(1)~~(a) Activities designed to provide comprehensive consumer 57327  
education to parents and the public; 57328

~~(2)~~(b) Activities that increase parental choice; 57329

~~(3)~~(c) Activities, including child day-care resource and 57330  
referral services, designed to improve the quality, and increase 57331  
the supply, of child day-care. 57332

~~(D)~~(4) The department shall ensure that ~~any~~ the federal funds 57333  
~~received by the state under the child care block grant act~~ will be 57334  
used only to supplement, and will not be used to supplant, 57335  
federal, state, and local funds available on the effective date of 57336  
~~that~~ the child care block grant act for publicly funded child 57337  
day-care and related programs. A county department of job and 57338  
family services may purchase child day-care from funds obtained 57339

through any other means. 57340

~~(E)~~(D) The department shall encourage the development of 57341  
suitable child day-care throughout the state, especially in areas 57342  
with high concentrations of recipients of public assistance and 57343  
families with low incomes. The department shall encourage the 57344  
development of suitable child day-care designed to accommodate the 57345  
special needs of migrant workers. On request, the department, 57346  
through its employees or contracts with state or community child 57347  
day-care resource and referral service organizations, shall 57348  
provide consultation to groups and individuals interested in 57349  
developing child day-care. The department of job and family 57350  
services may enter into interagency agreements with the department 57351  
of education, the board of regents, the department of development, 57352  
and other state agencies and entities whenever the cooperative 57353  
efforts of the other state agencies and entities are necessary for 57354  
the department of job and family services to fulfill its duties 57355  
and responsibilities under this chapter. 57356

The department may develop and maintain a registry of persons 57357  
providing child day-care. The director may adopt rules pursuant to 57358  
Chapter 119. of the Revised Code establishing procedures and 57359  
requirements for the registry's administration. 57360

~~(F)~~(E)(1) The director shall adopt rules in accordance with 57361  
Chapter 119. of the Revised Code establishing both of the 57362  
following: 57363

(a) Reimbursement ceilings for providers of publicly funded 57364  
child day-care; 57365

(b) A procedure for reimbursing and paying providers of 57366  
publicly funded child day-care. 57367

(2) In establishing reimbursement ceilings under division 57368  
~~(F)~~(E)(1)(a) of this section, the director shall do all of the 57369  
following: 57370

(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;	57371 57372
(b) Establish an enhanced reimbursement ceiling for providers who provide child day-care for caretaker parents who work nontraditional hours;	57373 57374 57375
(c) For a type B family day-care home provider that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code, establish a reimbursement ceiling that is the following:	57376 57377 57378 57379
(i) If the provider is a person described in division (G)(1)(a) of section 5104.011 of the Revised Code, seventy-five per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code;	57380 57381 57382 57383 57384 57385
(ii) If the provider is a person described in division (G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code.	57386 57387 57388 57389 57390
(3) In establishing reimbursement ceilings under division <del>(F)</del> <u>(E)</u> (1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	57391 57392 57393
(a) Geographic location of the provider;	57394
(b) Type of care provided;	57395
(c) Age of the child served;	57396
(d) Special needs of the child served;	57397
(e) Whether the expanded hours of service are provided;	57398
(f) Whether weekend service is provided;	57399

(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child day-care; 57400  
57401

(h) Any other factors the director considers appropriate. 57402

**Sec. 5104.32.** (A) Except as provided in division (C) of this section, all purchases of publicly funded child day-care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child day-care provider and the county department of job and family services. A county department of job and family services may enter into a contract with a provider for publicly funded child day-care for a specified period of time or upon a continuous basis for an unspecified period of time. All contracts for publicly funded child day-care shall be contingent upon the availability of state and federal funds. The department of job and family services shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child day-care, regardless of the source of public funds used to purchase the child day-care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state or county contracts or contracts involving the expenditure of state, county, or federal funds, all contracts for publicly funded child day-care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state or county contracts or contracts involving the expenditure of state, county, or federal funds. 57403  
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(B) Each contract for publicly funded child day-care shall specify at least the following: 57428  
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(1) That the provider of publicly funded child day-care 57430

agrees to be paid for rendering services at the lowest of the rate 57431  
customarily charged by the provider for children enrolled for 57432  
child day-care, the reimbursement ceiling or rate of payment 57433  
established pursuant to section 5104.30 of the Revised Code, or a 57434  
rate the county department negotiates with the provider; 57435

(2) That, if a provider provides child day-care to an 57436  
individual potentially eligible for publicly funded child day-care 57437  
who is subsequently determined to be eligible, the county 57438  
department agrees to pay for all child day-care provided between 57439  
the date the county department receives the individual's completed 57440  
application and the date the individual's eligibility is 57441  
determined; 57442

(3) Whether the county department of job and family services, 57443  
the provider, or a child day-care resource and referral service 57444  
organization will make eligibility determinations, whether the 57445  
provider or a child day-care resource and referral service 57446  
organization will be required to collect information to be used by 57447  
the county department to make eligibility determinations, and the 57448  
time period within which the provider or child day-care resource 57449  
and referral service organization is required to complete required 57450  
eligibility determinations or to transmit to the county department 57451  
any information collected for the purpose of making eligibility 57452  
determinations; 57453

(4) That the provider, other than a border state child 57454  
day-care provider or except as provided in division (B) of section 57455  
3301.37 of the Revised Code, shall continue to be licensed, 57456  
approved, or certified pursuant to this chapter ~~or sections~~ 57457  
~~3301.52 to 3301.59 of the Revised Code~~ and shall comply with all 57458  
standards and other requirements in this chapter ~~and those~~ 57459  
~~sections~~ and in rules adopted pursuant to this chapter ~~or those~~ 57460  
~~sections~~ for maintaining the provider's license, approval, or 57461  
certification; 57462

(5) That, in the case of a border state child day-care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(6) Whether the provider will be paid by the county department of job and family services or the state department of job and family services;

(7) That the contract is subject to the availability of state and federal funds.

(C) Unless specifically prohibited by federal law, the county department of job and family services shall give individuals eligible for publicly funded child day-care the option of obtaining certificates for payment that the individual may use to purchase services from any provider qualified to provide publicly funded child day-care under section 5104.31 of the Revised Code. Providers of publicly funded child day-care may present these certificates for payment for reimbursement in accordance with rules that the director of job and family services shall adopt. Only providers may receive reimbursement for certificates for payment. The value of the certificate for payment shall be based on the lowest of the rate customarily charged by the provider, the reimbursement ceiling or rate of payment established pursuant to section 5104.30 of the Revised Code, or a rate the county department negotiates with the provider. The county department may provide the certificates for payment to the individuals or may contract with child day-care providers or child day-care resource and referral service organizations that make determinations of eligibility for publicly funded child day-care pursuant to contracts entered into under section 5104.34 of the Revised Code for the providers or resource and referral service organizations

to provide the certificates for payment to individuals whom they 57495  
determine are eligible for publicly funded child day-care. 57496

For each six-month period a provider of publicly funded child 57497  
day-care provides publicly funded child day-care to the child of 57498  
an individual given certificates ~~of~~ for payment, the individual 57499  
shall provide the provider certificates for days the provider 57500  
would have provided publicly funded child day-care to the child 57501  
had the child been present. County departments shall specify the 57502  
maximum number of days providers will be provided certificates of 57503  
payment for days the provider would have provided publicly funded 57504  
child day-care had the child been present. The maximum number of 57505  
days shall not exceed ten days in a six-month period during which 57506  
publicly funded child day-care is provided to the child regardless 57507  
of the number of providers that provide publicly funded child 57508  
day-care to the child during that period. 57509

**Sec. 5107.02.** As used in this chapter: 57510

(A) "Adult" means an individual who is not a minor child. 57511

(B) "Assistance group" means a group of individuals treated 57512  
as a unit for purposes of determining eligibility for and the 57513  
amount of assistance provided under Ohio works first. 57514

(C) "Custodian" means an individual who has legal custody, as 57515  
defined in section 2151.011 of the Revised Code, of a minor child 57516  
or comparable status over a minor child created by a court of 57517  
competent jurisdiction in another state. 57518

(D) "Guardian" means an individual that is granted authority 57519  
by a probate court pursuant to Chapter 2111. of the Revised Code, 57520  
or a court of competent jurisdiction in another state, to exercise 57521  
parental rights over a minor child to the extent provided in the 57522  
court's order and subject to residual parental rights of the minor 57523  
child's parents. 57524

- (E) "Minor child" means either of the following: 57525
- (1) An individual who has not attained age eighteen; 57526
- (2) An individual who has not attained age nineteen and is a 57527  
full-time student in a secondary school or in the equivalent level 57528  
of vocational or technical training. 57529
- (F) "Minor head of household" means a minor child who is 57530  
either of the following: 57531
- (1) ~~A~~ Is married, at least six months pregnant, and a member 57532  
of an assistance group that does not include an adult; 57533
- (2) ~~A~~ Is married and is a parent of a child included in the 57534  
same assistance group that does not include an adult. 57535
- (G) "Ohio works first" means the program established by this 57536  
chapter known as temporary assistance for needy families in Title 57537  
IV-A. 57538
- (H) "Payment standard" means the amount specified in rules 57539  
adopted under section 5107.05 of the Revised Code that is the 57540  
maximum amount of cash assistance an assistance group may receive 57541  
under Ohio works first from state and federal funds. 57542
- (I) "Specified relative" means the following individuals who 57543  
are age eighteen or older: 57544
- (1) The following individuals related by blood or adoption: 57545
- (a) Grandparents, including grandparents with the prefix 57546  
"great," "great-great," or "great-great-great"; 57547
- (b) Siblings; 57548
- (c) Aunts, uncles, nephews, and nieces, including such 57549  
relatives with the prefix "great," "great-great," "grand," or 57550  
"great-grand"; 57551
- (d) First cousins and first cousins once removed. 57552
- (2) Stepparents and stepsiblings; 57553

(3) Spouses and former spouses of individuals named in 57554  
division (I)(1) or (2) of this section. 57555

(J) "Title IV-A" or "Title IV-D" means Title IV-A or Title 57556  
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 57557  
301, as amended. 57558

**Sec. 5107.30.** (A) As used in this section: 57559

(1) "LEAP program" means the learning, earning, and parenting 57560  
program. 57561

(2) "Teen" means a participant of Ohio works first who is 57562  
under age ~~twenty~~ eighteen or is age eighteen and in school and is 57563  
a natural or adoptive parent or is pregnant. 57564

(3) "School" means an educational program that is designed to 57565  
lead to the attainment of a high school diploma or the equivalent 57566  
of a high school diploma. 57567

(B) The director of job and family services may adopt rules 57568  
under section 5107.05 of the Revised Code, to the extent that such 57569  
rules are consistent with federal law, to do all of the following: 57570

(1) Define "good cause" and "the equivalent of a high school 57571  
diploma" for the purposes of this section; 57572

(2) Conduct ~~one or more special demonstration programs a~~ 57573  
program titled the "LEAP program" and establish requirements 57574  
governing the program. The purpose of the LEAP program is to 57575  
encourage teens to complete school. 57576

(3) Require every teen who is subject to LEAP program 57577  
requirements to attend school in accordance with the requirements 57578  
governing the program unless the teen shows good cause for not 57579  
attending school. The department shall provide, in addition to the 57580  
cash assistance payment provided under Ohio works first, an 57581  
incentive payment, in an amount determined by the department, to 57582  
every teen who is participating in the LEAP program and attends 57583

school in accordance with the requirements governing the program. 57584  
The department shall reduce the cash assistance payment, in an 57585  
amount determined by the department, under Ohio works first to 57586  
every teen participating in the LEAP program who fails or refuses, 57587  
without good cause, to ~~attend school in accordance with~~ meet the 57588  
requirements governing the program. 57589

(4) Require every teen who is subject to LEAP program 57590  
requirements to enter into a written agreement with the county 57591  
department of job and family services that provides all of the 57592  
following: 57593

(a) The teen, to be eligible to receive the incentive payment 57594  
under division (B)(3) of this section, must ~~attend school in~~ 57595  
~~accordance with~~ meet the requirements of the LEAP program. 57596

(b) The county department will provide the incentive payment 57597  
to the teen if the teen ~~attends school;~~ meets the requirements of 57598  
the LEAP program. 57599

(c) The county department will reduce the cash assistance 57600  
payment under Ohio works first if the teen fails or refuses 57601  
without good cause to attend school in accordance with the 57602  
requirements governing the LEAP program. 57603

~~(5) Evaluate the demonstration programs established under 57604  
this section. In conducting the evaluations, the department of job 57605  
and family services shall select control groups of teens who are 57606  
otherwise subject to the LEAP program requirements. 57607~~

(C) A ~~teen~~ minor head of household who is participating in 57608  
the LEAP program shall be considered to be participating in a work 57609  
activity for the purpose of sections 5107.40 to 5107.69 of the 57610  
Revised Code. However, the ~~teen~~ minor head of household is not 57611  
subject to the requirements or sanctions of those sections, ~~unless~~ 57612  
~~the teen is over age eighteen and meets the LEAP program~~ 57613  
~~requirements by participating regularly in work activities,~~ 57614

~~developmental activities, or alternative work activities under~~ 57615  
~~those sections.~~ 57616

(D) Subject to the availability of funds, county departments 57617  
of job and family services shall provide for LEAP participants to 57618  
receive support services the county department determines to be 57619  
necessary for LEAP participation. Support services may include 57620  
publicly funded child day-care under Chapter 5104. of the Revised 57621  
Code, transportation, and other services. 57622

**Sec. 5107.37.** ~~An~~ (A) Except as provided in division (B) of 57623  
this section, an individual who resides in a county home, city 57624  
infirmary, jail, or other public institution is not eligible to 57625  
participate in Ohio works first. 57626

(B) Division (A) of this section does not apply to a minor 57627  
child residing with the minor child's mother who participates in a 57628  
prison nursery program established under section 5120.65 of the 57629  
Revised Code. 57630

**Sec. 5107.40.** As used in sections 5107.40 to 5107.69 of the 57631  
Revised Code: 57632

(A) "Alternative work activity" means an activity designed to 57633  
promote self sufficiency and personal responsibility established 57634  
by a county department of job and family services under section 57635  
5107.64 of the Revised Code. 57636

(B) "Developmental activity" means an activity designed to 57637  
promote self sufficiency and personal responsibility established 57638  
by a county department of job and family services under section 57639  
5107.62 of the Revised Code. 57640

(C) "High school equivalence diploma" means a diploma 57641  
attesting to achievement of the equivalent of a high school 57642  
education as measured by scores obtained on the tests of general 57643  
educational development published by the American council on 57644

education. "High school equivalence diploma" includes a 57645  
certificate of high school equivalence issued prior to January 1, 57646  
1994, attesting to the achievement of the equivalent of a high 57647  
school education as measured by scores obtained on tests of 57648  
general educational development. 57649

(D) "Work activity" means the following: 57650

(1) Unsubsidized employment activities established under 57651  
section 5107.60 of the Revised Code; 57652

(2) The subsidized employment program established under 57653  
section 5107.52 of the Revised Code; 57654

(3) The work experience program established under section 57655  
5107.54 of the Revised Code; 57656

(4) On-the-job training activities established under section 57657  
5107.60 of the Revised Code; 57658

(5) The job search and readiness program established under 57659  
section 5107.50 of the Revised Code; 57660

(6) Community service activities established under section 57661  
5107.60 of the Revised Code; 57662

(7) Vocational educational training activities established 57663  
under section 5107.60 of the Revised Code; 57664

(8) Jobs skills training activities established under section 57665  
5107.60 of the Revised Code that are directly related to 57666  
employment; 57667

(9) Education activities established under section 5107.60 of 57668  
the Revised Code that are directly related to employment for 57669  
participants of Ohio works first who have not earned a high school 57670  
diploma or high school equivalence diploma; 57671

(10) Education activities established under section 5107.60 57672  
of the Revised Code for participants of Ohio works first who have 57673  
not completed secondary school or received a high school 57674

equivalence diploma under which the participants attend a 57675  
secondary school or a course of study leading to a high school 57676  
equivalence diploma; 57677

(11) Child-care service activities, including training, 57678  
established under section 5107.60 of the Revised Code to aid 57679  
another participant of Ohio works first assigned to a community 57680  
service activity or other work activity; 57681

(12) The education program established under section 5107.58 57682  
of the Revised Code that are operated pursuant to a federal waiver 57683  
granted by the United States secretary of health and human 57684  
services pursuant to a request made under former section 5101.09 57685  
of the Revised Code; 57686

(13) ~~Except as limited~~ To the extent provided by division (C) 57687  
of section 5107.30 of the Revised Code, the LEAP program 57688  
established under that section. 57689

**Sec. 5107.60.** In accordance with Title IV-A, federal 57690  
regulations, state law, the Title IV-A state plan prepared under 57691  
section 5101.80 of the Revised Code, and amendments to the plan, 57692  
county departments of job and family services shall establish and 57693  
administer the following work activities, in addition to the work 57694  
activities established under sections 5107.50, 5107.52, 5107.54, 57695  
and 5107.58 of the Revised Code, for minor heads of households and 57696  
adults participating in Ohio works first: 57697

(A) Unsubsidized employment activities, including activities 57698  
a county department determines are legitimate entrepreneurial 57699  
activities; 57700

(B) On-the-job training activities, including training to 57701  
become an employee of a child day-care center or type A family 57702  
day-care home, authorized provider of a certified type B family 57703  
day-care home, or in-home aide; 57704

(C) Community service activities including a program under 57705  
which a participant of Ohio works first who is the parent, 57706  
guardian, custodian, or specified relative responsible for the 57707  
care of a minor child enrolled in grade twelve or lower is 57708  
involved in the minor child's education on a regular basis; 57709

(D) Vocational educational training activities; 57710

(E) Jobs skills training activities that are directly related 57711  
to employment; 57712

(F) Education activities that are directly related to 57713  
employment for participants who have not earned a high school 57714  
diploma or high school equivalence diploma; 57715

(G) Education activities for participants who have not 57716  
completed secondary school or received a high school equivalence 57717  
diploma under which the participants attend a secondary school or 57718  
a course of study leading to a high school equivalence diploma, 57719  
including LEAP participation by a minor head of household; 57720

(H) Child-care service activities aiding another participant 57721  
assigned to a community service activity or other work activity. A 57722  
county department may provide for a participant assigned to this 57723  
work activity to receive training necessary to provide child-care 57724  
services. 57725

**Sec. 5108.01.** As used in this chapter: 57726

(A) ~~"Assistance group" means a group of individuals treated~~ 57727  
~~as a unit for purposes of determining eligibility for the~~ 57728  
~~prevention, retention, and contingency program~~ "County family 57729  
services planning committee" means the county family services 57730  
planning committee established under section 329.06 of the Revised 57731  
Code or the board created by consolidation under division (C) of 57732  
section 6301.06 of the Revised Code. 57733

(B) "Prevention, retention, and contingency program" means 57734

the program established by this chapter and funded in part with 57735  
federal funds provided under Title IV-A. 57736

(C) "Title IV-A" means Title IV-A of the "Social Security 57737  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 57738

**Sec. 5108.03.** Under the prevention, retention, and 57739  
contingency program, a each county department of job and family 57740  
services shall ~~provide~~ do both of the following in accordance with 57741  
the statement of policies the county department develops under 57742  
section 5108.04 of the Revised Code: 57743

(A) Provide benefits and services that individuals need to 57744  
overcome immediate barriers to achieving or maintaining self 57745  
sufficiency and personal responsibility; 57746

(B) Perform related administrative duties. ~~A county~~ 57747  
~~department shall provide the benefits and services in accordance~~ 57748  
~~with either the model design for the program that the department~~ 57749  
~~of job and family services develops under section 5108.05 of the~~ 57750  
~~Revised Code or the county department's own policies for the~~ 57751  
~~program developed under section 5108.06 of the Revised Code.~~ 57752

**Sec. ~~5108.06~~ 5108.04.** Each county department of job and 57753  
family services shall ~~either adopt the model design for a written~~ 57754  
statement of policies governing the prevention, retention, and 57755  
contingency program ~~the department of job and family services~~ 57756  
~~develops under section 5108.05 of the Revised Code or develop its~~ 57757  
~~own policies for the program~~ county. ~~To develop its own policies,~~ 57758  
~~a county department shall adopt a written statement of the~~ 57759  
~~policies governing the program. The policies may be a modification~~ 57760  
~~of the model design, different from the model design, or a~~ 57761  
~~combination.~~ The statement of policies shall be adopted not later 57762  
than October 1, 2003, and shall be updated at least every two 57763  
years thereafter. A county department may amend its statement of 57764

policies to modify, terminate, and establish new policies. The county director of job and family services shall sign and date the statement of policies and any amendment to it. Neither the statement of policies nor any amendment to it may have an effective date that is earlier than the date of the county director's signature. 57765  
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A Each county department of job and family services shall ~~inform~~ provide the department of job and family services of whether it has adopted the model design or developed its own policies for the prevention, retention, and contingency program. ~~If a county department develops its own policies, it shall provide the department a written copy of the statement of policies and any amendments it adopts to the statement not later than ten calendar days after the statement or amendment's effective date.~~ 57771  
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~~Sec. 5108.07~~ 5108.05. ~~The model design for the prevention, retention, and contingency program that the department of job and family services develops under section 5108.05 of the Revised Code and policies for the program that a county department of job and family services may develop under section 5108.06 of the Revised Code shall establish~~ In adopting a statement of policies under section 5108.04 of the Revised Code for the county's prevention, retention, and contingency program, each county department of job and family services shall do all of the following: 57779  
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(A) Establish or specify eligibility requirements for ~~assistance groups that apply for the program under section 5108.10 of the Revised Code, benefits~~ all of the following: 57788  
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(1) Benefits and services to be provided under the program ~~to~~ assistance groups, administrative that are allowable uses of federal Title IV-A funds under 42 U.S.C. 601 and 604(a), except that they may not be "assistance" as defined in 45 C.F.R. 260.31(a) but rather benefits and services that 45 C.F.R. 57791  
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<u>260.31(b) excludes from the definition of assistance;</u>	57796
<u>(2) Restrictions on the amount, duration, and frequency of the benefits and services;</u>	57797
<u>(3) Eligibility requirements for the benefits and services;</u>	57798
<u>(4) Fair and equitable procedures for both of the following:</u>	57799
<u>(a) The certification of eligibility for the benefits and services that do not have a financial need eligibility requirement;</u>	57800
<u>(b) The determination and verification of eligibility for the benefits and services that have a financial need eligibility requirement.</u>	57801
<u>(5) Objective criteria for the delivery of the benefits and services;</u>	57802
<u>(6) Administrative requirements, and other;</u>	57803
<u>(7) Other matters the department, in the case of the model design, or a county department, in the case of county policies, determine <u>determines</u> are necessary.</u>	57804
<u>The model design and a county department's policies may establish eligibility requirements for, and specify benefits and services to be provided to, types of groups, such as students in the same class, that share a common need for the benefits and services. If the model design or a county department's policies include such a provision, the model design or county department's policies shall require that each individual who is to receive the benefits and services meet the eligibility requirements established for the type of group of which the individual is a member. The model design or county department's policies also shall require that the county department providing the benefits and services certify the group's eligibility, specify the duration that the group is to receive the benefits and services, and</u>	57805
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~~maintain the eligibility information for each member of the group receiving the benefits and services.~~ 57826  
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~~The model design and a county department's policies may specify benefits and services that a county department may provide for the general public, including billboards that promote the prevention, and reduction in the incidence, of out of wedlock pregnancies or encourage the formation and maintenance of two parent families.~~ 57828  
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~~The model design and a county department's policies must be consistent with (B) Provide for the statement of policies to be consistent with all of the following:~~ 57834  
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(1) The plan of cooperation the board of county commissioners develops under section 307.983 of the Revised Code; 57837  
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(2) The review and analysis of the county family services committee conducted in accordance with division (B)(2) of section 329.06 of the Revised Code; 57839  
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(3) Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and amendments to the plan. All benefits and services to be provided under the model design or a county department's policies must be allowable uses of federal Title IV A funds as specified in 42 U.S.C.A. 604(a), except that they may not be "assistance" as defined in 45 C.F.R. 260.31(a). The benefits and services shall be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance. 57842  
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(C) Either provide the public and local government entities at least thirty days to submit comments on, or have the county family services planning committee review, the statement of policies, including the design of the county's prevention, retention, and contingency program, before the county director 57852  
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signs and dates the statement of policies. 57857

Sec. 5108.051. A county department of job and family services 57858  
is not required to follow division (C) of section 5108.05 of the 57859  
Revised Code when amending its statement of policies under section 57860  
5108.04 of the Revised Code. Division (C) of section 5108.05 of 57861  
the Revised Code applies only when a county department adopts its 57862  
initial and updated statement of policies under section 5108.04 of 57863  
the Revised Code. 57864

Sec. 5108.06. In adopting a statement of policies under 57865  
section 5108.04 of the Revised Code for the county's prevention, 57866  
retention, and contingency program, a county department of job and 57867  
family services may specify both of the following: 57868

(A) Benefits and services to be provided under the program 57869  
that prevent and reduce the incidence of out-of-wedlock 57870  
pregnancies or encourage the formation and maintenance of 57871  
two-parent families as permitted by 45 C.F.R. 260.20(c) and (d); 57872

(B) How the county department will certify individuals' 57873  
eligibility for such benefits and services. 57874

Sec. 5108.07. (A) Each statement of policies adopted under 57875  
section 5108.04 of the Revised Code shall include the board of 57876  
county commissioners' certification that the county department of 57877  
job and family services complied with this chapter in adopting the 57878  
statement of policies. 57879

(B) The board of county commissioners shall revise its 57880  
certification under division (A) of this section if an amendment 57881  
to the statement of policies that the board considers to be 57882  
significant is adopted under section 5108.04 of the Revised Code. 57883

Sec. 5108.09. When a state hearing under division (B) of 57884

section 5101.35 of the Revised Code or an administrative appeal 57885  
under division (C) of that section is held regarding the 57886  
prevention, retention, and contingency program, the hearing 57887  
officer, director of job and family services, or director's 57888  
designee shall base the decision in the hearing or appeal on the 57889  
following: 57890

~~(A) If the county department of job and family services 57891  
involved in the hearing or appeal adopted the department of job 57892  
and family services' model design for the program developed under 57893  
section 5108.05 of the Revised Code, the model design: 57894~~

~~(B) If the county department developed its own policies for 57895  
the program, the county department's department of job and family 57896  
services' written statement of policies adopted under section 57897  
~~5108.06~~ 5108.04 of the Revised Code and any amendments the county 57898  
department adopted to the statement if the county department 57899  
provides a copy of the statement of policies and all amendments to 57900  
the hearing officer, director, or director's designee at the 57901  
hearing or appeal. 57902~~

~~Sec. 5108.10. An assistance group seeking to participate in 57903  
the prevention, retention, and contingency program shall apply to 57904  
a county department of job and family services using Eligibility 57905  
for a benefit or service under a county's prevention, retention, 57906  
and contingency program shall be certified in accordance with the 57907  
statement of policies adopted under section 5108.04 of the Revised 57908  
Code if the benefit or service does not have a financial need 57909  
eligibility requirement. 57910~~

~~Eligibility for a benefit or service shall be determined in 57911  
accordance with the statement of policies and based on an 57912  
application containing information the county department of job 57913  
and family services requires. 57914~~

~~When if the benefit or service has a financial need 57915~~

eligibility requirement. When a county department receives an 57916  
application for participation in the prevention, retention, and 57917  
contingency program such benefits and services, it shall promptly 57918  
make an investigation and record of the circumstances of the 57919  
applicant in order to ascertain follow verification procedures 57920  
established by the statement of policies to verify the facts 57921  
surrounding the application and to obtain such other information 57922  
as may be required. On completion of the investigation 57923  
verification procedure, the county department shall determine 57924  
whether the applicant is eligible to participate, for the benefits 57925  
or services the applicant should receive, and the approximate date 57926  
when participation is the benefits or services are to begin. 57927

Sec. 5108.11. (A) To the extent permitted by section 307.982 57928  
of the Revised Code, a board of county commissioners may enter 57929  
into a written contract with a private or government entity for 57930  
the entity to do either or both of the following for the county's 57931  
prevention, retention, and contingency program: 57932

(1) Certify eligibility for benefits and services that do not 57933  
have a financial need eligibility requirement; 57934

(2) Accept applications and determine and verify eligibility 57935  
for benefits and services that have a financial need eligibility 57936  
requirement. 57937

(B) If a board of county commissioners enters into a contract 57938  
under division (A) of this section with a private or government 57939  
entity, the county department of job and family services shall do 57940  
all of the following: 57941

(1) Ensure that eligibility for benefits and services is 57942  
certified or determined and verified in accordance with the 57943  
statement of policies adopted under section 5108.04 of the Revised 57944  
Code; 57945

(2) Ensure that the private or government entity maintains all records that are necessary for audits; 57946  
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(3) Monitor the private or government entity for compliance with Title IV-A, this chapter of the Revised Code, and the statement of policies; 57948  
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(4) Take actions that are necessary to recover any funds that are not spent in accordance with Title IV-A or this chapter of the Revised Code. 57951  
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**Sec. 5108.12.** Each county department of job and family services is responsible for funds expended or claimed under the county's prevention, retention, and contingency program that the department of job and family services, auditor of state, United States department of health and human services, or other government entity determines is expended or claimed in a manner that federal or state law or policy does not permit. 57954  
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**Sec. 5111.016.** (A) As used in this section, "healthcheck" has the same meaning as in section 3313.714 of the Revised Code. 57961  
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(B) In accordance with federal law and regulations, the department of job and family services shall establish a combination of written and oral methods designed to provide information about healthcheck to all persons eligible for the program or their parents or guardians. The department shall ensure that its methods of providing information are effective. 57963  
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Each county department of job and family services or other entity that distributes or accepts applications for medical assistance shall prominently display in a conspicuous place the following notice: 57969  
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"Under state and federal law, if you are a Medicaid recipient, your child is entitled to a thorough medical examination provided through Healthcheck. Once this examination is 57973  
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completed, your child is entitled to receive, at no cost to you, 57976  
any service determined to be medically necessary." 57977

(C) Before a healthcheck medical examination may be performed 57978  
on a child, the department of job and family services shall do 57979  
both of the following: 57980

(1) Inform the child's parent, through both oral and written 57981  
communication, that the examination may include the following 57982  
components: 57983

(a) A mental evaluation; 57984

(b) A physical assessment; 57985

(c) An unclothed physical examination of the child's 57986  
reproductive system, including a genital examination. 57987

(2) Obtain the parent's consent to perform the examination. 57988

The department shall not require a parent to consent to a 57989  
healthcheck medical examination for the parent's child as a 57990  
condition of receipt of other medicaid services. 57991

**Sec. 5111.0112.** The director of job and family services shall 57992  
examine instituting a copayment program under medicaid. As part of 57993  
the examination, the director shall determine which groups of 57994  
medicaid recipients may be subjected to a copayment requirement 57995  
under federal statutes and regulations ~~and which of those groups~~ 57996  
~~are appropriate for a copayment program designed to reduce~~ 57997  
~~inappropriate and excessive use of medical goods and services.~~ If, 57998  
on completion of the examination, the director determines that it 57999  
is feasible to institute such a copayment program, the director 58000  
may seek approval from the United States secretary of health and 58001  
human services to institute the copayment program. If necessary, 58002  
the director may seek approval by applying for a waiver of federal 58003  
statutes and regulations. If such approval is obtained, the 58004  
director shall adopt rules in accordance with Chapter 119. of the 58005

Revised Code governing the copayment program. 58006

Sec. 5111.0113. Children who are in the temporary or 58007  
permanent custody of a certified public or private nonprofit 58008  
agency or institution or in adoptions subsidized under division 58009  
(B) of section 5153.163 of the Revised Code are eligible for 58010  
medical assistance through the medicaid program established under 58011  
section 5111.01 of the Revised Code. 58012

**Sec. 5111.02.** (A) Under the medical assistance program: 58013

(1) Except as otherwise permitted by federal statute or 58014  
regulation and at the department's discretion, reimbursement by 58015  
the department of job and family services to a medical provider 58016  
for any medical service rendered under the program shall not 58017  
exceed the authorized reimbursement level for the same service 58018  
under the medicare program established under Title XVIII of the 58019  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 58020  
amended. 58021

(2) Reimbursement for freestanding medical laboratory charges 58022  
shall not exceed the customary and usual fee for laboratory 58023  
profiles. 58024

(3) The department may deduct from payments for services 58025  
rendered by a medicaid provider under the medical assistance 58026  
program any amounts the provider owes the state as the result of 58027  
incorrect medical assistance payments the department has made to 58028  
the provider. 58029

(4) The department may conduct final fiscal audits in 58030  
accordance with the applicable requirements set forth in federal 58031  
laws and regulations and determine any amounts the provider may 58032  
owe the state. When conducting final fiscal audits, the department 58033  
shall consider generally accepted auditing standards, which 58034  
include the use of statistical sampling. 58035

(5) The number of days of inpatient hospital care for which reimbursement is made on behalf of a recipient of medical assistance to a hospital that is not paid under a diagnostic-related-group prospective payment system shall not exceed thirty days during a period beginning on the day of the recipient's admission to the hospital and ending sixty days after the termination of that hospital stay, except that the department may make exceptions to this limitation. The limitation does not apply to children participating in the program for medically handicapped children established under section 3701.023 of the Revised Code.

(B) The director of job and family services may adopt, amend, or rescind rules under Chapter 119. of the Revised Code establishing the amount, duration, and scope of medical services to be included in the medical assistance program. Such rules shall establish the conditions under which services are covered and reimbursed, the method of reimbursement applicable to each covered service, and the amount of reimbursement or, in lieu of such amounts, methods by which such amounts are to be determined for each covered service. Any rules that pertain to nursing facilities or intermediate care facilities for the mentally retarded shall be consistent with sections 5111.20 to 5111.33 of the Revised Code.

~~(C) No health insuring corporation that has a contract to provide health care services to recipients of medical assistance shall restrict the availability to its enrollees of any prescription drugs included in the Ohio medicaid drug formulary as established under rules adopted by the director.~~

~~(D)~~ The division of any reimbursement between a collaborating physician or podiatrist and a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner for services performed by the nurse shall be determined and agreed on by the nurse and collaborating physician or podiatrist. In no case shall

reimbursement exceed the payment that the physician or podiatrist 58068  
would have received had the physician or podiatrist provided the 58069  
entire service. 58070

**Sec. 5111.021.** Under the medical assistance program, any 58071  
amount determined to be owed the state by a final fiscal audit 58072  
conducted pursuant to division (A)(4) of section 5111.02 of the 58073  
Revised Code, upon the issuance of an adjudication order pursuant 58074  
to Chapter 119. of the Revised Code that contains a finding that 58075  
there is a preponderance of the evidence that the provider will 58076  
liquidate assets or file bankruptcy in order to prevent payment of 58077  
the amount determined to be owed the state, becomes a lien upon 58078  
the real and personal property of the provider. Upon failure of 58079  
the provider to pay the amount to the state, the director of job 58080  
and family services shall file notice of the lien, for which there 58081  
shall be no charge, in the office of the county recorder of the 58082  
county in which it is ascertained that the provider owns real or 58083  
personal property. The director shall notify the provider by mail 58084  
of the lien, but absence of proof that the notice was sent does 58085  
not affect the validity of the lien. The lien is not valid as 58086  
against the claim of any mortgagee, pledgee, purchaser, judgment 58087  
creditor, or other lienholder of record at the time the notice is 58088  
filed. 58089

If the provider acquires real or personal property after 58090  
notice of the lien is filed, the lien shall not be valid as 58091  
against the claim of any mortgagee, pledgee, subsequent bona fide 58092  
purchaser for value, judgment creditor, or other lienholder of 58093  
record to such after-acquired property unless the notice of lien 58094  
is refiled after the property is acquired by the provider and 58095  
before the competing lien attaches to the after-acquired property 58096  
or before the conveyance to the subsequent bona fide purchaser for 58097  
value. 58098

When the amount has been paid, the provider may record with 58099  
the recorder notice of the payment. For recording such notice of 58100  
payment, the recorder shall charge and receive from the provider a 58101  
base fee of one dollar for services and a housing trust fund fee 58102  
of one dollar pursuant to section 317.36 of the Revised Code. 58103

In the event of a distribution of a provider's assets 58104  
pursuant to an order of any court under the law of this state 58105  
including any receivership, assignment for benefit of creditors, 58106  
adjudicated insolvency, or similar proceedings, amounts then or 58107  
thereafter due the state under this chapter have the same priority 58108  
as provided by law for the payment of taxes due the state and 58109  
shall be paid out of the receivership trust fund or other such 58110  
trust fund in the same manner as provided for claims for unpaid 58111  
taxes due the state. 58112

If the attorney general finds after investigation that any 58113  
amount due the state under this chapter is uncollectable, in whole 58114  
or in part, the attorney general shall recommend to the director 58115  
the cancellation of all or part of the claim. The director may 58116  
thereupon effect the cancellation. 58117

**Sec. 5111.022.** (A) As used in this section: 58118

(1) "Community mental health facility" means a community 58119  
mental health facility that has a quality assurance program 58120  
accredited by the joint commission on accreditation of healthcare 58121  
organizations or is certified by the department of mental health 58122  
or department of job and family services. 58123

(2) "Mental health professional" means a person qualified to 58124  
work with mentally ill persons under the standards established by 58125  
the director of mental health pursuant to section 5119.611 of the 58126  
Revised Code. 58127

(B) The state medicaid plan for providing medical assistance 58128

~~under Title XIX of the "Social Security Act," 49 Stat. 620, 42~~ 58129  
~~U.S.C.A. 301, as amended,~~ shall include provision of the following 58130  
mental health services when provided by community mental health 58131  
~~facilities described in division (B) of this section:~~ 58132

(1) Outpatient mental health services, including, but not 58133  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 58134  
and palliative interventions rendered to individuals in an 58135  
individual or group setting by a mental health professional in 58136  
accordance with a plan of treatment appropriately established, 58137  
monitored, and reviewed; 58138

(2) Partial-hospitalization mental health services of three 58139  
to fourteen hours per service day, rendered by persons directly 58140  
supervised by a mental health professional; 58141

(3) Unscheduled, emergency mental health services of a kind 58142  
ordinarily provided to persons in crisis when rendered by persons 58143  
supervised by a mental health professional; 58144

(4) Subject to receipt of federal approval, assertive 58145  
community treatment and intensive home-based mental health 58146  
services. 58147

~~(B) Services shall be included in the state plan only when~~ 58148  
~~provided by community mental health facilities that have quality~~ 58149  
~~assurance programs accredited by the joint commission on~~ 58150  
~~accreditation of healthcare organizations or certified by the~~ 58151  
~~department of mental health or department of job and family~~ 58152  
~~services.~~ 58153

(C) The comprehensive annual plan shall certify the 58154  
availability of sufficient unencumbered community mental health 58155  
state subsidy and local funds to match ~~Title XIX~~ federal medicaid 58156  
reimbursement funds earned by ~~the~~ community mental health 58157  
facilities. ~~Reimbursement for eligible services shall be based on~~ 58158  
~~the prospective cost of providing the services as developed in~~ 58159

~~standards adopted as part of the comprehensive annual plan.~~ 58160

~~(D) As used in this section, "mental health professional" means a person qualified to work with mentally ill persons under the standards established by the director of mental health pursuant to section 5119.611 of the Revised Code.~~ 58161  
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~~(E) With respect to services established by division (A) of this section, the The department of job and family services shall enter into a separate contract with the department of mental health under section 5111.91 of the Revised Code with regard to the component of the medicaid program provided for by this section. The terms of the contract between the department of job and family services and the department of mental health shall specify both of the following:~~ 58165  
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~~(1) That the department of mental health and boards of alcohol, drug addiction, and mental health services shall provide state and local matching funds for Title XIX of the "Social Security Act," for reimbursement of services established by division (A) of this section;~~ 58173  
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~~(2) How the community mental health facilities described in division (B) of this section will be paid for providing the services established by division (A) of this section.~~ 58178  
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~~(E) Not later than May 1, 2004, the department of job and family services shall request federal approval to provide assertive community treatment and intensive home-based mental health services under medicaid pursuant to this section.~~ 58181  
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~~(F) On receipt of federal approval sought under division (E) of this section, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code establishing statewide access and acuity standards for partial hospitalization mental health services and assertive community treatment and intensive home-based mental health services provided~~ 58185  
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under medicaid pursuant to this section. The director shall 58191  
consult with the department of mental health in adopting the 58192  
rules. 58193

Sec. 5111.025. (A) In rules adopted under section 5111.02 of 58194  
the Revised Code, the director of job and family services shall 58195  
modify the manner or establish a new manner in which the following 58196  
are paid under medicaid: 58197

(1) Community mental health facilities for providing mental 58198  
health services included in the state medicaid plan pursuant to 58199  
section 5111.022 of the Revised Code; 58200

(2) Providers of alcohol and drug addiction services for 58201  
providing alcohol and drug addiction services included in the 58202  
medicaid program pursuant to rules adopted under section 5111.02 58203  
of the Revised Code. 58204

(B) In modifying the manner, or establishing a new manner, 58205  
for medicaid to pay for the services specified in division (A) of 58206  
this section, the director shall include a provision for obtaining 58207  
federal financial participation for the costs that each board of 58208  
alcohol, drug addiction, and mental health services incurs in its 58209  
administration of those services. Except as provided in section 58210  
5111.92 of the Revised Code, the department of job and family 58211  
services shall pay the federal financial participation obtained 58212  
for such administrative costs to the board that incurs the 58213  
administrative costs. 58214

(C) The director's authority to modify the manner, or to 58215  
establish a new manner, for medicaid to pay for the services 58216  
specified in division (A) of this section is not limited by any 58217  
rules adopted under section 5111.02 or 5119.61 of the Revised Code 58218  
that are in effect on the effective date of this section and 58219  
govern the way medicaid pays for those services. This is the case 58220  
regardless of what state agency adopted the rules. 58221

Sec. 5111.03. (A) No provider of services or goods 58222  
contracting with the department of job and family services 58223  
pursuant to the medicaid program shall, by deception, obtain or 58224  
attempt to obtain payments under this chapter to which the 58225  
provider is not entitled pursuant to the provider agreement, or 58226  
the rules of the federal government or the department of job and 58227  
family services relating to the program. No provider shall 58228  
willfully receive payments to which the provider is not entitled, 58229  
or willfully receive payments in a greater amount than that to 58230  
which the provider is entitled; nor shall any provider falsify any 58231  
report or document required by state or federal law, rule, or 58232  
provider agreement relating to medicaid payments. As used in this 58233  
section, a provider engages in "deception" when the provider, 58234  
acting with actual knowledge of the representation or information 58235  
involved, acting in deliberate ignorance of the truth or falsity 58236  
of the representation or information involved, or acting in 58237  
reckless disregard of the truth or falsity of the representation 58238  
or information involved, deceives another or causes another to be 58239  
deceived by any false or misleading representation, by withholding 58240  
information, by preventing another from acquiring information, or 58241  
by any other conduct, act, or omission that creates, confirms, or 58242  
perpetuates a false impression in another, including a false 58243  
impression as to law, value, state of mind, or other objective or 58244  
subjective fact. No proof of specific intent to defraud is 58245  
required to show, for purposes of this section, that a provider 58246  
has engaged in deception. 58247

(B) Any provider who violates division (A) of this section 58248  
shall be liable, in addition to any other penalties provided by 58249  
law, for all of the following civil penalties: 58250

(1) Payment of interest on the amount of the excess payments 58251  
at the maximum interest rate allowable for real estate mortgages 58252  
under section 1343.01 of the Revised Code on the date the payment 58253

was made to the provider for the period from the date upon which 58254  
payment was made, to the date upon which repayment is made to the 58255  
state; 58256

(2) Payment of an amount equal to three times the amount of 58257  
any excess payments; 58258

(3) Payment of a sum of not less than five thousand dollars 58259  
and not more than ten thousand dollars for each deceptive claim or 58260  
falsification; 58261

(4) All reasonable expenses which the court determines have 58262  
been necessarily incurred by the state in the enforcement of this 58263  
section. 58264

(C) ~~In~~ As used in this division, "intermediate care facility 58265  
for the mentally retarded" and "nursing facility" have the same 58266  
meanings given in section 5111.20 of the Revised Code. 58267

In addition to the civil penalties provided in division (B) 58268  
of this section, the director of job and family services, upon the 58269  
conviction of, or the entry of a judgment in either a criminal or 58270  
civil action against, a medicaid provider or its owner, officer, 58271  
authorized agent, associate, manager, or employee in an action 58272  
brought pursuant to section 109.85 of the Revised Code, shall 58273  
terminate the provider agreement between the department and the 58274  
provider and stop reimbursement to the provider for services 58275  
rendered for a period of up to five years from the date of 58276  
conviction or entry of judgment. As used in this chapter, "owner" 58277  
means any person having at least five per cent ownership in the 58278  
medicaid provider. No such provider, owner, officer, authorized 58279  
agent, associate, manager, or employee shall own or provide 58280  
services to any other medicaid provider or risk contractor or 58281  
arrange for, render, or order services for medicaid recipients 58282  
during the period of termination as provided in division (C) of 58283  
this section, nor, during the period of termination as provided in 58284

division (C) of this section, shall such provider, owner, officer, 58285  
authorized agent, associate, manager, or employee receive 58286  
reimbursement in the form of direct payments from the department 58287  
or indirect payments of medicaid funds in the form of salary, 58288  
shared fees, contracts, kickbacks, or rebates from or through any 58289  
participating provider or risk contractor. The provider agreement 58290  
shall not be terminated or reimbursement terminated if the 58291  
provider or owner can demonstrate that the provider or owner did 58292  
not directly or indirectly sanction the action of its authorized 58293  
agent, associate, manager, or employee that resulted in the 58294  
conviction or entry of a judgment in a criminal or civil action 58295  
brought pursuant to section 109.85 of the Revised Code. Nothing in 58296  
this division prohibits any owner, officer, authorized agent, 58297  
associate, manager, or employee of a medicaid provider from 58298  
entering into a medicaid provider agreement if the person can 58299  
demonstrate that the person had no knowledge of an action of the 58300  
medicaid provider the person was formerly associated with that 58301  
resulted in the conviction or entry of a judgment in a criminal or 58302  
civil action brought pursuant to section 109.85 of the Revised 58303  
Code. 58304

~~Providers subject to sections 5111.20 to 5111.32 of the~~ 58305  
~~Revised Code~~ Nursing facility or intermediate care facility for 58306  
the mentally retarded providers whose agreements are terminated 58307  
pursuant to this section may continue to receive reimbursement for 58308  
up to thirty days after the effective date of the termination if 58309  
the provider makes reasonable efforts to transfer recipients to 58310  
another facility or to alternate care and if federal funds are 58311  
provided for such reimbursement. 58312

(D) Any provider of services or goods contracting with the 58313  
department of job and family services pursuant to Title XIX of the 58314  
"Social Security Act," who, without intent, obtains payments under 58315  
this chapter in excess of the amount to which the provider is 58316

entitled, thereby becomes liable for payment of interest on the 58317  
amount of the excess payments at the maximum real estate mortgage 58318  
rate on the date the payment was made to the provider for the 58319  
period from the date upon which payment was made to the date upon 58320  
which repayment is made to the state. 58321

(E) The attorney general on behalf of the state may commence 58322  
proceedings to enforce this section in any court of competent 58323  
jurisdiction; and the attorney general may settle or compromise 58324  
any case brought under this section with the approval of the 58325  
department of job and family services. Notwithstanding any other 58326  
provision of law providing a shorter period of limitations, the 58327  
attorney general may commence a proceeding to enforce this section 58328  
at any time within six years after the conduct in violation of 58329  
this section terminates. 58330

(F) The authority, under state and federal law, of the 58331  
department of job and family services or a county department of 58332  
job and family services to recover excess payments made to a 58333  
provider is not limited by the availability of remedies under 58334  
sections 5111.11 and 5111.12 of the Revised Code for recovering 58335  
benefits paid on behalf of recipients of medical assistance. 58336

The penalties under this chapter apply to any overpayment, 58337  
billing, or falsification occurring on and after April 24, 1978. 58338  
All moneys collected by the state pursuant to this section shall 58339  
be deposited in the state treasury to the credit of the general 58340  
revenue fund. 58341

**Sec. 5111.06.** (A)(1) As used in this section: 58342

(a) "Provider" means any person, institution, or entity that 58343  
furnishes medicaid services under a provider agreement with the 58344  
department of job and family services pursuant to Title XIX of the 58345  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 58346  
amended. 58347

(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 58348  
58349

(c) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code. 58350  
58351

(2) This section does not apply to any action taken by the department of job and family services under sections 5111.35 to 5111.62 of the Revised Code. 58352  
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(B) Except as provided in division (D) of this section, the department shall do either of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 58355  
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58358

(1) Enter into or refuse to enter into a provider agreement with a provider, or suspend, terminate, renew, or refuse to renew an existing provider agreement with a provider; 58359  
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(2) Take any action based upon a final fiscal audit of a provider. 58362  
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(C) Any party who is adversely affected by the issuance of an adjudication order under division (B) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code. 58364  
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(D) The department is not required to comply with division (B)(1) of this section whenever any of the following occur: 58368  
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(1) The terms of a provider agreement require the provider to have a license, permit, or certificate issued by an official, board, commission, department, division, bureau, or other agency of state government other than the department of job and family services, and the license, permit, or certificate has been denied or revoked. 58370  
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(2) The provider agreement is denied, terminated, or not renewed pursuant to division (C) or (E) of section 5111.03 of the 58376  
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Revised Code;	58378
(3) The provider agreement is denied, terminated, or not renewed due to the provider's termination, suspension, or exclusion from the medicare program established under Title XVIII of the "Social Security Act," and the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program;	58379 58380 58381 58382 58383 58384
(4) The provider agreement is denied, terminated, or not renewed due to the provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program;	58385 58386 58387 58388
(5) The provider agreement is denied, terminated, or suspended as a result of action by the United States department of health and human services and that action is binding on the provider's participation in the medicaid program.	58389 58390 58391 58392
(E) The department may withhold payments for services rendered by a medicaid provider under the medical assistance program during the pendency of proceedings initiated under division (B)(1) of this section. If the proceedings are initiated under division (B)(2) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and intermediate care facilities for the mentally retarded <del>subject to sections as defined in section</del> 5111.20 <del>to 5111.32</del> of the Revised Code.	58393 58394 58395 58396 58397 58398 58399 58400 58401 58402 58403 58404 58405 58406
<b>Sec. <del>5111.08</del> 5111.071.</b> Commencing in December, 1986, and every second December thereafter, the director of job and family	58407 58408

services shall establish a dispensing fee, effective the following 58409  
January, for licensed pharmacists who are providers under this 58410  
chapter. The dispensing fee shall take into consideration the 58411  
results of the survey conducted under section 5111.07 of the 58412  
Revised Code. 58413

**Sec. ~~5111.16~~ 5111.08.** In accordance with subsection (g) of 58414  
section 1927 of the "Social Security Act," 49 Stat. 320 (1935), 42 58415  
U.S.C.A. 1396r-8(g), as amended, the department of job and family 58416  
services shall establish an outpatient drug use review program to 58417  
assure that prescriptions obtained by recipients of medical 58418  
assistance under this chapter are appropriate, medically 58419  
necessary, and unlikely to cause adverse medical results. 58420

**Sec. 5111.082.** The director of job and family services, in 58421  
rules adopted under section 5111.02 of the Revised Code, may 58422  
establish and implement a supplemental drug rebate program under 58423  
which drug manufacturers may be required to provide the department 58424  
of job and family services a supplemental rebate as a condition of 58425  
having the drug manufacturers' drug products covered by the 58426  
medicaid program without prior approval. If necessary, the 58427  
director may apply to the United States secretary of health and 58428  
human services for a waiver of federal statutes and regulations to 58429  
establish the supplemental drug rebate program. 58430

If the director establishes a supplemental drug rebate 58431  
program, the director shall consult with drug manufacturers 58432  
regarding the establishment and implementation of the program. 58433

If the director establishes a supplemental drug rebate 58434  
program, the director shall exempt from the program and from prior 58435  
authorization or any other restriction all of a drug 58436  
manufacturer's drug products that have been approved by the United 58437  
States food and drug administration and for which there is no 58438

generic equivalent for the treatment of either of the following: 58439

(A) Mental illness, as defined in section 5122.01 of the 58440  
Revised Code, including schizophrenia, major depressive disorder, 58441  
and bipolar disorder; 58442

(B) HIV or AIDS, both as defined in section 3701.24 of the 58443  
Revised Code. 58444

Sec. 5111.083. (A) Each time before the director of job and 58445  
family services contracts with a person to administer the medicaid 58446  
program's preferred drug list established under rules adopted 58447  
under section 5111.02 of the Revised Code or supplemental drug 58448  
rebate program established under section 5111.082 of the Revised 58449  
Code, an advisory council consisting of the following members 58450  
shall be appointed to review the proposals submitted by persons 58451  
seeking the contract and to select the person who is to be awarded 58452  
the contract: 58453

(1) The director of job and family services; 58454

(2) One member of the house of representatives who is a 58455  
member of the majority party and one member of the house of 58456  
representatives who is a member of the minority party, appointed 58457  
by the speaker of the house of representatives; 58458

(3) One member of the senate who is a member of the majority 58459  
party and one member of the senate who is a member of the minority 58460  
party, appointed by the president of the senate; 58461

(4) One representative of patient advocates, appointed by the 58462  
speaker of the house of representatives; 58463

(5) One representative of patient advocates, appointed by the 58464  
president of the senate; 58465

(6) One representative of the Ohio state medical association, 58466  
appointed by that association's executive director; 58467

<u>(7) One representative of large businesses, appointed by the president of the Ohio chamber of commerce;</u>	58468 58469
<u>(8) One representative of small businesses, appointed by the state director of the Ohio chapter of the national federation of independent businesses;</u>	58470 58471 58472
<u>(9) One representative of local government, appointed by the executive director of the county commissioners' association of Ohio.</u>	58473 58474 58475
<u>The advisory council shall elect a chairperson from among its members.</u>	58476 58477
<u>(B) All of the following apply to an advisory council appointed under this section:</u>	58478 58479
<u>(1) It is subject to the open meetings law under section 121.22 of the Revised Code.</u>	58480 58481
<u>(2) Its members may vote to select the person to be awarded the contract to administer the medicaid program's preferred drug list or supplemental drug rebate program only if a quorum of the members is present at the meeting at which the vote is taken.</u>	58482 58483 58484 58485
<u>(3) Its members shall not be reimbursed for their expenses incurred in their work on the advisory council.</u>	58486 58487
<u>(4) It may seek grants, donations, or other funds to pay for its activities.</u>	58488 58489
<u>(5) It shall cease to exist when it selects the person to be awarded the contract that the advisory council was appointed to select.</u>	58490 58491 58492
<u>(C) The department of job and family services shall provide to an advisory council appointed under this section copies of proposals submitted by each person seeking the contract to administer the medicaid program's preferred drug list or supplemental drug rebate program for which the advisory council</u>	58493 58494 58495 58496 58497

was appointed. The department shall redact from each copy of each proposal it provides to an advisory council under this section any proprietary information included in the proposal. The person with whom the department contracts for that purpose shall be the person the advisory council selects.

**Sec. 5111.111.** As used in this section, "home and community-based services" means services provided pursuant to a waiver under section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396n, as amended.

The department of job and family services may place a lien against the property of a medical assistance recipient or recipient's spouse, other than a recipient or spouse of a recipient of home and community-based services, that the department may recover as part of the program instituted under section 5111.11 of the Revised Code. When medical assistance is paid on behalf of any person in circumstances under which federal law and regulations and this section permit the imposition of a lien, the director of job and family services or a person designated by the director may sign a certificate to the effect. The county department of job and family services shall file for recording and indexing the certificate, or a certified copy, in the real estate mortgage records in the office of the county recorder in every county in which real property of the recipient or spouse is situated. From the time of filing the certificate in the office of the county recorder, the lien attaches to all real property of the recipient or spouse described therein for all amounts of aid which are paid or which thereafter are paid, and shall remain a lien until satisfied.

Upon filing the certificate in the office of the recorder, all persons are charged with notice of the lien and the rights of the department of job and family services thereunder.

The county recorder shall keep a record of every certificate 58529  
filed showing its date, the time of filing, the name and residence 58530  
of the recipient or spouse, and any release, waivers, or 58531  
satisfaction of the lien. 58532

The priority of the lien shall be established in accordance 58533  
with state and federal law. 58534

The department may waive the priority of its lien to provide 58535  
for the costs of the last illness as determined by the department, 58536  
administration, attorney fees, administrator fees, a sum for the 58537  
payment of the costs of burial, which shall be computed by 58538  
deducting from five hundred dollars whatever amount is available 58539  
for the same purpose from all other sources, and a similar sum for 58540  
the spouse of the decedent. 58541

Sec. 5111.151. (A) This section applies to eligibility 58542  
determinations for all cases involving medical assistance provided 58543  
pursuant to this chapter, qualified medicare beneficiaries, 58544  
specified low-income medicare beneficiaries, qualifying 58545  
individuals-1, qualifying individuals-2, and medical assistance 58546  
for covered families and children. 58547

(B) As used in this section: 58548

(1) "Trust" means any arrangement in which a grantor 58549  
transfers real or personal property to a trust with the intention 58550  
that it be held, managed, or administered by at least one trustee 58551  
for the benefit of the grantor or beneficiaries. "Trust" includes 58552  
any legal instrument or device similar to a trust. 58553

(2) "Legal instrument or device similar to a trust" includes, 58554  
but is not limited to, escrow accounts, investment accounts, 58555  
partnerships, contracts, and other similar arrangements that are 58556  
not called trusts under state law but are similar to a trust and 58557  
to which all of the following apply: 58558

<u>(a) The property in the trust is held, managed, retained, or administered by a trustee.</u>	58559
	58560
<u>(b) The trustee has an equitable, legal, or fiduciary duty to hold, manage, retain, or administer the property for the benefit of the beneficiary.</u>	58561
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	58563
<u>(c) The trustee holds identifiable property for the beneficiary.</u>	58564
	58565
<u>(3) "Grantor" is a person who creates a trust, including all of the following:</u>	58566
	58567
<u>(a) An individual;</u>	58568
<u>(b) An individual's spouse;</u>	58569
<u>(c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;</u>	58570
	58571
	58572
<u>(d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.</u>	58573
	58574
	58575
<u>(4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.</u>	58576
	58577
<u>(5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries.</u>	58578
	58579
<u>(6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association.</u>	58580
	58581
	58582
<u>(7) "Applicant" is an individual who applies for medical assistance benefits or the individual's spouse.</u>	58583
	58584
<u>(8) "Recipient" is an individual who receives medical assistance benefits or the individual's spouse.</u>	58585
	58586
<u>(9) "Revocable trust" is a trust that can be revoked by the</u>	58587

<u>grantor or the beneficiary, including all of the following, even</u>	58588
<u>if the terms of the trust state that it is irrevocable:</u>	58589
<u>(a) A trust that provides that the trust can be terminated</u>	58590
<u>only by a court;</u>	58591
<u>(b) A trust that terminates on the happening of an event, but</u>	58592
<u>only if the event occurs at the direction or control of the</u>	58593
<u>grantor, beneficiary, or trustee.</u>	58594
<u>(10) "Irrevocable trust" is a trust that cannot be revoked by</u>	58595
<u>the grantor or terminated by a court and that terminates only on</u>	58596
<u>the occurrence of an event outside of the control or direction of</u>	58597
<u>the beneficiary or grantor.</u>	58598
<u>(11) "Payment" is any disbursement from the principal or income</u>	58599
<u>of the trust, including actual cash, noncash or property</u>	58600
<u>disbursements, or the right to use and occupy real property.</u>	58601
<u>(12) "Payments to or for the benefit of the applicant or</u>	58602
<u>recipient" is a payment to any person resulting in a direct or</u>	58603
<u>indirect benefit to the applicant or recipient.</u>	58604
<u>(13) "Testamentary trust" is a trust that is established by a</u>	58605
<u>will and does not take effect until after the death of the person</u>	58606
<u>who created the trust.</u>	58607
<u>(C) If an applicant or recipient is a beneficiary of a trust,</u>	58608
<u>the county department of job and family services shall determine</u>	58609
<u>what type of trust it is and shall treat the trust in accordance</u>	58610
<u>with the appropriate provisions of this section and rules adopted</u>	58611
<u>by the department of job and family services governing trusts. The</u>	58612
<u>county department of job and family services may determine that</u>	58613
<u>the trust or portion of the trust is one of the following:</u>	58614
<u>(1) A countable resource;</u>	58615
<u>(2) Countable income;</u>	58616
<u>(3) A countable resource and countable income;</u>	58617

<u>(4) Not a countable resource or countable income.</u>	58618
<u>(D)(1) A trust or legal instrument or device similar to a</u>	58619
<u>trust shall be considered a medicaid qualifying trust if all of</u>	58620
<u>the following apply:</u>	58621
<u>(a) The trust was established on or prior to August 10, 1993.</u>	58622
<u>(b) The trust was not established by a will.</u>	58623
<u>(c) The trust was established by an applicant or recipient.</u>	58624
<u>(d) The applicant or recipient is or may become the</u>	58625
<u>beneficiary of all or part of the trust.</u>	58626
<u>(e) Payment from the trust is determined by one or more</u>	58627
<u>trustees who are permitted to exercise any discretion with respect</u>	58628
<u>to the distribution to the applicant or recipient.</u>	58629
<u>(2) If a trust meets the requirement of division (D)(1) of</u>	58630
<u>this section, the amount of the trust that is considered by the</u>	58631
<u>county department of job and family services as an available</u>	58632
<u>resource to the applicant or recipient shall be the maximum amount</u>	58633
<u>of payments permitted under the terms of the trust to be</u>	58634
<u>distributed to the applicant or recipient, assuming the full</u>	58635
<u>exercise of discretion by the trustee or trustees. The maximum</u>	58636
<u>amount shall include only amounts that are permitted to be</u>	58637
<u>distributed but are not distributed from either the income or</u>	58638
<u>principal of the trust.</u>	58639
<u>(3) Amounts that are actually distributed from a Medicaid</u>	58640
<u>qualifying trust to a beneficiary for any purpose shall be treated</u>	58641
<u>in accordance with rules adopted by the department of job and</u>	58642
<u>family services governing income.</u>	58643
<u>(4) Availability of a medicaid qualifying trust shall be</u>	58644
<u>considered without regard to any of the following:</u>	58645
<u>(a) Whether or not the trust is irrevocable or was</u>	58646
<u>established for purposes other than to enable a grantor to qualify</u>	58647

for medicaid, medical assistance for covered families and 58648  
children, or as a qualified medicare beneficiary, specified 58649  
low-income medicare beneficiary, qualifying individual-1, or 58650  
qualifying individual-2; 58651

(b) Whether or not the trustee actually exercises discretion. 58652

(5) If any real or personal property is transferred to a 58653  
medicaid qualifying trust that is not distributable to the 58654  
applicant or recipient, the transfer shall be considered an 58655  
improper transfer of resources and shall be subject to rules 58656  
adopted by the department of job and family services governing 58657  
improper transfers of resources. 58658

(6) The baseline date for the look-back period for transfers 58659  
of assets involving a medicaid qualifying trust shall be the date 58660  
on which the applicant or recipient is both institutionalized and 58661  
first applies for medical assistance. The following conditions 58662  
also apply to look-back periods for transfers of assets involving 58663  
medicaid qualifying trusts: 58664

(a) If a medicaid qualifying trust is a revocable trust and a 58665  
portion of the trust is distributed to someone other than the 58666  
applicant or recipient for the benefit of someone other than the 58667  
applicant or recipient, the distribution shall be considered an 58668  
improper transfer of resources. The look-back period shall be 58669  
sixty months from the baseline date. The transfer shall be 58670  
considered to have taken place on the date on which the payment to 58671  
someone other than the applicant or recipient was made. 58672

(b) If a medicaid qualifying trust is an irrevocable trust 58673  
and a portion of the trust is not distributable to the applicant 58674  
or recipient, the trust shall be treated as an improper transfer 58675  
of resources. The look-back period shall be sixty months from the 58676  
baseline date. The transfer is considered to have been made as of 58677  
the later of the date the trust was established or the date on 58678

which payment to the applicant or recipient was foreclosed. The 58679  
value of the assets shall not be reduced by any payments from the 58680  
trust that may be made from these unavailable assets at a later 58681  
date. 58682

(c) If a medicaid qualifying trust is an irrevocable trust 58683  
and a portion or all of the trust may be disbursed to or for the 58684  
benefit of the applicant or recipient, any payment that is made to 58685  
another person other than the applicant or recipient shall be 58686  
considered an improper transfer of resources. The look-back period 58687  
shall be thirty-six months from the baseline date. The transfer 58688  
shall be considered to have been made as of the date of payment to 58689  
the other person. 58690

(E)(1) A trust or legal instrument or device similar to a 58691  
trust shall be considered a self-settled trust if all of the 58692  
following apply: 58693

(a) The trust was established on or after August 11, 1993. 58694

(b) The trust was not established by a will. 58695

(c) The trust was established by an applicant or recipient, 58696  
spouse of an applicant or recipient, or a person, including a 58697  
court or administrative body, with legal authority to act in place 58698  
of or on behalf of an applicant, recipient, or spouse, or acting 58699  
at the direction or on request of an applicant, recipient, or 58700  
spouse. 58701

(2) A trust that meets the requirements of division (E)(1) of 58702  
this section and is a revocable trust shall be treated by the 58703  
county department of job and family services as follows: 58704

(a) The corpus of the trust shall be considered a resource 58705  
available to the applicant or recipient. 58706

(b) Payments from the trust to or for the benefit of the 58707  
applicant or recipient shall be considered unearned income of the 58708

applicant or recipient. 58709

(c) Any other payments from the trust shall be considered an 58710  
improper transfer of resources and shall be subject to rules 58711  
adopted by the department of job and family services governing 58712  
improper transfers of resources. 58713

(3) A trust that meets the requirements of division (E)(1) of 58714  
this section and is an irrevocable trust shall be treated by the 58715  
county department of job and family services as follows: 58716

(a) If there are any circumstances under which payment from 58717  
the trust could be made to or for the benefit of the applicant or 58718  
recipient, including a payment that can be made only in the 58719  
future, the portion from which payments could be made shall be 58720  
considered a resource available to the applicant or recipient. The 58721  
county department of job and family services shall not take into 58722  
account when payments can be made. 58723

(b) Any payment that is actually made to or for the benefit 58724  
of the applicant or recipient from either the corpus or income 58725  
shall be considered unearned income. 58726

(c) If a payment is made to someone other than to the 58727  
applicant or recipient and the payment is not for the benefit of 58728  
the applicant or recipient, the payment shall be considered an 58729  
improper transfer of resources and shall be subject to rules 58730  
adopted by the department of job and family services governing 58731  
improper transfers of resources. 58732

(d) The date of the transfer shall be the later of the date 58733  
of establishment of the trust or the date of the occurrence of the 58734  
event. 58735

(e) When determining the value of the transferred resource 58736  
under this provision, the value of the trust shall be its value on 58737  
the date payment to the applicant or recipient was foreclosed. 58738

(f) Any income earned or other resources added subsequent to the foreclosure date shall be added to the total value of the trust. 58739  
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(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value. 58742  
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(h) Any addition of resources after the foreclosure date shall be considered a separate transfer. 58746  
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(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted by the department of job and family services governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient. 58748  
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(5) The availability of a self-settled trust shall be considered without regard to any of the following: 58754  
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(a) The purpose for which the trust is established; 58756

(b) Whether the trustees have exercised or may exercise discretion under the trust; 58757  
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(c) Any restrictions on when or whether distributions may be made from the trust; 58759  
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(d) Any restrictions on the use of distributions from the trust. 58761  
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(6) The baseline date for the look-back period for transfers of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medical assistance. The following conditions also apply to look-back periods for transfers of assets involving self-settled trusts: 58763  
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(a) If a self-settled trust is a revocable trust and a 58769  
portion of the trust is distributed to someone other than the 58770  
applicant or recipient for the benefit of someone other than the 58771  
applicant or recipient, the distribution shall be considered an 58772  
improper transfer of resources. The look-back period shall be 58773  
sixty months from the baseline date. The transfer shall be 58774  
considered to have taken place on the date on which the payment to 58775  
someone other than the applicant or recipient was made. 58776

(b) If a self-settled trust is an irrevocable trust and a 58777  
portion of the trust is not distributable to the applicant or 58778  
recipient, the trust shall be treated as an improper transfer of 58779  
resources. The look-back period shall be sixty months from the 58780  
baseline date. The transfer is considered to have been made as of 58781  
the later of the date the trust was established or the date on 58782  
which payment to the applicant or recipient was foreclosed. The 58783  
value of these assets shall not be reduced by any payments from 58784  
the trust that may be made from these unavailable assets at a 58785  
later date. 58786

(c) If a self-settled trust is an irrevocable trust and a 58787  
portion or all of the trust may be disbursed to or for the benefit 58788  
of the applicant or recipient, any payment that is made to another 58789  
person other than the applicant or recipient shall be considered 58790  
an improper transfer of resources. The look-back period shall be 58791  
thirty-six months from the baseline date. The transfer shall be 58792  
considered to have been made as of the date of payment to the 58793  
other person. 58794

(F) The principal or income from any of the following shall 58795  
be exempt from being counted as a resource by a county department 58796  
of job and family services: 58797

(1)(a) A special needs trust that meets all of the following 58798  
requirements: 58799

<u>(i) The trust contains assets of an applicant or recipient</u>	58800
<u>under sixty-five years of age and may contain the assets of other</u>	58801
<u>individuals.</u>	58802
<u>(ii) The applicant or recipient is disabled as defined in</u>	58803
<u>rules adopted by the department of job and family services.</u>	58804
<u>(iii) The trust is established for the benefit of the</u>	58805
<u>applicant or recipient by a parent, grandparent, legal guardian,</u>	58806
<u>or a court.</u>	58807
<u>(iv) The trust requires that on the death of the applicant or</u>	58808
<u>recipient the state will receive all amounts remaining in the</u>	58809
<u>trust up to an amount equal to the total amount of medical</u>	58810
<u>assistance paid on behalf of the applicant or recipient.</u>	58811
<u>(b) If a special needs trust meets the requirements of</u>	58812
<u>division (F)(1)(a) of this section and has been established for a</u>	58813
<u>disabled applicant or recipient under sixty-five years of age, the</u>	58814
<u>exemption for the trust granted pursuant to division (F) of this</u>	58815
<u>section shall continue after the disabled applicant or recipient</u>	58816
<u>becomes sixty-five years of age if the applicant or recipient</u>	58817
<u>continues to be disabled as defined in rules adopted by the</u>	58818
<u>department of job and family services. Except for income earned by</u>	58819
<u>the trust, the grantor shall not add to or otherwise augment the</u>	58820
<u>trust after the applicant or recipient attains sixty-five years of</u>	58821
<u>age. An addition or augmentation of the trust by the applicant or</u>	58822
<u>recipient with the applicant's own assets after the applicant or</u>	58823
<u>recipient attains sixty-five years of age shall be treated as an</u>	58824
<u>improper transfer of resources.</u>	58825
<u>(c) Cash distributions to the applicant or recipient shall be</u>	58826
<u>counted as unearned income. All other distributions from the trust</u>	58827
<u>shall be treated as provided in rules adopted by the department of</u>	58828
<u>job and family services governing in-kind income.</u>	58829
<u>(d) Transfers of assets to a special needs trust shall not be</u>	58830

treated as an improper transfer of resources. Assets held prior to 58831  
the transfer to the trust shall be considered as countable assets 58832  
or countable income or countable assets and income. 58833

(2)(a) A qualifying income trust that meets all of the 58834  
following requirements: 58835

(i) The trust is composed only of pension, social security, 58836  
and other income to the applicant or recipient, including 58837  
accumulated interest in the trust. 58838

(ii) The income is received by the individual and the right 58839  
to receive the income is not assigned or transferred to the trust. 58840

(iii) The trust requires that on the death of the applicant 58841  
or recipient the state will receive all amounts remaining in the 58842  
trust up to an amount equal to the total amount of medical 58843  
assistance paid on behalf of the applicant or recipient. 58844

(b) No resources shall be used to establish or augment the 58845  
trust. 58846

(c) If an applicant or recipient has irrevocably transferred 58847  
or assigned the applicant's or recipient's right to receive income 58848  
to the trust, the trust shall not be considered a qualifying 58849  
income trust by the county department of job and family services. 58850

(d) Income placed in a qualifying income trust shall not be 58851  
counted in determining an applicant's or recipient's eligibility 58852  
for medical assistance. The recipient of the funds may place any 58853  
income directly into a qualifying income trust without those funds 58854  
adversely affecting the applicant's or recipient's eligibility for 58855  
medical assistance. Income generated by the trust that remains in 58856  
the trust shall not be considered as income to the applicant or 58857  
recipient. 58858

(e) All income placed in a qualifying income trust shall be 58859  
combined with any countable income not placed in the trust to 58860

arrive at a base income figure to be used for spend down 58861  
calculations. 58862

(f) The base income figure shall be used for post-eligibility 58863  
deductions, including personal needs allowance, monthly income 58864  
allowance, family allowance, and medical expenses not subject to 58865  
third party payment. Any income remaining shall be used toward 58866  
payment of patient liability. Payments made from a qualifying 58867  
income trust shall not be combined with the base income figure for 58868  
post-eligibility calculations. 58869

(g) The base income figure shall be used when determining the 58870  
spend down budget for the applicant or recipient. Any income 58871  
remaining after allowable deductions are permitted as provided 58872  
under rules adopted by the department of job and family services 58873  
shall be considered the applicant's or recipient's spend down 58874  
liability. 58875

(3)(a) A pooled trust that meets all of the following 58876  
requirements: 58877

(i) The trust contains the assets of the applicant or 58878  
recipient of any age who is disabled as defined in rules adopted 58879  
by the department of job and family services. 58880

(ii) The trust is established and managed by a nonprofit 58881  
association. 58882

(iii) A separate account is maintained for each beneficiary 58883  
of the trust but, for purposes of investment and management of 58884  
funds, the trust pools the funds in these accounts. 58885

(iv) Accounts in the trust are established by the applicant 58886  
or recipient, the applicant's or recipient's parent, grandparent, 58887  
or legal guardian, or a court solely for the benefit of 58888  
individuals who are disabled. 58889

(v) The trust requires that, to the extent that any amounts 58890

remaining in the beneficiary's account on the death of the 58891  
beneficiary are not retained by the trust, the trust pay to the 58892  
state the amounts remaining in the trust up to an amount equal to 58893  
the total amount of medical assistance paid on behalf of the 58894  
beneficiary. 58895

(b) Cash distributions to the applicant or recipient shall be 58896  
counted as unearned income. All other distributions from the trust 58897  
shall be treated as provided in rules adopted by the department of 58898  
job and family services governing in-kind income. 58899

(c) Transfers of assets to a pooled trust shall not be 58900  
treated as an improper transfer of resources. Assets held prior to 58901  
the transfer to the trust shall be considered as countable assets, 58902  
countable income, or countable assets and income. 58903

(4) A supplemental services trust that meets the requirements 58904  
of section 1339.51 of the Revised Code and to which all of the 58905  
following apply: 58906

(a) A person may establish a supplemental services trust 58907  
pursuant to section 1339.51 of the Revised Code only for another 58908  
person who is eligible to receive services through one of the 58909  
following agencies: 58910

(i) The department of mental retardation and developmental 58911  
disabilities; 58912

(ii) A county board of mental retardation and developmental 58913  
disabilities; 58914

(iii) The department of mental health; 58915

(iv) A board of alcohol, drug addiction, and mental health 58916  
services. 58917

(b) A county department of job and family services shall not 58918  
determine eligibility for another agency's program. An applicant 58919  
or recipient shall do one of the following: 58920

(i) Provide documentation from one of the agencies listed in 58921  
division (F)(4)(a) of this section that establishes that the 58922  
applicant or recipient was determined to be eligible for services 58923  
from the agency at the time of the creation of the trust; 58924

(ii) Provide an order from a court of competent jurisdiction 58925  
that states that the applicant or recipient was eligible for 58926  
services from one of the agencies listed in division (F)(4)(a) of 58927  
this section at the time of the creation of the trust. 58928

(c) At the time the trust is created, the trust principal 58929  
does not exceed the maximum amount permitted. The maximum amount 58930  
permitted in calendar year 2002 is two hundred fourteen thousand 58931  
dollars. Each year thereafter, the maximum amount permitted is the 58932  
prior year's amount plus two thousand dollars. 58933

(d) A county department of job and family services shall 58934  
review the trust to determine whether it complies with the 58935  
provisions of section 1339.51 of the Revised Code. 58936

(e) Payments from supplemental services trusts shall be 58937  
exempt as long as the payments are for supplemental services as 58938  
defined in rules adopted by the department of job and family 58939  
services. All supplemental services shall be purchased by the 58940  
trustee and shall not be purchased through direct cash payments to 58941  
the beneficiary. 58942

(f) If a trust is represented as a supplemental services 58943  
trust and a county department of job and family services 58944  
determines that the trust does not meet the requirements provided 58945  
in division (F)(4) of this section and section 1339.51 of the 58946  
Revised Code, the county department of job and family services 58947  
shall not consider it an exempt trust. 58948

(G)(1) A trust or legal instrument or device similar to a 58949  
trust shall be considered a trust established by an individual for 58950  
the benefit of the applicant or recipient if all of the following 58951

apply: 58952

(a) The trust is created by a person other than the applicant or recipient. 58953  
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(b) The trust names the applicant or recipient as a beneficiary. 58955  
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(c) The trust is funded with assets or property in which the applicant or recipient has never held an ownership interest prior to the establishment of the trust. 58957  
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(2) Any portion of a trust that meets the requirements of division (G)(1) of this section shall be an available resource only if the trust permits the trustee to expend principal, corpus, or assets of the trust for the applicant's or recipient's medical care, care, comfort, maintenance, health, welfare, general well being, or any combination of these purposes. 58960  
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(3) A trust that meets the requirements of division (G)(1) of this section shall be considered an available resource even if the trust contains any of the following types of provisions: 58966  
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(a) A provision that prohibits the trustee from making payments that would supplant or replace medical assistance or other public assistance; 58969  
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(b) A provision that prohibits the trustee from making payments that would impact or have an effect on the applicant's or recipient's right, ability, or opportunity to receive medical assistance or other public assistance; 58972  
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(c) A provision that attempts to prevent the trust or its corpus or principal from being counted as an available resource. 58976  
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(4) A trust that meets the requirements of division (G)(1) of this section shall not be counted as an available resource if at least one of the following circumstances applies: 58978  
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(a) If a trust contains a clear statement requiring the 58981

trustee to preserve a portion of the trust for another beneficiary 58982  
or remainderman, that portion of the trust shall not be counted as 58983  
an available resource. Terms of a trust that grant discretion to 58984  
preserve a portion of the trust shall not qualify as a clear 58985  
statement requiring the trustee to preserve a portion of the 58986  
trust. 58987

(b) If a trust contains a clear statement requiring the 58988  
trustee to use a portion of the trust for a purpose other than 58989  
medical care, care, comfort, maintenance, welfare, or general well 58990  
being of the applicant or recipient, that portion of the trust 58991  
shall not be counted as an available resource. Terms of a trust 58992  
that grant discretion to limit the use of a portion of the trust 58993  
shall not qualify as a clear statement requiring the trustee to 58994  
use a portion of the trust for a particular purpose. 58995

(c) If a trust contains a clear statement limiting the 58996  
trustee to making fixed periodic payments, the trust shall not be 58997  
counted as an available resource and payments shall be treated in 58998  
accordance with rules adopted by the department of job and family 58999  
services governing income. Terms of a trust that grant discretion 59000  
to limit payments shall not qualify as a clear statement requiring 59001  
the trustee to make fixed periodic payments. 59002

(d) If a trust contains a clear statement that requires the 59003  
trustee to terminate the trust if it is counted as an available 59004  
resource, the trust shall not be counted as an available resource. 59005  
Terms of a trust that grant discretion to terminate the trust do 59006  
not qualify as a clear statement requiring the trustee to 59007  
terminate the trust. 59008

(e) If a person obtains a judgment from a court of competent 59009  
jurisdiction that expressly prevents the trustee from using part 59010  
or all of the trust for the medical care, care, comfort, 59011  
maintenance, welfare, or general well being of the applicant or 59012  
recipient, the trust or that portion of the trust subject to the 59013

court order shall not be counted as a resource. 59014

(f) If a trust is specifically exempt from being counted as an available resource by a provision of the Revised Code, rules, or federal law, the trust shall not be counted as a resource. 59015  
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(g) If an applicant or recipient presents a final judgment from a court demonstrating that the applicant or recipient was unsuccessful in a civil action against the trustee to compel payments from the trust, the trust shall not be counted as an available resource. 59018  
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(h) If an applicant or recipient presents a final judgment from a court demonstrating that in a civil action against the trustee the applicant or recipient was only able to compel limited or periodic payments, the trust shall not be counted as an available resource and payments shall be treated in accordance with rules adopted by the department of job and family services governing income. 59023  
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(i) If an applicant or recipient provides written documentation showing that the cost of a civil action brought to compel payments from the trust would be cost prohibitive, the trust shall not be counted as an available resource. 59030  
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(5) Any actual payments to the applicant or recipient from a trust that meet the requirements of division (G)(1) of this section, including trusts that are not counted as an available resource, shall be treated as provided in rules adopted by the department of job and family services governing income. Payments to any person other than the applicant or recipient shall not be considered income to the applicant or recipient. Payments from the trust to a person other than the applicant or recipient shall not be considered an improper transfer of assets. 59034  
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Sec. 5111.16. (A) As part of the medicaid program, the 59043

department of job and family services shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system. 59044  
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The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the system. In the case of individuals who receive medicaid on the basis of being aged, blind, or disabled, as specified in division (A)(2) of section 5111.01 of the Revised Code, all of the following apply: 59049  
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(1) Not later than July 1, 2004, the department shall designate a portion of the individuals for participation in the care management system. 59055  
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(2) Individuals shall not be designated for participation unless they reside in a county in which individuals who receive medicaid on another basis have been designated for participation. 59058  
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(3) If, pursuant to division (B)(2) of this section, the department requires or permits the individuals to obtain health care services through managed care organizations, the department shall select the managed care organizations to be used by the individuals through a request for proposals process. The department shall issue its initial request for proposals not later than December 31, 2003. 59061  
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(4) Individuals shall not be required to obtain health care services through managed care organizations unless they are at least twenty-one years of age. 59068  
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(B) Under the care management system, the department may do both of the following: 59071  
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(1) Require or permit participants in the system to obtain 59073

health care services from providers designated by the department; 59074

(2) Subject to division (A)(4) of this section, require or 59075  
permit participants in the system to obtain health care services 59076  
through managed care organizations under contract with the 59077  
department pursuant to section 5111.17 of the Revised Code. 59078

(C) The director of job and family services may adopt rules 59079  
in accordance with Chapter 119. of the Revised Code to implement 59080  
this section. 59081

**Sec. 5111.161.** (A) As used in this section, "chronically ill 59082  
child" means an individual who is not more than twenty-one years 59083  
of age and meets the conditions specified in division (A)(2) of 59084  
section 5111.01 of the Revised Code to be eligible for medicaid on 59085  
the basis of being blind or disabled. 59086

(B) The department of job and family services shall develop a 59087  
pilot program under which chronically ill children are included 59088  
among the medicaid recipients who are required to participate in 59089  
the care management system established under section 5111.16 of 59090  
the Revised Code. The pilot program shall be implemented not later 59091  
than October 1, 2004, or, if by that date the department has not 59092  
received any necessary federal approval to implement the program, 59093  
as soon as practicable after receiving the approval. The 59094  
department shall operate the program until October 1, 2006, except 59095  
that the department shall cease operation of the program before 59096  
that date if either of the following is the case: 59097

(1) The department determines that requiring chronically ill 59098  
children to participate in the care management system is not a 59099  
cost-effective means of providing medicaid services; 59100

(2) The combined state and federal cost of the children's 59101  
care coordination described in division (D) of this section 59102  
reaches three million dollars. 59103

(C) The department shall ensure that the pilot program is operated in at least three counties selected by the department. In its consideration of the counties to be selected, the department may give priority to Hamilton county and Muskingum county. The department may extend its operation of the program into the areas surrounding the counties in which the program is operated. 59104  
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(D) The purpose of the pilot program shall be to determine whether occurrences of acute illnesses and hospitalizations among chronically ill children can be prevented or reduced by establishing a medical home for the children where care is administered proactively and in a manner that is accessible, continuous, family-centered, coordinated, and compassionate. In establishing a medical home for a chronically ill child, all of the following apply: 59110  
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(1) A physician shall serve as the care coordinator for the child. The care coordinator may be engaged in practice as a pediatrician certified in pediatrics by a medical specialty board of the American medical association or American osteopathic association, a pediatric subspecialist, or a provider for the bureau of children with medical handicaps within the department of health. If the physician is in a group practice, any member of the group practice may serve as the child's care coordinator. The duties of the care coordinator may be performed by a person acting under the supervision of the care coordinator. 59118  
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(2) The child may receive care from any health care practitioner appropriate to the child's needs, but the care coordinator shall direct and oversee the child's overall care. 59128  
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(3) The care coordinator shall establish a relationship of mutual responsibility with the child's parents or other persons who are responsible for the child. Under this relationship, the care coordinator shall commit to developing a long-term disease prevention strategy and providing disease management and education 59131  
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services, while the child's parents or other persons who are 59136  
responsible for the child shall commit to participate fully in 59137  
implementing the child's care management plan. 59138

(4) The medicaid program shall provide reimbursement for the 59139  
reasonable and necessary costs of the services associated with 59140  
care coordination, including, but not limited to, case management, 59141  
care plan oversight, preventive care, health and behavioral care 59142  
assessment and intervention, and any service modifier that 59143  
reflects the provision of prolonged services or additional care. 59144

(E) The department shall conduct an evaluation of the pilot 59145  
program's effectiveness. As part of the evaluation, the department 59146  
shall maintain statistics on physician expenditures, hospital 59147  
expenditures, preventable hospitalizations, and other matters the 59148  
department considers necessary to conduct the evaluation. 59149

(F) The department shall adopt rules in accordance with 59150  
Chapter 119. of the Revised Code as necessary to implement this 59151  
section. The rules shall specify standards and procedures to be 59152  
used in designating the chronically ill children who are required 59153  
to participate in the pilot program. 59154

**Sec. 5111.17.** ~~(A) On receipt of a waiver from the United~~ 59155  
~~States department of health and human services of any federal~~ 59156  
~~requirement that would otherwise be violated, the~~ The department 59157  
of job and family services may establish in some or all counties a 59158  
managed care system under which designated recipients of medical 59159  
assistance are required to obtain health care services from 59160  
providers designated by the department. 59161

~~(B) The department may enter into contracts with managed care~~ 59162  
~~organizations to authorize, including health insuring~~ 59163  
corporations, under which the organizations are authorized to 59164  
provide, or arrange for the provision of, health care services to 59165  
medical assistance recipients ~~participating in a~~ who are required 59166

or permitted to obtain health care services through managed care organizations as part of the care management system established under this section 5111.16 of the Revised Code. 59167  
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~~(C) For the purpose of determining the amount the department pays hospitals under section 5112.08 of the Revised Code and the amount of disproportionate share hospital payments paid by the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, each managed care organization under contract with the department to provide hospital services to participating medical assistance recipients shall keep detailed records for each hospital with which it contracts about the cost to the hospital of providing the care, payments made by the organization to the hospital for the care, utilization of hospital services by medical assistance recipients participating in managed care, and other utilization data required by the department.~~ 59170  
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~~(D)~~(B) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 59183  
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**Sec. 5111.171.** (A) The department of job and family services may provide financial incentive awards to managed care organizations ~~that~~ under contract with the department ~~under~~ pursuant to section 5111.17 of the Revised Code ~~to provide health care services to participating medical assistance recipients and~~ that meet or exceed performance standards specified in provider agreements or rules adopted by the department. The department may specify in a contract with a managed care organization the amounts of financial incentive awards, methodology for distributing awards, types of awards, and standards for administration by the department. 59186  
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(B) There is hereby created in the state treasury the health 59197

care compliance fund. The fund shall consist of all fines imposed 59198  
on and collected from managed care organizations for failure to 59199  
~~meet~~ meet performance standards or other requirements specified 59200  
in provider agreements or rules adopted by the department. All 59201  
investment earnings of the fund shall be credited to the fund. 59202  
Moneys credited to the fund shall be used solely for the following 59203  
purposes: 59204

(1) To reimburse managed care organizations that have paid 59205  
fines for failures to meet performance standards or other 59206  
requirements and that have come into compliance by meeting 59207  
requirements as specified by the department; 59208

(2) To provide financial incentive awards established 59209  
pursuant to division (A) of this section and specified in 59210  
contracts between managed care organizations and the department. 59211

Sec. 5111.172. When contracting under section 5111.17 of the 59212  
Revised Code with a managed care organization that is a health 59213  
insuring corporation, the department of job and family services 59214  
may require the health insuring corporation to provide coverage of 59215  
prescription drugs for medicaid recipients enrolled in the health 59216  
insuring corporation. In providing the required coverage, the 59217  
health insuring corporation may, subject to the department's 59218  
approval, use strategies for the management of drug utilization. 59219

Sec. 5111.173. The department of job and family services 59220  
shall appoint a temporary manager for a managed care organization 59221  
under contract with the department pursuant to section 5111.17 of 59222  
the Revised Code if the department determines that the managed 59223  
care organization has repeatedly failed to meet substantive 59224  
requirements specified in section 1903(m) of the "Social Security 59225  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396b(m), as amended; section 59226  
1932 of the Social Security Act, 42 U.S.C. 1396u-2, as amended; or 59227

42 C.F.R. 438 Part I. The appointment of a temporary manager does 59228  
not preclude the department from imposing other sanctions 59229  
available to the department against the managed care organization. 59230

The managed care organization shall pay all costs of having 59231  
the temporary manager perform the temporary manager's duties, 59232  
including all costs the temporary manager incurs in performing 59233  
those duties. If the temporary manager incurs costs or liabilities 59234  
on behalf of the managed care organization, the managed care 59235  
organization shall pay those costs and be responsible for those 59236  
liabilities. 59237

The appointment of a temporary manager is not subject to 59238  
Chapter 119. of the Revised Code, but the managed care 59239  
organization may request a reconsideration of the appointment. 59240  
Reconsiderations shall be requested and conducted in accordance 59241  
with rules the director of job and family services shall adopt in 59242  
accordance with Chapter 119. of the Revised Code. 59243

The appointment of a temporary manager does not cause the 59244  
managed care organization to lose the right to appeal, in 59245  
accordance with Chapter 119. of the Revised Code, any proposed 59246  
termination or any decision not to renew the managed care 59247  
organization's medicaid provider agreement or the right to 59248  
initiate the sale of the managed care organization or its assets. 59249

In addition to the rules required to be adopted under this 59250  
section, the director may adopt any other rules necessary to 59251  
implement this section. The rules shall be adopted in accordance 59252  
with Chapter 119. of the Revised Code. 59253

**Sec. 5111.174.** The department of job and family services may 59254  
disenroll some or all medicaid recipients enrolled in a managed 59255  
care organization under contract with the department pursuant to 59256  
section 5111.17 of the Revised Code if the department proposes to 59257

terminate or not to renew the contract and determines that the recipients' access to medically necessary services is jeopardized by the proposal to terminate or not to renew the contract. The disenrollment is not subject to Chapter 119. of the Revised Code, but the managed care organization may request a reconsideration of the disenrollment. Reconsiderations shall be requested and conducted in accordance with rules the director of job and family services shall adopt in accordance with Chapter 119. of the Revised Code. The request for, or conduct of, a reconsideration regarding a proposed disenrollment shall not delay the disenrollment.

In addition to the rules required to be adopted under this section, the director may adopt any other rules necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 5111.175.** For the purpose of determining the amount the department of job and family services pays hospitals under section 5112.08 of the Revised Code and the amount of disproportionate share hospital payments paid by the medicare program established under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended, a managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code authorizing the organization to provide, or arrange for the provision of, hospital services to medicaid recipients shall keep detailed records for each hospital with which it contracts about the cost to the hospital of providing the services, payments made by the organization to the hospital for the services, utilization of hospital services by medicaid recipients enrolled in the organization, and other utilization data required by the department.

Sec. 5111.20. As used in sections 5111.20 to <del>5111.32</del> <u>5111.34</u>	59288
of the Revised Code:	59289
(A) "Allowable costs" are those costs determined by the	59290
department of job and family services to be reasonable and do not	59291
include fines paid under sections 5111.35 to 5111.61 and section	59292
5111.99 of the Revised Code.	59293
(B) "Capital costs" means costs of ownership and nonextensive	59294
renovation.	59295
(1) "Cost of ownership" means the actual expense incurred for	59296
all of the following:	59297
(a) Depreciation and interest on any capital assets that cost	59298
five hundred dollars or more per item, including the following:	59299
(i) Buildings;	59300
(ii) Building improvements that are not approved as	59301
nonextensive renovations under section 5111.25 or 5111.251 of the	59302
Revised Code;	59303
(iii) Equipment;	59304
(iv) Extensive renovations;	59305
(v) Transportation equipment.	59306
(b) Amortization and interest on land improvements and	59307
leasehold improvements;	59308
(c) Amortization of financing costs;	59309
(d) Except as provided in division (I) of this section, lease	59310
and rent of land, building, and equipment.	59311
The costs of capital assets of less than five hundred dollars	59312
per item may be considered costs of ownership in accordance with a	59313
provider's practice.	59314
(2) "Costs of nonextensive renovation" means the actual	59315

expense incurred for depreciation or amortization and interest on 59316  
renovations that are not extensive renovations. 59317

(C) "Capital lease" and "operating lease" shall be construed 59318  
in accordance with generally accepted accounting principles. 59319

(D) "Case-mix score" means the measure determined under 59320  
section 5111.231 of the Revised Code of the relative direct-care 59321  
resources needed to provide care and habilitation to a resident of 59322  
a nursing facility or intermediate care facility for the mentally 59323  
retarded. 59324

(E) "Date of licensure," for a facility originally licensed 59325  
as a nursing home under Chapter 3721. of the Revised Code, means 59326  
the date specific beds were originally licensed as nursing home 59327  
beds under that chapter, regardless of whether they were 59328  
subsequently licensed as residential facility beds under section 59329  
5123.19 of the Revised Code. For a facility originally licensed as 59330  
a residential facility under section 5123.19 of the Revised Code, 59331  
"date of licensure" means the date specific beds were originally 59332  
licensed as residential facility beds under that section. 59333

(1) If nursing home beds licensed under Chapter 3721. of the 59334  
Revised Code or residential facility beds licensed under section 59335  
5123.19 of the Revised Code were not required by law to be 59336  
licensed when they were originally used to provide nursing home or 59337  
residential facility services, "date of licensure" means the date 59338  
the beds first were used to provide nursing home or residential 59339  
facility services, regardless of the date the present provider 59340  
obtained licensure. 59341

(2) If a facility adds nursing home beds or residential 59342  
facility beds or extensively renovates all or part of the facility 59343  
after its original date of licensure, it will have a different 59344  
date of licensure for the additional beds or extensively renovated 59345  
portion of the facility, unless the beds are added in a space that 59346

was constructed at the same time as the previously licensed beds 59347  
but was not licensed under Chapter 3721. or section 5123.19 of the 59348  
Revised Code at that time. 59349

(F) "Desk-reviewed" means that costs as reported on a cost 59350  
report submitted under section 5111.26 of the Revised Code have 59351  
been subjected to a desk review under division (A) of section 59352  
5111.27 of the Revised Code and preliminarily determined to be 59353  
allowable costs. 59354

(G) "Direct care costs" means all of the following: 59355

(1)(a) Costs for registered nurses, licensed practical 59356  
nurses, and nurse aides employed by the facility; 59357

(b) Costs for direct care staff, administrative nursing 59358  
staff, medical directors, social services staff, activities staff, 59359  
psychologists and psychology assistants, social workers and 59360  
counselors, habilitation staff, qualified mental retardation 59361  
professionals, program directors, respiratory therapists, 59362  
habilitation supervisors, and except as provided in division 59363  
(G)(2) of this section, other persons holding degrees qualifying 59364  
them to provide therapy; 59365

(c) Costs of purchased nursing services; 59366

(d) Costs of quality assurance; 59367

(e) Costs of training and staff development, employee 59368  
benefits, payroll taxes, and workers' compensation premiums or 59369  
costs for self-insurance claims and related costs as specified in 59370  
rules adopted by the director of job and family services in 59371  
accordance with Chapter 119. of the Revised Code, for personnel 59372  
listed in divisions (G)(1)(a), (b), and (d) of this section; 59373

(f) Costs of consulting and management fees related to direct 59374  
care; 59375

(g) Allocated direct care home office costs. 59376

(2) In addition to the costs specified in division (G)(1) of 59377  
this section, for intermediate care facilities for the mentally 59378  
retarded only, direct care costs include both of the following: 59379

(a) Costs for physical therapists and physical therapy 59380  
assistants, occupational therapists and occupational therapy 59381  
assistants, speech therapists, and audiologists; 59382

(b) Costs of training and staff development, employee 59383  
benefits, payroll taxes, and workers' compensation premiums or 59384  
costs for self-insurance claims and related costs as specified in 59385  
rules adopted by the director of job and family services in 59386  
accordance with Chapter 119. of the Revised Code, for personnel 59387  
listed in division (G)(2)(a) of this section. 59388

(3) Costs of other direct-care resources that are specified 59389  
as direct care costs in rules adopted by the director of job and 59390  
family services in accordance with Chapter 119. of the Revised 59391  
Code. 59392

(H) "Fiscal year" means the fiscal year of this state, as 59393  
specified in section 9.34 of the Revised Code. 59394

(I) "Indirect care costs" means all reasonable costs other 59395  
than direct care costs, other protected costs, or capital costs. 59396  
"Indirect care costs" includes but is not limited to costs of 59397  
habilitation supplies, pharmacy consultants, medical and 59398  
habilitation records, program supplies, incontinence supplies, 59399  
food, enterals, dietary supplies and personnel, laundry, 59400  
housekeeping, security, administration, liability insurance, 59401  
bookkeeping, purchasing department, human resources, 59402  
communications, travel, dues, license fees, subscriptions, home 59403  
office costs not otherwise allocated, legal services, accounting 59404  
services, minor equipment, maintenance and repairs, help-wanted 59405  
advertising, informational advertising, ~~consumer satisfaction~~ 59406  
~~survey fees paid under section 173.55 of the Revised Code,~~ 59407

start-up costs, organizational expenses, other interest, property 59408  
insurance, employee training and staff development, employee 59409  
benefits, payroll taxes, and workers' compensation premiums or 59410  
costs for self-insurance claims and related costs as specified in 59411  
rules adopted by the director of job and family services in 59412  
accordance with Chapter 119. of the Revised Code, for personnel 59413  
listed in this division. Notwithstanding division (B)(1) of this 59414  
section, "indirect care costs" also means the cost of equipment, 59415  
including vehicles, acquired by operating lease executed before 59416  
December 1, 1992, if the costs are reported as administrative and 59417  
general costs on the facility's cost report for the cost reporting 59418  
period ending December 31, 1992. 59419

(J) "Inpatient days" means all days during which a resident, 59420  
regardless of payment source, occupies a bed in a nursing facility 59421  
or intermediate care facility for the mentally retarded that is 59422  
included in the facility's certified capacity under Title XIX of 59423  
the "Social Security Act," 49 Stat. 610 (1935), 42 U.S.C.A. 301, 59424  
as amended. Therapeutic or hospital leave days for which payment 59425  
is made under section 5111.33 of the Revised Code are considered 59426  
inpatient days proportionate to the percentage of the facility's 59427  
per resident per day rate paid for those days. 59428

(K) "Intermediate care facility for the mentally retarded" 59429  
means an intermediate care facility for the mentally retarded 59430  
certified as in compliance with applicable standards for the 59431  
medical assistance program by the director of health in accordance 59432  
with Title XIX of the "Social Security Act." 59433

(L) "Maintenance and repair expenses" means, except as 59434  
provided in division (X)(2) of this section, expenditures that are 59435  
necessary and proper to maintain an asset in a normally efficient 59436  
working condition and that do not extend the useful life of the 59437  
asset two years or more. "Maintenance and repair expenses" 59438  
includes but is not limited to the cost of ordinary repairs such 59439

as painting and wallpapering. 59440

(M) "Nursing facility" means a facility, or a distinct part 59441  
of a facility, that is certified as a nursing facility by the 59442  
director of health in accordance with Title XIX of the "Social 59443  
Security Act," and is not an intermediate care facility for the 59444  
mentally retarded. "Nursing facility" includes a facility, or a 59445  
distinct part of a facility, that is certified as a nursing 59446  
facility by the director of health in accordance with Title XIX of 59447  
the "Social Security Act," and is certified as a skilled nursing 59448  
facility by the director in accordance with Title XVIII of the 59449  
"Social Security Act." 59450

(N) "Other protected costs" means costs for medical supplies; 59451  
real estate, franchise, and property taxes; natural gas, fuel oil, 59452  
water, electricity, sewage, and refuse and hazardous medical waste 59453  
collection; allocated other protected home office costs; and any 59454  
additional costs defined as other protected costs in rules adopted 59455  
by the director of job and family services in accordance with 59456  
Chapter 119. of the Revised Code. 59457

(O) "Owner" means any person or government entity that has at 59458  
least five per cent ownership or interest, either directly, 59459  
indirectly, or in any combination, in a nursing facility or 59460  
intermediate care facility for the mentally retarded. 59461

(P) "Patient" includes "resident." 59462

(Q) Except as provided in divisions (Q)(1) and (2) of this 59463  
section, "per diem" means a nursing facility's or intermediate 59464  
care facility for the mentally retarded's actual, allowable costs 59465  
in a given cost center in a cost reporting period, divided by the 59466  
facility's inpatient days for that cost reporting period. 59467

(1) When calculating indirect care costs for the purpose of 59468  
establishing rates under section 5111.24 or 5111.241 of the 59469  
Revised Code, "per diem" means a facility's actual, allowable 59470

indirect care costs in a cost reporting period divided by the 59471  
greater of the facility's inpatient days for that period or the 59472  
number of inpatient days the facility would have had during that 59473  
period if its occupancy rate had been eighty-five per cent. 59474

(2) When calculating capital costs for the purpose of 59475  
establishing rates under section 5111.25 or 5111.251 of the 59476  
Revised Code, "per diem" means a facility's actual, allowable 59477  
capital costs in a cost reporting period divided by the greater of 59478  
the facility's inpatient days for that period or the number of 59479  
inpatient days the facility would have had during that period if 59480  
its occupancy rate had been ninety-five per cent. 59481

(R) "Provider" means a person or government entity that 59482  
operates a nursing facility or intermediate care facility for the 59483  
mentally retarded under a provider agreement. 59484

(S) "Provider agreement" means a contract between the 59485  
department of job and family services and a nursing facility or 59486  
intermediate care facility for the mentally retarded for the 59487  
provision of nursing facility services or intermediate care 59488  
facility services for the mentally retarded under the medical 59489  
assistance program. 59490

(T) "Purchased nursing services" means services that are 59491  
provided in a nursing facility by registered nurses, licensed 59492  
practical nurses, or nurse aides who are not employees of the 59493  
facility. 59494

(U) "Reasonable" means that a cost is an actual cost that is 59495  
appropriate and helpful to develop and maintain the operation of 59496  
patient care facilities and activities, including normal standby 59497  
costs, and that does not exceed what a prudent buyer pays for a 59498  
given item or services. Reasonable costs may vary from provider to 59499  
provider and from time to time for the same provider. 59500

(V) "Related party" means an individual or organization that, 59501

to a significant extent, has common ownership with, is associated 59502  
or affiliated with, has control of, or is controlled by, the 59503  
provider. 59504

(1) An individual who is a relative of an owner is a related 59505  
party. 59506

(2) Common ownership exists when an individual or individuals 59507  
possess significant ownership or equity in both the provider and 59508  
the other organization. Significant ownership or equity exists 59509  
when an individual or individuals possess five per cent ownership 59510  
or equity in both the provider and a supplier. Significant 59511  
ownership or equity is presumed to exist when an individual or 59512  
individuals possess ten per cent ownership or equity in both the 59513  
provider and another organization from which the provider 59514  
purchases or leases real property. 59515

(3) Control exists when an individual or organization has the 59516  
power, directly or indirectly, to significantly influence or 59517  
direct the actions or policies of an organization. 59518

(4) An individual or organization that supplies goods or 59519  
services to a provider shall not be considered a related party if 59520  
all of the following conditions are met: 59521

(a) The supplier is a separate bona fide organization. 59522

(b) A substantial part of the supplier's business activity of 59523  
the type carried on with the provider is transacted with others 59524  
than the provider and there is an open, competitive market for the 59525  
types of goods or services the supplier furnishes. 59526

(c) The types of goods or services are commonly obtained by 59527  
other nursing facilities or intermediate care facilities for the 59528  
mentally retarded from outside organizations and are not a basic 59529  
element of patient care ordinarily furnished directly to patients 59530  
by the facilities. 59531

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

(W) "Relative of owner" means an individual who is related to an owner of a nursing facility or intermediate care facility for the mentally retarded by one of the following relationships:

- (1) Spouse;
- (2) Natural parent, child, or sibling;
- (3) Adopted parent, child, or sibling;
- (4) Step-parent, step-child, step-brother, or step-sister;
- (5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;
- (6) Grandparent or grandchild;
- (7) Foster caregiver, foster child, foster brother, or foster sister.

(X) "Renovation" and "extensive renovation" mean:

(1) Any betterment, improvement, or restoration of a nursing facility or intermediate care facility for the mentally retarded started before July 1, 1993, that meets the definition of a renovation or extensive renovation established in rules adopted by the director of job and family services in effect on December 22, 1992.

(2) In the case of betterments, improvements, and restorations of nursing facilities and intermediate care facilities for the mentally retarded started on or after July 1, 1993:

(a) "Renovation" means the betterment, improvement, or restoration of a nursing facility or intermediate care facility

for the mentally retarded beyond its current functional capacity 59561  
through a structural change that costs at least five hundred 59562  
dollars per bed. A renovation may include betterment, improvement, 59563  
restoration, or replacement of assets that are affixed to the 59564  
building and have a useful life of at least five years. A 59565  
renovation may include costs that otherwise would be considered 59566  
maintenance and repair expenses if they are an integral part of 59567  
the structural change that makes up the renovation project. 59568  
"Renovation" does not mean construction of additional space for 59569  
beds that will be added to a facility's licensed or certified 59570  
capacity. 59571

(b) "Extensive renovation" means a renovation that costs more 59572  
than sixty-five per cent and no more than eighty-five per cent of 59573  
the cost of constructing a new bed and that extends the useful 59574  
life of the assets for at least ten years. 59575

For the purposes of division (X)(2) of this section, the cost 59576  
of constructing a new bed shall be considered to be forty thousand 59577  
dollars, adjusted for the estimated rate of inflation from January 59578  
1, 1993, to the end of the calendar year during which the 59579  
renovation is completed, using the consumer price index for 59580  
shelter costs for all urban consumers for the north central 59581  
region, as published by the United States bureau of labor 59582  
statistics. 59583

The department of job and family services may treat a 59584  
renovation that costs more than eighty-five per cent of the cost 59585  
of constructing new beds as an extensive renovation if the 59586  
department determines that the renovation is more prudent than 59587  
construction of new beds. 59588

**Sec. 5111.21.** (A) Subject to sections 5111.01, 5111.011, 59589  
5111.012, ~~and~~ 5111.02, and 5111.211 of the Revised Code, the 59590  
department of job and family services shall pay, as provided in 59591

sections 5111.20 to 5111.32 of the Revised Code, the reasonable 59592  
costs of services provided to an eligible medicaid recipient by an 59593  
eligible nursing facility or intermediate care facility for the 59594  
mentally retarded. 59595

In order to be eligible for medical assistance payments, a 59596  
nursing facility or intermediate care facility for the mentally 59597  
retarded shall do all of the following: 59598

(1) Enter into a provider agreement with the department as 59599  
provided in section 5111.22 of the Revised Code; 59600

(2) Apply for and maintain a valid license to operate if so 59601  
required by law; 59602

(3) Comply with all applicable state and federal laws and 59603  
rules. 59604

(B) A nursing facility that elects to obtain and maintain 59605  
eligibility for payments under the ~~medicare~~ medicaid program 59606  
~~established by Title XVIII of the "Social Security Act," 49 Stat.~~ 59607  
~~620 (1935), 42 U.S.C.A. 301, as amended may~~ shall qualify all ~~or~~ 59608  
~~part of the facility of the facility's medicaid-certified beds~~ in 59609  
the medicare program established by Title XVIII of the "Social 59610  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395. The director 59611  
of job and family services may adopt rules in accordance with 59612  
Chapter 119. of the Revised Code to establish the time frame in 59613  
which a nursing facility must comply with this requirement. 59614

Sec. 5111.211. (A) The department of mental retardation and 59615  
developmental disabilities is responsible for the nonfederal share 59616  
of claims submitted for services that are covered by the medicaid 59617  
program and provided to an eligible medicaid recipient by an 59618  
intermediate care facility for the mentally retarded if all of the 59619  
following are the case: 59620

(1) The services are provided on or after July 1, 2003; 59621

(2) The facility receives initial certification by the 59622  
director of health as an intermediate care facility for the 59623  
mentally retarded on or after June 1, 2003; 59624

(3) The facility, or a portion of the facility, is licensed 59625  
by the director of mental retardation and developmental 59626  
disabilities as a residential facility under section 5123.19 of 59627  
the Revised Code; 59628

(4) There is a valid provider agreement for the facility. 59629

(B) Each month, the department of job and family services 59630  
shall invoice the department of mental retardation and 59631  
developmental disabilities by interagency transfer voucher for the 59632  
claims for which the department of mental retardation and 59633  
developmental disabilities is responsible pursuant to this 59634  
section. 59635

**Sec. 5111.22.** A provider agreement between the department of 59636  
job and family services and a nursing facility or intermediate 59637  
care facility for the mentally retarded shall contain the 59638  
following provisions: 59639

(A) The department agrees to+ 59640

~~(1) Make~~ make payments to the nursing facility or 59641  
intermediate care facility for the mentally retarded for patients 59642  
eligible for services under the medical assistance program as 59643  
provided in sections 5111.20 to 5111.32 of the Revised Code. No 59644  
payment shall be made for the day a recipient is discharged from 59645  
the facility. 59646

~~(2) Provide copies of rules governing the facility's~~ 59647  
~~participation as a provider in the medical assistance program.~~ 59648  
~~Whenever the director of job and family services files a proposed~~ 59649  
~~rule or proposed rule in revised form under division (D) of~~ 59650  
~~section 111.15 or division (B) of section 119.03 of the Revised~~ 59651

~~Code, the department shall provide the facility with one copy of 59652  
such rule. In the case of a rescission or proposed rescission of a 59653  
rule, the department may provide the rule number and title instead 59654  
of the rules rescinded or proposed to be rescinded. 59655~~

(B) The provider agrees to: 59656

(1) Maintain eligibility as provided in section 5111.21 of 59657  
the Revised Code; 59658

(2) Keep records relating to a cost reporting period for the 59659  
greater of seven years after the cost report is filed or, if the 59660  
department issues an audit report in accordance with division (B) 59661  
of section 5111.27 of the Revised Code, six years after all appeal 59662  
rights relating to the audit report are exhausted; 59663

(3) File reports as required by the department; 59664

(4) Open all records relating to the costs of its services 59665  
for inspection and audit by the department; 59666

(5) Open its premises for inspection by the department, the 59667  
department of health, and any other state or local authority 59668  
having authority to inspect; 59669

(6) Supply to the department such information as it requires 59670  
concerning the facility's services to patients who are or are 59671  
eligible to be medicaid recipients; 59672

(7) Comply with section 5111.31 of the Revised Code. 59673

The provider agreement may contain other provisions that are 59674  
consistent with law and considered necessary by the department. 59675

A provider agreement shall be effective for no longer than 59676  
twelve months, except that if federal statute or regulations 59677  
authorize a longer term, it may be effective for a longer term so 59678  
authorized. A provider agreement may be renewed only if the 59679  
facility is certified by the department of health for 59680  
participation in the medicaid program. 59681

The department of job and family services, in accordance with 59682  
rules adopted by the director pursuant to Chapter 119. of the 59683  
Revised Code, may elect not to enter into, not to renew, or to 59684  
terminate a provider agreement when the department determines that 59685  
such an agreement would not be in the best interests of the 59686  
recipients or of the state. 59687

**Sec. 5111.251.** (A) The department of job and family services 59688  
shall pay each eligible intermediate care facility for the 59689  
mentally retarded for its reasonable capital costs, a per resident 59690  
per day rate established prospectively each fiscal year for each 59691  
intermediate care facility for the mentally retarded. Except as 59692  
otherwise provided in sections 5111.20 to 5111.32 of the Revised 59693  
Code, the rate shall be based on the facility's capital costs for 59694  
the calendar year preceding the fiscal year in which the rate will 59695  
be paid. The rate shall equal the sum of the following: 59696

(1) The facility's desk-reviewed, actual, allowable, per diem 59697  
cost of ownership for the preceding cost reporting period, limited 59698  
as provided in divisions (C) and (F) of this section; 59699

(2) Any efficiency incentive determined under division (B) of 59700  
this section; 59701

(3) Any amounts for renovations determined under division (D) 59702  
of this section; 59703

(4) Any amounts for return on equity determined under 59704  
division (I) of this section. 59705

Buildings shall be depreciated using the straight line method 59706  
over forty years or over a different period approved by the 59707  
department. Components and equipment shall be depreciated using 59708  
the straight line method over a period designated by the director 59709  
of job and family services in rules adopted in accordance with 59710  
Chapter 119. of the Revised Code, consistent with the guidelines 59711

of the American hospital association, or over a different period 59712  
approved by the department of job and family services. Any rules 59713  
adopted under this division that specify useful lives of 59714  
buildings, components, or equipment apply only to assets acquired 59715  
on or after July 1, 1993. Depreciation for costs paid or 59716  
reimbursed by any government agency shall not be included in costs 59717  
of ownership or renovation unless that part of the payment under 59718  
sections 5111.20 to 5111.32 of the Revised Code is used to 59719  
reimburse the government agency. 59720

(B) The department of job and family services shall pay to 59721  
each intermediate care facility for the mentally retarded an 59722  
efficiency incentive equal to fifty per cent of the difference 59723  
between any desk-reviewed, actual, allowable cost of ownership and 59724  
the applicable limit on cost of ownership payments under division 59725  
(C) of this section. For purposes of computing the efficiency 59726  
incentive, depreciation for costs paid or reimbursed by any 59727  
government agency shall be considered as a cost of ownership, and 59728  
the applicable limit under division (C) of this section shall 59729  
apply both to facilities with more than eight beds and facilities 59730  
with eight or fewer beds. The efficiency incentive paid to a 59731  
facility with eight or fewer beds shall not exceed three dollars 59732  
per patient day, adjusted annually for the inflation rate for the 59733  
twelve-month period beginning on the first day of July of the 59734  
calendar year preceding the calendar year that precedes the fiscal 59735  
year for which the efficiency incentive is determined and ending 59736  
on the thirtieth day of the following June, using the consumer 59737  
price index for shelter costs for all urban consumers for the 59738  
north central region, as published by the United States bureau of 59739  
labor statistics. 59740

(C) Cost of ownership payments to intermediate care 59741  
facilities for the mentally retarded with more than eight beds 59742  
shall not exceed the following limits: 59743

(1) For facilities with dates of licensure prior to January 1, 1958, not exceeding two dollars and fifty cents per patient day;	59744 59745 59746
(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding:	59747 59748
(a) Three dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;	59749 59750 59751
(b) Two dollars and fifty cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.	59752 59753 59754
(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:	59755 59756
(a) Four dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or more per bed;	59757 59758 59759
(b) Three dollars and fifty cents per patient day if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed;	59760 59761 59762 59763
(c) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	59764 59765 59766
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	59767 59768
(a) Five dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed;	59769 59770 59771
(b) Four dollars and fifty cents per patient day if the cost of construction was less than six thousand eight hundred dollars	59772 59773

per bed but exceeds five thousand one hundred fifty dollars per	59774
bed;	59775
(c) Three dollars and fifty cents per patient day if the cost	59776
of construction was five thousand one hundred fifty dollars or	59777
less per bed, but exceeds three thousand five hundred dollars per	59778
bed;	59779
(d) Two dollars and fifty cents per patient day if the cost	59780
of construction was three thousand five hundred dollars or less	59781
per bed.	59782
(5) For facilities with dates of licensure after December 31,	59783
1978, but prior to January 1, 1980, not exceeding:	59784
(a) Six dollars per patient day if the cost of construction	59785
was seven thousand six hundred twenty-five dollars or more per	59786
bed;	59787
(b) Five dollars and fifty cents per patient day if the cost	59788
of construction was less than seven thousand six hundred	59789
twenty-five dollars per bed but exceeds six thousand eight hundred	59790
dollars per bed;	59791
(c) Four dollars and fifty cents per patient day if the cost	59792
of construction was six thousand eight hundred dollars or less per	59793
bed but exceeds five thousand one hundred fifty dollars per bed;	59794
(d) Three dollars and fifty cents per patient day if the cost	59795
of construction was five thousand one hundred fifty dollars or	59796
less but exceeds three thousand five hundred dollars per bed;	59797
(e) Two dollars and fifty cents per patient day if the cost	59798
of construction was three thousand five hundred dollars or less	59799
per bed.	59800
(6) For facilities with dates of licensure after December 31,	59801
1979, but prior to January 1, 1981, not exceeding:	59802
(a) Twelve dollars per patient day if the beds were	59803

originally licensed as residential facility beds by the department 59804  
of mental retardation and developmental disabilities; 59805

(b) Six dollars per patient day if the beds were originally 59806  
licensed as nursing home beds by the department of health. 59807

(7) For facilities with dates of licensure after December 31, 59808  
1980, but prior to January 1, 1982, not exceeding: 59809

(a) Twelve dollars per patient day if the beds were 59810  
originally licensed as residential facility beds by the department 59811  
of mental retardation and developmental disabilities; 59812

(b) Six dollars and forty-five cents per patient day if the 59813  
beds were originally licensed as nursing home beds by the 59814  
department of health. 59815

(8) For facilities with dates of licensure after December 31, 59816  
1981, but prior to January 1, 1983, not exceeding: 59817

(a) Twelve dollars per patient day if the beds were 59818  
originally licensed as residential facility beds by the department 59819  
of mental retardation and developmental disabilities; 59820

(b) Six dollars and seventy-nine cents per patient day if the 59821  
beds were originally licensed as nursing home beds by the 59822  
department of health. 59823

(9) For facilities with dates of licensure after December 31, 59824  
1982, but prior to January 1, 1984, not exceeding: 59825

(a) Twelve dollars per patient day if the beds were 59826  
originally licensed as residential facility beds by the department 59827  
of mental retardation and developmental disabilities; 59828

(b) Seven dollars and nine cents per patient day if the beds 59829  
were originally licensed as nursing home beds by the department of 59830  
health. 59831

(10) For facilities with dates of licensure after December 59832  
31, 1983, but prior to January 1, 1985, not exceeding: 59833

(a) Twelve dollars and twenty-four cents per patient day if 59834  
the beds were originally licensed as residential facility beds by 59835  
the department of mental retardation and developmental 59836  
disabilities; 59837

(b) Seven dollars and twenty-three cents per patient day if 59838  
the beds were originally licensed as nursing home beds by the 59839  
department of health. 59840

(11) For facilities with dates of licensure after December 59841  
31, 1984, but prior to January 1, 1986, not exceeding: 59842

(a) Twelve dollars and fifty-three cents per patient day if 59843  
the beds were originally licensed as residential facility beds by 59844  
the department of mental retardation and developmental 59845  
disabilities; 59846

(b) Seven dollars and forty cents per patient day if the beds 59847  
were originally licensed as nursing home beds by the department of 59848  
health. 59849

(12) For facilities with dates of licensure after December 59850  
31, 1985, but prior to January 1, 1987, not exceeding: 59851

(a) Twelve dollars and seventy cents per patient day if the 59852  
beds were originally licensed as residential facility beds by the 59853  
department of mental retardation and developmental disabilities; 59854

(b) Seven dollars and fifty cents per patient day if the beds 59855  
were originally licensed as nursing home beds by the department of 59856  
health. 59857

(13) For facilities with dates of licensure after December 59858  
31, 1986, but prior to January 1, 1988, not exceeding: 59859

(a) Twelve dollars and ninety-nine cents per patient day if 59860  
the beds were originally licensed as residential facility beds by 59861  
the department of mental retardation and developmental 59862  
disabilities; 59863

(b) Seven dollars and sixty-seven cents per patient day if 59864  
the beds were originally licensed as nursing home beds by the 59865  
department of health. 59866

(14) For facilities with dates of licensure after December 59867  
31, 1987, but prior to January 1, 1989, not exceeding thirteen 59868  
dollars and twenty-six cents per patient day; 59869

(15) For facilities with dates of licensure after December 59870  
31, 1988, but prior to January 1, 1990, not exceeding thirteen 59871  
dollars and forty-six cents per patient day; 59872

(16) For facilities with dates of licensure after December 59873  
31, 1989, but prior to January 1, 1991, not exceeding thirteen 59874  
dollars and sixty cents per patient day; 59875

(17) For facilities with dates of licensure after December 59876  
31, 1990, but prior to January 1, 1992, not exceeding thirteen 59877  
dollars and forty-nine cents per patient day; 59878

(18) For facilities with dates of licensure after December 59879  
31, 1991, but prior to January 1, 1993, not exceeding thirteen 59880  
dollars and sixty-seven cents per patient day; 59881

(19) For facilities with dates of licensure after December 59882  
31, 1992, not exceeding fourteen dollars and twenty-eight cents 59883  
per patient day. 59884

(D) Beginning January 1, 1981, regardless of the original 59885  
date of licensure, the department of job and family services shall 59886  
pay a rate for the per diem capitalized costs of renovations to 59887  
intermediate care facilities for the mentally retarded made after 59888  
January 1, 1981, not exceeding six dollars per patient day using 59889  
1980 as the base year and adjusting the amount annually until June 59890  
30, 1993, for fluctuations in construction costs calculated by the 59891  
department using the "Dodge building cost indexes, northeastern 59892  
and north central states," published by Marshall and Swift. The 59893  
payment provided for in this division is the only payment that 59894

shall be made for the capitalized costs of a nonextensive 59895  
renovation of an intermediate care facility for the mentally 59896  
retarded. Nonextensive renovation costs shall not be included in 59897  
cost of ownership, and a nonextensive renovation shall not affect 59898  
the date of licensure for purposes of division (C) of this 59899  
section. This division applies to nonextensive renovations 59900  
regardless of whether they are made by an owner or a lessee. If 59901  
the tenancy of a lessee that has made renovations ends before the 59902  
depreciation expense for the renovation costs has been fully 59903  
reported, the former lessee shall not report the undepreciated 59904  
balance as an expense. 59905

For a nonextensive renovation to qualify for payment under 59906  
this division, both of the following conditions must be met: 59907

(1) At least five years have elapsed since the date of 59908  
licensure or date of an extensive renovation of the portion of the 59909  
facility that is proposed to be renovated, except that this 59910  
condition does not apply if the renovation is necessary to meet 59911  
the requirements of federal, state, or local statutes, ordinances, 59912  
rules, or policies. 59913

(2) The provider has obtained prior approval from the 59914  
department of job and family services. The provider shall submit a 59915  
plan that describes in detail the changes in capital assets to be 59916  
accomplished by means of the renovation and the timetable for 59917  
completing the project. The time for completion of the project 59918  
shall be no more than eighteen months after the renovation begins. 59919  
The director of job and family services shall adopt rules in 59920  
accordance with Chapter 119. of the Revised Code that specify 59921  
criteria and procedures for prior approval of renovation projects. 59922  
No provider shall separate a project with the intent to evade the 59923  
characterization of the project as a renovation or as an extensive 59924  
renovation. No provider shall increase the scope of a project 59925  
after it is approved by the department of job and family services 59926

unless the increase in scope is approved by the department. 59927

(E) The amounts specified in divisions (C) and (D) of this 59928  
section shall be adjusted beginning July 1, 1993, for the 59929  
estimated inflation for the twelve-month period beginning on the 59930  
first day of July of the calendar year preceding the calendar year 59931  
that precedes the fiscal year for which rate will be paid and 59932  
ending on the thirtieth day of the following June, using the 59933  
consumer price index for shelter costs for all urban consumers for 59934  
the north central region, as published by the United States bureau 59935  
of labor statistics. 59936

(F)(1) For facilities of eight or fewer beds that have dates 59937  
of licensure or have been granted project authorization by the 59938  
department of mental retardation and developmental disabilities 59939  
before July 1, 1993, and for facilities of eight or fewer beds 59940  
that have dates of licensure or have been granted project 59941  
authorization after that date if the facilities demonstrate that 59942  
they made substantial commitments of funds on or before that date, 59943  
cost of ownership shall not exceed eighteen dollars and thirty 59944  
cents per resident per day. The eighteen-dollar and thirty-cent 59945  
amount shall be increased by the change in the "Dodge building 59946  
cost indexes, northeastern and north central states," published by 59947  
Marshall and Swift, during the period beginning June 30, 1990, and 59948  
ending July 1, 1993, and by the change in the consumer price index 59949  
for shelter costs for all urban consumers for the north central 59950  
region, as published by the United States bureau of labor 59951  
statistics, annually thereafter. 59952

(2) For facilities with eight or fewer beds that have dates 59953  
of licensure or have been granted project authorization by the 59954  
department of mental retardation and developmental disabilities on 59955  
or after July 1, 1993, for which substantial commitments of funds 59956  
were not made before that date, cost of ownership payments shall 59957  
not exceed the applicable amount calculated under division (F)(1) 59958

of this section, if the department of job and family services 59959  
gives prior approval for construction of the facility or, 59960  
regardless of whether the department gives prior approval, if the 59961  
facility obtains a residential facility license under section 59962  
5123.19 of the Revised Code pursuant to section 5123.1910 of the 59963  
Revised Code. If the department does not give prior approval, cost 59964  
of ownership payments shall not exceed the amount specified in 59965  
division (C) of this section unless the facility obtains a 59966  
residential facility license under section 5123.19 of the Revised 59967  
Code pursuant to section 5123.1910 of the Revised Code. 59968

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this 59969  
section, the total payment for cost of ownership, cost of 59970  
ownership efficiency incentive, and capitalized costs of 59971  
renovations for an intermediate care facility for the mentally 59972  
retarded with eight or fewer beds shall not exceed the sum of the 59973  
limitations specified in divisions (C) and (D) of this section. 59974

(G) Notwithstanding any provision of this section or section 59975  
5111.24 of the Revised Code, the director of job and family 59976  
services may adopt rules in accordance with Chapter 119. of the 59977  
Revised Code that provide for a calculation of a combined maximum 59978  
payment limit for indirect care costs and cost of ownership for 59979  
intermediate care facilities for the mentally retarded with eight 59980  
or fewer beds. 59981

(H) After June 30, 1980, the owner of an intermediate care 59982  
facility for the mentally retarded operating under a provider 59983  
agreement shall provide written notice to the department of job 59984  
and family services at least forty-five days prior to entering 59985  
into any contract of sale for the facility or voluntarily 59986  
terminating participation in the medical assistance program. After 59987  
the date on which a transaction of sale is closed, the owner shall 59988  
refund to the department the amount of excess depreciation paid to 59989  
the facility by the department for each year the owner has 59990

operated the facility under a provider agreement and prorated 59991  
according to the number of medicaid patient days for which the 59992  
facility has received payment. If an intermediate care facility 59993  
for the mentally retarded is sold after five or fewer years of 59994  
operation under a provider agreement, the refund to the department 59995  
shall be equal to the excess depreciation paid to the facility. If 59996  
an intermediate care facility for the mentally retarded is sold 59997  
after more than five years but less than ten years of operation 59998  
under a provider agreement, the refund to the department shall 59999  
equal the excess depreciation paid to the facility multiplied by 60000  
twenty per cent, multiplied by the number of years less than ten 60001  
that a facility was operated under a provider agreement. If an 60002  
intermediate care facility for the mentally retarded is sold after 60003  
ten or more years of operation under a provider agreement, the 60004  
owner shall not refund any excess depreciation to the department. 60005  
For the purposes of this division, "depreciation paid to the 60006  
facility" means the amount paid to the intermediate care facility 60007  
for the mentally retarded for cost of ownership pursuant to this 60008  
section less any amount paid for interest costs. For the purposes 60009  
of this division, "excess depreciation" is the intermediate care 60010  
facility for the mentally retarded's depreciated basis, which is 60011  
the owner's cost less accumulated depreciation, subtracted from 60012  
the purchase price but not exceeding the amount of depreciation 60013  
paid to the facility. 60014

A cost report shall be filed with the department within 60015  
ninety days after the date on which the transaction of sale is 60016  
closed or participation is voluntarily terminated for an 60017  
intermediate care facility for the mentally retarded subject to 60018  
this division. The report shall show the accumulated depreciation, 60019  
the sales price, and other information required by the department. 60020  
The department shall provide for a bank, trust company, or savings 60021  
and loan association to hold in escrow the amount of the last two 60022  
monthly payments to an intermediate care facility for the mentally 60023

retarded made pursuant to division (A)(1) of section 5111.22 of 60024  
the Revised Code before a sale or voluntary termination of 60025  
participation or, if the owner fails, within the time required by 60026  
this division, to notify the department before entering into a 60027  
contract of sale for the facility, the amount of the first two 60028  
monthly payments made to the facility after the department learns 60029  
of the contract, regardless of whether a new owner is in 60030  
possession of the facility. If the amount the owner will be 60031  
required to refund under this section is likely to be less than 60032  
the amount of the two monthly payments otherwise put into escrow 60033  
under this division, the department shall take one of the 60034  
following actions instead of withholding the amount of the two 60035  
monthly payments: 60036

(1) In the case of an owner that owns other facilities that 60037  
participate in the medical assistance program, obtain a promissory 60038  
note in an amount sufficient to cover the amount likely to be 60039  
refunded; 60040

(2) In the case of all other owners, withhold the amount of 60041  
the last monthly payment to the intermediate care facility for the 60042  
mentally retarded or, if the owner fails, within the time required 60043  
by this division, to notify the department before entering into a 60044  
contract of sale for the facility, the amount of the first monthly 60045  
payment made to the facility after the department learns of the 60046  
contract, regardless of whether a new owner is in possession of 60047  
the facility. 60048

The department shall, within ninety days following the filing 60049  
of the cost report, audit the report and issue an audit report to 60050  
the owner. The department also may audit any other cost reports 60051  
for the facility that have been filed during the previous three 60052  
years. In the audit report, the department shall state its 60053  
findings and the amount of any money owed to the department by the 60054  
intermediate care facility for the mentally retarded. The findings 60055

shall be subject to an adjudication conducted in accordance with 60056  
Chapter 119. of the Revised Code. No later than fifteen days after 60057  
the owner agrees to a settlement, any funds held in escrow less 60058  
any amounts due to the department shall be released to the owner 60059  
and amounts due to the department shall be paid to the department. 60060  
If the amounts in escrow are less than the amounts due to the 60061  
department, the balance shall be paid to the department within 60062  
fifteen days after the owner agrees to a settlement. If the 60063  
department does not issue its audit report within the ninety-day 60064  
period, the department shall release any money held in escrow to 60065  
the owner. For the purposes of this section, a transfer of 60066  
corporate stock, the merger of one corporation into another, or a 60067  
consolidation does not constitute a sale. 60068

If an intermediate care facility for the mentally retarded is 60069  
not sold or its participation is not terminated after notice is 60070  
provided to the department under this division, the department 60071  
shall order any payments held in escrow released to the facility 60072  
upon receiving written notice from the owner that there will be no 60073  
sale or termination of participation. After written notice is 60074  
received from an intermediate care facility for the mentally 60075  
retarded that a sale or termination of participation will not take 60076  
place, the facility shall provide notice to the department at 60077  
least forty-five days prior to entering into any contract of sale 60078  
or terminating participation at any future time. 60079

(I) The department of job and family services shall pay each 60080  
eligible proprietary intermediate care facility for the mentally 60081  
retarded a return on the facility's net equity computed at the 60082  
rate of one and one-half times the average of interest rates on 60083  
special issues of public debt obligations issued to the federal 60084  
hospital insurance trust fund for the cost reporting period. No 60085  
facility's return on net equity paid under this division shall 60086  
exceed one dollar per patient day. 60087

In calculating the rate for return on net equity, the department shall use the greater of the facility's inpatient days during the applicable cost reporting period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.

(J)(1) Except as provided in division (J)(2) of this section, if a provider leases or transfers an interest in a facility to another provider who is a related party, the related party's allowable cost of ownership shall include the lesser of the following:

(a) The annual lease expense or actual cost of ownership, whichever is applicable;

(b) The reasonable cost to the lessor or provider making the transfer.

(2) If a provider leases or transfers an interest in a facility to another provider who is a related party, regardless of the date of the lease or transfer, the related party's allowable cost of ownership shall include the annual lease expense or actual cost of ownership, whichever is applicable, subject to the limitations specified in divisions (B) to (I) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) In the case of a lease, if the lessor retains any ownership interest, it is, except as provided in division (J)(2)(d)(ii) of this section, in only the real property and any improvements on the real property;

(c) In the case of a transfer, the provider making the transfer retains, except as provided in division (J)(2)(d)(iv) of this section, no ownership interest in the facility;

(d) The department of job and family services determines that

the lease or transfer is an arm's length transaction pursuant to 60118  
rules the department shall adopt in accordance with Chapter 119. 60119  
of the Revised Code no later than December 31, 2000. The rules 60120  
shall provide that a lease or transfer is an arm's length 60121  
transaction if all of the following, as applicable, apply: 60122

(i) In the case of a lease, once the lease goes into effect, 60123  
the lessor has no direct or indirect interest in the lessee or, 60124  
except as provided in division (J)(2)(b) of this section, the 60125  
facility itself, including interest as an owner, officer, 60126  
director, employee, independent contractor, or consultant, but 60127  
excluding interest as a lessor. 60128

(ii) In the case of a lease, the lessor does not reacquire an 60129  
interest in the facility except through the exercise of a lessor's 60130  
rights in the event of a default. If the lessor reacquires an 60131  
interest in the facility in this manner, the department shall 60132  
treat the facility as if the lease never occurred when the 60133  
department calculates its reimbursement rates for capital costs. 60134

(iii) In the case of a transfer, once the transfer goes into 60135  
effect, the provider that made the transfer has no direct or 60136  
indirect interest in the provider that acquires the facility or 60137  
the facility itself, including interest as an owner, officer, 60138  
director, employee, independent contractor, or consultant, but 60139  
excluding interest as a creditor. 60140

(iv) In the case of a transfer, the provider that made the 60141  
transfer does not reacquire an interest in the facility except 60142  
through the exercise of a creditor's rights in the event of a 60143  
default. If the provider reacquires an interest in the facility in 60144  
this manner, the department shall treat the facility as if the 60145  
transfer never occurred when the department calculates its 60146  
reimbursement rates for capital costs. 60147

(v) The lease or transfer satisfies any other criteria 60148

specified in the rules. 60149

(e) Except in the case of hardship caused by a catastrophic 60150  
event, as determined by the department, or in the case of a lessor 60151  
or provider making the transfer who is at least sixty-five years 60152  
of age, not less than twenty years have elapsed since, for the 60153  
same facility, allowable cost of ownership was determined most 60154  
recently under this division. 60155

**Sec. 5111.34.** (A) There is hereby created the nursing 60156  
facility reimbursement study council consisting of the following 60157  
~~seventeen~~ eighteen members: 60158

(1) The director of job and family services; 60159

(2) The deputy director of the office of Ohio health plans of 60160  
the department of job and family services; 60161

(3) An employee of the governor's office; 60162

(4) The director of health; 60163

(5) The director of aging; 60164

(6) Three members of the house of representatives, not more 60165  
than two of whom are members of the same political party, 60166  
appointed by the speaker of the house of representatives; 60167

(7) Three members of the senate, not more than two of whom 60168  
are members of the same political party, appointed by the 60169  
president of the senate; 60170

(8) One representative of medicaid recipients residing in 60171  
nursing facilities, appointed by the governor; 60172

(9) Two representatives of each of the following 60173  
organizations, appointed by their respective governing bodies: 60174

(a) The Ohio academy of nursing homes; 60175

(b) The association of Ohio philanthropic homes and housing 60176

for the aging; 60177

(c) The Ohio health care association. 60178

Initial appointments of members described in divisions 60179  
(A)(6), (7), and ~~(8)~~(9) of this section shall be made no later 60180  
than ninety days after June 6, 2001, except that the initial 60181  
appointments of the two additional members described in divisions 60182  
(A)(6) and (7) of this section added by Am. Sub. H.B. 405 of the 60183  
124th general assembly shall be made not later than ninety days 60184  
after ~~the effective date of this amendment~~ March 14, 2002. Initial 60185  
appointment of the member described in division (A)(8) of this 60186  
section shall be made not later than ninety days after the 60187  
effective date of this amendment. Vacancies in any of those 60188  
appointments shall be filled in the same manner as original 60189  
appointments. The members described in divisions (A)(6), (7), ~~and~~ 60190  
(8), and (9) of this section shall serve at the pleasure of the 60191  
official or governing body appointing the member. The members 60192  
described in divisions (A)(1), (2), (3), (4), and (5) of this 60193  
section shall serve for as long as they hold the position that 60194  
qualifies them for membership on the council. The speaker of the 60195  
house of representatives and the president of the senate jointly 60196  
shall appoint the chairperson of the council. Members of the 60197  
council shall serve without compensation. 60198

(B) The council shall review, on an ongoing basis, the system 60199  
established by sections 5111.20 to 5111.32 of the Revised Code for 60200  
reimbursing nursing facilities under the medical assistance 60201  
program. The council shall recommend any changes it determines are 60202  
necessary. The council shall issue a report of its activities, 60203  
findings, and recommendations to the governor, the speaker of the 60204  
house of representatives, and the president of the senate not 60205  
later than July 30, 2004. Thereafter, the council periodically 60206  
shall report its activities, findings, and recommendations to the 60207  
governor, the speaker of the house of representatives, and the 60208

president of the senate. 60209

(C) The council shall meet quarterly. Its first quarterly meeting after the effective date of this amendment shall be held not later than August 1, 2003. 60210  
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**Sec. 5111.85.** (A) As used in this section, "medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid waiver component" does not include a ~~managed~~ care management system established under section ~~5111.17~~ 5111.16 of the Revised Code. 60213  
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(B) The director of job and family services may adopt rules under Chapter 119. of the Revised Code governing medicaid waiver components that establish all of the following: 60221  
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(1) Eligibility requirements for the medicaid waiver components; 60224  
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(2) The type, amount, duration, and scope of services the medicaid waiver components provide; 60226  
60227

(3) The conditions under which the medicaid waiver components cover services; 60228  
60229

(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined; 60230  
60231

(5) The manner in which the medicaid waiver components pay for services; 60232  
60233

(6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component; 60234  
60235

(7) Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial 60236  
60237

and administrative sanctions on, persons and government entities 60238  
that violate the rules. Sanctions shall include terminating 60239  
medicaid provider agreements. The procedures shall include due 60240  
process protections. 60241

(8) Other policies necessary for the efficient administration 60242  
of the medicaid waiver components. 60243

(C) The director of job and family services may adopt 60244  
different rules for the different medicaid waiver components. The 60245  
rules shall be consistent with the terms of the waiver authorizing 60246  
the medicaid waiver component. 60247

(D) The director of job and family services may conduct 60248  
reviews of the medicaid waiver components. The reviews may include 60249  
physical inspections of records and sites where services are 60250  
provided under the medicaid waiver components and interviews of 60251  
providers and recipients of the services. If the director 60252  
determines pursuant to a review that a person or government entity 60253  
has violated a rule governing a medicaid waiver component, the 60254  
director may establish a corrective action plan for the violator 60255  
and impose fiscal, administrative, or both types of sanctions on 60256  
the violator in accordance with rules adopted under division (B) 60257  
of this section. 60258

**Sec. 5111.87.** (A) As used in this section and section 60259  
5111.871 of the Revised Code, "intermediate care facility for the 60260  
mentally retarded" has the same meaning as in section 5111.20 of 60261  
the Revised Code. 60262

(B) The director of job and family services may apply to the 60263  
United States secretary of health and human services for ~~one~~ both 60264  
of the following: 60265

(1) One or more medicaid waivers under which home and 60266  
community-based services are provided to individuals with mental 60267

retardation or other developmental disability as an alternative to 60268  
placement in an intermediate care facility for the mentally 60269  
retarded; 60270

(2) One or more medicaid waivers that operate for three to 60271  
four years each and under which home and community-based services 60272  
are provided in the form of either or both of the following: 60273

(a) Early intervention services for children under three 60274  
years of age that are provided or arranged by county boards of 60275  
mental retardation and developmental disabilities; 60276

(b) Therapeutic services for children who have autism and are 60277  
under six years of age at the time of enrollment. Before the 60278  
director applies 60279

(C) No individual may receive services under an autism 60280  
component of the medicaid program established under a waiver 60281  
sought under division (B)(2)(b) of this section for more than 60282  
three years. An individual receiving intensive therapeutic 60283  
services under such an autism component is forever ineligible to 60284  
receive intensive therapeutic services, under any other component 60285  
of the medicaid program. 60286

(D) The director of mental retardation and developmental 60287  
disabilities may request that the director of job and family 60288  
services apply for one or more medicaid waivers under this 60289  
section. 60290

(E) Before applying for a waiver under this section, the 60291  
director of job and family services shall seek, accept, and 60292  
consider public comments. 60293

**Sec. 5111.871.** The department of job and family services 60294  
shall enter into a contract with the department of mental 60295  
retardation and developmental disabilities under section 5111.91 60296  
of the Revised Code with regard to one or more of the component 60297

components of the medicaid program established by the department 60298  
of job and family services under one or more of the medicaid 60299  
~~waivers from the United States secretary of health and human~~ 60300  
~~services pursuant to section 1915 of the "Social Security Act," 49~~ 60301  
~~Stat. 620 (1935), 42 U.S.C.A. 1396n, as amended, to provide~~ 60302  
~~eligible medicaid recipients with home and community based~~ 60303  
~~services as an alternative to placement in an intermediate care~~ 60304  
~~facility for the mentally retarded sought under section 5111.87 of~~ 60305  
the Revised Code. The contract shall provide for the department of 60306  
mental retardation and developmental disabilities to administer 60307  
the ~~component~~ components in accordance with the terms of the 60308  
~~waiver~~ waivers. The directors of job and family services and 60309  
mental retardation and developmental disabilities shall adopt 60310  
rules in accordance with Chapter 119. of the Revised Code 60311  
governing the ~~component~~ components. 60312

If the department of mental retardation and developmental 60313  
disabilities or the department of job and family services denies 60314  
an individual's application for home and community-based services 60315  
provided under ~~this~~ any of these medicaid ~~component~~ components, 60316  
the department that denied the services shall give timely notice 60317  
to the individual that the individual may request a hearing under 60318  
section 5101.35 of the Revised Code. 60319

The departments of mental retardation and developmental 60320  
disabilities and job and family services may approve, reduce, 60321  
deny, or terminate a service included in the individualized 60322  
service plan developed for a medicaid recipient eligible for home 60323  
and community-based services provided under ~~this~~ any of these 60324  
medicaid ~~component~~ components. The departments shall consider the 60325  
recommendations a county board of mental retardation and 60326  
developmental disabilities makes under division (A)(1)(c) of 60327  
section 5126.055 of the Revised Code. If either department 60328  
approves, reduces, denies, or terminates a service, that 60329

department shall give timely notice to the medicaid recipient that 60330  
the recipient may request a hearing under section 5101.35 of the 60331  
Revised Code. 60332

If supported living or residential services, as defined in 60333  
section 5126.01 of the Revised Code, are to be provided under ~~this~~ 60334  
~~component~~ any of these components, any person or government entity 60335  
with a current, valid medicaid provider agreement and a current, 60336  
valid license under section 5123.19 or certificate under section 60337  
5123.045 or 5126.431 of the Revised Code may provide the services. 60338

**Sec. 5111.872.** When the department of mental retardation and 60339  
developmental disabilities allocates enrollment numbers to a 60340  
county board of mental retardation and developmental disabilities 60341  
for home and community-based services specified in division (B)(1) 60342  
of section 5111.87 of the Revised Code and provided under any of 60343  
the ~~component~~ components of the medicaid program that the 60344  
department administers under section 5111.871 of the Revised Code, 60345  
the department shall consider all of the following: 60346

(A) The number of individuals with mental retardation or 60347  
other developmental disability who are on a waiting list the 60348  
county board establishes under division (C) of section 5126.042 of 60349  
the Revised Code for those services and are given priority on the 60350  
waiting list pursuant to division (D) or (E) of that section; 60351

(B) The implementation component required by division (A)(4) 60352  
of section 5126.054 of the Revised Code of the county board's plan 60353  
approved under section 5123.046 of the Revised Code; 60354

(C) Anything else the department considers necessary to 60355  
enable county boards to provide those services to individuals in 60356  
accordance with the priority requirements of ~~division~~ divisions 60357  
(D) and (E) of section 5126.042 of the Revised Code. 60358

**Sec. 5111.873.** (A) Not later than the effective date of the 60359

first of any medicaid waivers the United States secretary of 60360  
health and human services grants pursuant to a request made under 60361  
section 5111.87 of the Revised Code, the director of job and 60362  
family services shall adopt rules in accordance with Chapter 119. 60363  
of the Revised Code establishing statewide fee schedules for home 60364  
and community-based services specified in division (B)(1) of 60365  
section 5111.87 of the Revised Code and provided under the 60366  
~~component~~ components of the medicaid program that the department 60367  
of mental retardation and developmental disabilities administers 60368  
under section 5111.871 of the Revised Code. The rules shall 60369  
provide for all of the following: 60370

(1) The department of mental retardation and developmental 60371  
disabilities arranging for the initial and ongoing collection of 60372  
cost information from a comprehensive, statistically valid sample 60373  
of persons and government entities providing the services at the 60374  
time the information is obtained; 60375

(2) The collection of consumer-specific information through 60376  
an assessment instrument the department of mental retardation and 60377  
developmental disabilities shall provide to the department of job 60378  
and family services; 60379

(3) With the information collected pursuant to divisions 60380  
(A)(1) and (2) of this section, an analysis of that information, 60381  
and other information the director determines relevant, methods 60382  
and standards for calculating the fee schedules that do all of the 60383  
following: 60384

(a) Assure that the fees are consistent with efficiency, 60385  
economy, and quality of care; 60386

(b) Consider the intensity of consumer resource need; 60387

(c) Recognize variations in different geographic areas 60388  
regarding the resources necessary to assure the health and welfare 60389  
of consumers; 60390

(d) Recognize variations in environmental supports available to consumers. 60391  
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(B) As part of the process of adopting rules under this section, the director shall consult with the director of mental retardation and developmental disabilities, representatives of county boards of mental retardation and developmental disabilities, persons who provide the home and community-based services, and other persons and government entities the director identifies. 60393  
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(C) The directors of job and family services and mental retardation and developmental disabilities shall review the rules adopted under this section at times they determine to ensure that the methods and standards established by the rules for calculating the fee schedules continue to do everything that division (A)(3) of this section requires. 60400  
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Sec. 5111.88. (A) As used in this section, "nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 60406  
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(B) To the extent funds are available, the director of job and family services may establish the Ohio access success project to help medicaid recipients make the transition from residing in a nursing facility to residing in a community setting. The program may be established as a separate non-medicaid program or integrated into a new or existing program of medicaid-funded home and community-based services authorized by a waiver approved by the United States department of health and human services. The department may limit the number of program participants. 60408  
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To be eligible for benefits under the project, a medicaid recipient must satisfy all of the following requirements: 60417  
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(1) Be a recipient of medicaid-funded nursing facility services, at the time of applying for the benefits; 60419  
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(2) Have resided continuously in a nursing facility for not less than eighteen months prior to applying to participate in the project; 60421  
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(3) Need the level of care provided by nursing facilities; 60424

(4) For participation in a non-medicaid program, receive services to remain in the community with a projected cost not exceeding eighty per cent of the average monthly medicaid cost of a medicaid recipient in a nursing facility; 60425  
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(5) For participation in a program established as part of a medicaid-funded home and community-based services waiver program, meet waiver enrollment criteria. 60429  
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(C) If the director establishes the Ohio access success project, the benefits provided under the project may include payment of all of the following: 60432  
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(1) The first month's rent in a community setting; 60435

(2) Rental deposits; 60436

(3) Utility deposits; 60437

(4) Moving expenses; 60438

(5) Other expenses not covered by the medicaid program that facilitate a medicaid recipient's move from a nursing facility to a community setting. 60439  
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(D) If the project is established as a non-medicaid program, no participant may receive more than two thousand dollars worth of benefits under the project. 60442  
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(E) The director may submit a request to the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended, to create a medicaid home and community-based services waiver program to serve individuals who meet the criteria for participation in the Ohio access success project. The director may 60445  
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adopt rules under Chapter 119. of the Revised Code for the 60451  
administration and operation of the program. 60452

Sec. 5111.911. Any contract the department of job and family 60453  
services enters into with the department of mental health or 60454  
department of alcohol and drug addiction services under section 60455  
5111.91 of the Revised Code is subject to the approval of the 60456  
director of budget and management and shall require or specify all 60457  
of the following: 60458

(A) In the case of a contract with the department of mental 60459  
health, that section 5111.912 of the Revised Code be complied 60460  
with; 60461

(B) In the case of a contract with the department of alcohol 60462  
and drug addiction services, that section 5111.913 of the Revised 60463  
Code be complied with; 60464

(C) How providers will be paid for providing the services; 60465

(D) The department of mental health's or department of 60466  
alcohol and drug addiction services' responsibilities for 60467  
reimbursing providers, including program oversight and quality 60468  
assurance. 60469

Sec. 5111.912. If the department of job and family services 60470  
enters into a contract with the department of mental health under 60471  
section 5111.91 of the Revised Code, the department of mental 60472  
health and boards of alcohol, drug addiction, and mental health 60473  
services shall pay the nonfederal share of any medicaid payment to 60474  
a provider for services under the component, or aspect of the 60475  
component, the department of mental health administers. 60476

Sec. 5111.913. If the department of job and family services 60477  
enters into a contract with the department of alcohol and drug 60478  
addiction services under section 5111.91 of the Revised Code, the 60479

department of alcohol and drug addiction services and boards of 60480  
alcohol, drug addiction, and mental health services shall pay the 60481  
nonfederal share of any medicaid payment to a provider for 60482  
services under the component, or aspect of the component, the 60483  
department of alcohol and drug addiction services administers. 60484

**Sec. 5111.92.** (A)(1) Except as provided in division (B) of 60485  
this section, if a state agency or political subdivision 60486  
administers one or more components of the medicaid program that 60487  
the United States department of health and human services 60488  
approved, and for which federal financial participation was 60489  
initially obtained, prior to January 1, 2002, or administers one 60490  
or more aspects of such a component, the department of job and 60491  
family services may retain or collect not more than ten per cent 60492  
of the federal financial participation the state agency or 60493  
political subdivision obtains through an approved, administrative 60494  
claim regarding the component or aspect of the component. If the 60495  
department retains or collects a percentage of such federal 60496  
financial participation, the percentage the department retains or 60497  
collects shall be specified in a contract the department enters 60498  
into with the state agency or political subdivision under section 60499  
5111.91 of the Revised Code. 60500

(2) Except as provided in division (B) of this section, if a 60501  
state agency or political subdivision administers one or more 60502  
components of the medicaid program that the United States 60503  
department of health and human services approved on or after 60504  
January 1, 2002, or administers one or more aspects of such a 60505  
component, the department of job and family services shall retain 60506  
or collect not less than three and not more than ten per cent of 60507  
the federal financial participation the state agency or political 60508  
subdivision obtains through an approved, administrative claim 60509  
regarding the component or aspect of the component. The percentage 60510

the department retains or collects shall be specified in a 60511  
contract the department enters into with the state agency or 60512  
political subdivision under section 5111.91 of the Revised Code. 60513

(B) The department of job and family services may retain or 60514  
collect a percentage of federal financial participation under 60515  
divisions (A)(1) and (2) of this section only to the extent 60516  
permitted by federal statutes and regulations and shall not retain 60517  
or collect a percentage of federal financial participation 60518  
obtained pursuant to section 5126.058 of the Revised Code. 60519

(C) All amounts the department retains or collects under this 60520  
section shall be deposited into the health care services 60521  
administration fund created under section 5111.94 of the Revised 60522  
Code. 60523

**Sec. 5111.94.** (A) As used in this section, "vendor offset" 60524  
means a reduction of a medicaid payment to a medicaid provider to 60525  
correct a previous, incorrect medicaid payment to that provider. 60526

(B) There is hereby created in the state treasury the health 60527  
care services administration fund. Except as provided in division 60528  
(C) of this section, all the following shall be deposited into the 60529  
fund: 60530

(1) Amounts deposited into the fund pursuant to sections 60531  
5111.92 and 5111.93 of the Revised Code; 60532

(2) The amount of the state share of all money the department 60533  
of job and family services, in fiscal year 2003 and each fiscal 60534  
year thereafter, recovers pursuant to a tort action under the 60535  
department's right of recovery under section 5101.58 of the 60536  
Revised Code that exceeds the state share of all money the 60537  
department, in fiscal year 2002, recovers pursuant to a tort 60538  
action under that right of recovery; 60539

(3) Subject to division (D) of this section, the amount of 60540

the state share of all money the department of job and family services, in fiscal year 2003 and each fiscal year thereafter, recovers through audits of medicaid providers that exceeds the state share of all money the department, in fiscal year 2002, recovers through such audits;

(4) ~~Until October 16, 2003, amounts~~ Amounts from assessments on hospitals under section 5112.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5112.07 of the Revised Code that are deposited into the fund in accordance with the law.

(C) No funds shall be deposited into the health care services administration fund in violation of federal statutes or regulations.

(D) In determining under division (B)(3) of this section the amount of money the department, in a fiscal year, recovers through audits of medicaid providers, the amount recovered in the form of vendor offset shall be excluded.

(E) The director of job and family services shall use funds available in the health care services administration fund to pay for costs associated with the administration of the medicaid program.

**Sec. 5111.95.** (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment or, after the effective date of this section, an existing employee with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities. "Applicant" also means an existing employee with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person

with disabilities after the effective date of this section. 60571

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 60572  
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(3) "Waiver agency" means a person or government entity that is not certified under the medicare program and is accredited by the community health accreditation program or the joint commission on accreditation of health care organizations or a company that provides home and community-based waiver services to persons with disabilities through department of job and family services administered home and community-based waiver programs. 60574  
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(4) "Home and community-based waiver services" means services furnished under the provision of 42 C.F.R. 441, subpart G, that permit individuals to live in a home setting rather than a nursing facility or hospital. Home and community-based waiver services are approved by the centers for medicare and medicaid for specific populations and are not otherwise available under the medicaid state plan. 60581  
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(B)(1) The chief administrator of a waiver agency shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each applicant. If an applicant for whom a criminal records check request is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the applicant. Even if an applicant for whom a criminal records check request is required under this division presents proof of having 60588  
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been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A person required by division (B)(1) of this section to request a criminal records check shall do both of the following:

(a) Provide to each applicant for whom a criminal records check request is required under division (B)(1) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section, and obtain the completed form and impression sheet from the applicant;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position in a waiver agency for which a criminal records check is required by this section.

(C)(1) Except as provided in rules adopted by the department of job and family services in accordance with division (F) of this section and subject to division (C)(2) of this section, no waiver agency shall employ a person in a position that involves providing home and community-based waiver services to persons with disabilities if the person has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,

2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 60634  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 60635  
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 60636  
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 60637  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 60638  
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 60639  
Revised Code, felonious sexual penetration in violation of former 60640  
section 2907.12 of the Revised Code, a violation of section 60641  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 60642  
violation of section 2919.23 of the Revised Code that would have 60643  
been a violation of section 2905.04 of the Revised Code as it 60644  
existed prior to July 1, 1996, had the violation been committed 60645  
prior to that date; 60646

(b) An existing or former law of this state, any other state, 60647  
or the United States that is substantially equivalent to any of 60648  
the offenses listed in division (C)(1)(a) of this section. 60649

(2)(a) A waiver agency may employ conditionally an applicant 60650  
for whom a criminal records check request is required under 60651  
division (B) of this section prior to obtaining the results of a 60652  
criminal records check regarding the individual, provided that the 60653  
agency shall request a criminal records check regarding the 60654  
individual in accordance with division (B)(1) of this section not 60655  
later than five business days after the individual begins 60656  
conditional employment. 60657

(b) A waiver agency that employs an individual conditionally 60658  
under authority of division (C)(2)(a) of this section shall 60659  
terminate the individual's employment if the results of the 60660  
criminal records check request under division (B) of this section, 60661  
other than the results of any request for information from the 60662  
federal bureau of investigation, are not obtained within the 60663  
period ending sixty days after the date the request is made. 60664  
Regardless of when the results of the criminal records check are 60665

obtained, if the results indicate that the individual has been 60666  
convicted of or pleaded guilty to any of the offenses listed or 60667  
described in division (C)(1) of this section, the agency shall 60668  
terminate the individual's employment unless the agency chooses to 60669  
employ the individual pursuant to division (F) of this section. 60670  
Termination of employment under this division shall be considered 60671  
just cause for discharge for purposes of division (D)(2) of 60672  
section 4141.29 of the Revised Code if the individual makes any 60673  
attempt to deceive the agency about the individual's criminal 60674  
record. 60675

(D)(1) Each waiver agency shall pay to the bureau of criminal 60676  
identification and investigation the fee prescribed pursuant to 60677  
division (C)(3) of section 109.572 of the Revised Code for each 60678  
criminal records check conducted pursuant to a request made under 60679  
division (B) of this section. 60680

(2) A waiver agency may charge an applicant a fee not 60681  
exceeding the amount the agency pays under division (D)(1) of this 60682  
section. An agency may collect a fee only if the agency notifies 60683  
the person at the time of initial application for employment of 60684  
the amount of the fee and that, unless the fee is paid, the person 60685  
will not be considered for employment. 60686

(E) The report of any criminal records check conducted 60687  
pursuant to a request made under this section is not a public 60688  
record for the purposes of section 149.43 of the Revised Code and 60689  
shall not be made available to any person other than the 60690  
following: 60691

(1) The individual who is the subject of the criminal records 60692  
check or the individual's representative; 60693

(2) The chief administrator of the agency requesting the 60694  
criminal records check or the administrator's representative; 60695

(3) A court, hearing officer, or other necessary individual 60696

involved in a case dealing with a denial of employment of the 60697  
applicant or dealing with employment or unemployment benefits of 60698  
the applicant. 60699

(F) The department shall adopt rules in accordance with 60700  
Chapter 119. of the Revised Code to implement this section. The 60701  
rules shall specify circumstances under which a waiver agency may 60702  
employ a person who has been convicted of or pleaded guilty to an 60703  
offense listed or described in division (C)(1) of this section but 60704  
meets personal character standards set by the department. 60705

(G) The chief administrator of a waiver agency shall inform 60706  
each person, at the time of initial application for a position 60707  
that involves providing home and community-based waiver services 60708  
to a person with a disability, that the person is required to 60709  
provide a set of fingerprint impressions and that a criminal 60710  
records check is required to be conducted if the person comes 60711  
under final consideration for employment. 60712

(H)(1) A person who, on the effective date of this section, 60713  
is an employee of a waiver agency in a full-time, part-time, or 60714  
temporary position that involves providing home and 60715  
community-based waiver services to a person with disabilities 60716  
shall comply with this section within sixty days after the 60717  
effective date of this section unless division (H)(2) of this 60718  
section applies. 60719

(2) This section shall not apply to a person to whom all of 60720  
the following apply: 60721

(a) On the effective date of this section, the person is an 60722  
employee of a waiver agency in a full-time, part-time, or 60723  
temporary position that involves providing home and 60724  
community-based waiver services to a person with disabilities. 60725

(b) The person previously had been the subject of a criminal 60726  
background check relating to that position; 60727

(c) The person has been continuously employed in that position since that criminal background check had been conducted. 60728  
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Sec. 5111.96. (A) As used in this section: 60730

(1) "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after the effective date of this section. 60731  
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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 60734  
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(3) "The department" means the department of job and family services or its designee. 60736  
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(4) "Independent provider" means a person who is submitting an application for a provider agreement or who has a provider agreement as an independent provider in a department of job and family services administered home and community-based services program providing home and community-based waiver services to consumers with disabilities. 60738  
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(5) "Home and community-based waiver services" has the same meaning as in section 5111.95 of the Revised Code. 60744  
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(B)(1) The department shall inform each independent provider, at the time of initial application for a provider agreement that involves providing home and community-based waiver services to consumers with disabilities, that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person is to become an independent provider in a department administered home and community-based waiver program. 60746  
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(2) Beginning on the effective date of this section, the department shall inform each enrolled medicaid independent provider on or before time of the anniversary date of the provider agreement that involves providing home and community-based waiver 60754  
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services to consumers with disabilities that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted. 60758  
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(C)(1) The department shall require the independent provider to complete a criminal records check prior to entering into a provider agreement with the independent provider and at least annually thereafter. If an independent provider for whom a criminal records check is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the department shall request the independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part of the criminal records check of the independent provider. Even if an independent provider for whom a criminal records check request is required under this division presents proof of having been a resident of this state for the five-year period, the department may request that the independent provider obtain information through the superintendent from the federal bureau of investigation in the criminal records check. 60761  
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(2) The department shall do both of the following: 60781

(a) Provide information to each independent provider for whom a criminal records check request is required under division (C)(1) of this section about requesting a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section, and obtain the completed form and impression sheet and fee from the independent provider; 60782  
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(b) Forward the completed form, impression sheet, and fee to 60789

the superintendent of the bureau of criminal identification and investigation. 60790  
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(3) An independent provider given information about obtaining the form and fingerprint impression sheet under division (C)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be approved as an independent provider. 60792  
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(D) Except as provided in rules adopted by the department in accordance with division (G) of this section, the department shall not issue a new provider agreement to, and shall terminate an existing provider agreement of, an independent provider if the person has been convicted of or pleaded guilty to any of the following: 60797  
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(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date; 60803  
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(2) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of 60820  
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the offenses listed in division (D)(1) of this section. 60822

(E) Each independent provider shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (C) of this section. 60823  
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(F) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (C) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 60828  
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(1) The person who is the subject of the criminal records check or the person's representative; 60834  
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(2) The administrator at the department who is requesting the criminal records check or the administrator's representative; 60836  
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(3) Any court, hearing officer, or other necessary individual involved in a case dealing with a denial or termination of a provider agreement related to the criminal records check. 60838  
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(G) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the department may issue a provider agreement to an independent provider who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the department. 60841  
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**Sec. 5111.97.** (A) The director of job and family services may submit a request to the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended, to obtain 60848  
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waivers of federal medicaid requirements that would otherwise be 60852  
violated in the creation and implementation of two medicaid home 60853  
and community-based services programs to replace the Ohio home 60854  
care program being operated pursuant to rules adopted under 60855  
sections 5111.01 and 5111.02 of the Revised Code and a medicaid 60856  
waiver granted prior to the effective date of this section. In the 60857  
request, the director may specify the following: 60858

(1) That one of the replacement programs will provide home 60859  
and community-based services to individuals in need of nursing 60860  
facility care, including individuals enrolled in the Ohio home 60861  
care program; 60862

(2) That the other replacement program will provide services 60863  
to individuals in need of hospital care, including individuals 60864  
enrolled in the Ohio home care program; 60865

(3) That there will be a maximum number of individuals who 60866  
may be enrolled in the replacement programs in addition to the 60867  
number of individuals to be transferred from the Ohio home care 60868  
program; 60869

(4) That there will be a maximum amount the department may 60870  
expend each year for each individual enrolled in the replacement 60871  
programs; 60872

(5) That there will be a maximum aggregate amount the 60873  
department may expend each year for all individuals enrolled in 60874  
the replacement programs; 60875

(6) Any other requirement the director selects for the 60876  
replacement programs. 60877

(B) If the secretary grants the medicaid waivers requested, 60878  
the director may create and implement the replacement programs in 60879  
accordance with the provisions of the waivers granted. The 60880  
department of job and family services shall administer the 60881

replacement programs. 60882

As the replacement programs are implemented, the director 60883  
shall reduce the maximum number of individuals who may be enrolled 60884  
in the Ohio home care program by the number of individuals who are 60885  
transferred to the replacement programs. When all individuals who 60886  
are eligible to be transferred to the replacement programs have 60887  
been transferred, the director may submit to the secretary an 60888  
amendment to the state medicaid plan to provide for the 60889  
elimination of the Ohio home care program. 60890

**Sec. 5112.03.** (A) The director of job and family services 60891  
shall adopt, and may amend and rescind, rules in accordance with 60892  
Chapter 119. of the Revised Code for the purpose of administering 60893  
sections 5112.01 to 5112.21 of the Revised Code, including rules 60894  
that do all of the following: 60895

(1) Define as a "disproportionate share hospital" any 60896  
hospital included under subsection (b) of section 1923 of the 60897  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 60898  
1396r-4(b), as amended, and any other hospital the director 60899  
determines appropriate; 60900

(2) Prescribe the form for submission of cost reports under 60901  
section 5112.04 of the Revised Code; 60902

(3) Establish, in accordance with division (A) of section 60903  
5112.06 of the Revised Code, the assessment rate or rates to be 60904  
applied to hospitals under that section; 60905

(4) Establish schedules for hospitals to pay installments on 60906  
their assessments under section 5112.06 of the Revised Code and 60907  
for governmental hospitals to pay installments on their 60908  
intergovernmental transfers under section 5112.07 of the Revised 60909  
Code; 60910

(5) Establish procedures to notify hospitals of adjustments 60911

made under division (B)(2)(b) of section 5112.06 of the Revised Code in the amount of installments on their assessment; 60912  
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(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5112.09 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments; 60914  
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(7) Establish, in accordance with section 5112.08 of the Revised Code, the methodology for paying hospitals under that section. 60919  
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The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties. 60922  
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(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following: 60925  
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(1) Recipients of the medical assistance program; 60928

(2) Recipients of financial assistance provided under Chapter 5115. of the Revised Code; 60929  
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(3) Recipients of ~~disability assistance~~ medical assistance provided under Chapter 5115. of the Revised Code; 60931  
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~~(3)~~(4) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code; 60933  
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~~(4)~~(5) Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended: 60935  
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~~(5)~~(6) Recipients of Title V of the "Social Security Act"; 60938

~~(6)~~(7) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act" and the rules adopted under that title. 60939  
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Sec. 5112.08. The director of job and family services shall 60942  
adopt rules under section 5112.03 of the Revised Code establishing 60943  
a methodology to pay hospitals that is sufficient to expend all 60944  
money in the indigent care pool. Under the rules: 60945

(A) The department of job and family services may classify 60946  
similar hospitals into groups and allocate funds for distribution 60947  
within each group. 60948

(B) The department shall establish a method of allocating 60949  
funds to hospitals, taking into consideration the relative amount 60950  
of indigent care provided by each hospital or group of hospitals. 60951  
The amount to be allocated shall be based on any combination of 60952  
the following indicators of indigent care that the director 60953  
considers appropriate: 60954

(1) Total costs, volume, or proportion of services to 60955  
recipients of the medical assistance program, including recipients 60956  
enrolled in health insuring corporations; 60957

(2) Total costs, volume, or proportion of services to 60958  
low-income patients in addition to recipients of the medical 60959  
assistance program, which may include recipients of Title V of the 60960  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 60961  
amended, and disability recipients of financial or medical 60962  
assistance ~~established~~ provided under Chapter 5115. of the Revised 60963  
Code; 60964

(3) The amount of uncompensated care provided by the hospital 60965  
or group of hospitals; 60966

(4) Other factors that the director considers to be 60967  
appropriate indicators of indigent care. 60968

(C) The department shall distribute funds to each hospital or 60969  
group of hospitals in a manner that first may provide for an 60970  
additional distribution to individual hospitals that provide a 60971

high proportion of indigent care in relation to the total care 60972  
provided by the hospital or in relation to other hospitals. The 60973  
department shall establish a formula to distribute the remainder 60974  
of the funds. The formula shall be consistent with section 1923 of 60975  
the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, shall 60976  
be based on any combination of the indicators of indigent care 60977  
listed in division (B) of this section that the director considers 60978  
appropriate. 60979

(D) The department shall distribute funds to each hospital in 60980  
installments not later than ten working days after the deadline 60981  
established in rules for each hospital to pay an installment on 60982  
its assessment under section 5112.06 of the Revised Code. In the 60983  
case of a governmental hospital that makes intergovernmental 60984  
transfers, the department shall pay an installment under this 60985  
section not later than ten working days after the earlier of that 60986  
deadline or the deadline established in rules for the governmental 60987  
hospital to pay an installment on its intergovernmental transfer. 60988  
If the amount in the hospital care assurance program fund and the 60989  
hospital care assurance match fund created under section 5112.18 60990  
of the Revised Code is insufficient to make the total 60991  
distributions for which hospitals are eligible to receive in any 60992  
period, the department shall reduce the amount of each 60993  
distribution by the percentage by which the amount is 60994  
insufficient. The department shall distribute to hospitals any 60995  
amounts not distributed in the period in which they are due as 60996  
soon as moneys are available in the funds. 60997

**Sec. 5112.17.** (A) As used in this section: 60998

(1) "Federal poverty guideline" means the official poverty 60999  
guideline as revised annually by the United States secretary of 61000  
health and human services in accordance with section 673 of the 61001  
"Community Service Block Grant Act," 95 Stat. 511 (1981), 42 61002

U.S.C.A. 9902, as amended, for a family size equal to the size of 61003  
the family of the person whose income is being determined. 61004

(2) "Third-party payer" means any private or public entity or 61005  
program that may be liable by law or contract to make payment to 61006  
or on behalf of an individual for health care services. 61007  
"Third-party payer" does not include a hospital. 61008

(B) Each hospital that receives funds distributed under 61009  
sections 5112.01 to 5112.21 of the Revised Code shall provide, 61010  
without charge to the individual, basic, medically necessary 61011  
hospital-level services to individuals who are residents of this 61012  
state, are not recipients of the medical assistance program, and 61013  
whose income is at or below the federal poverty guideline. 61014  
Recipients of disability financial assistance and recipients of 61015  
disability medical assistance provided under Chapter 5115. of the 61016  
Revised Code qualify for services under this section. The director 61017  
of job and family services shall adopt rules under section 5112.03 61018  
of the Revised Code specifying the hospital services to be 61019  
provided under this section. 61020

(C) Nothing in this section shall be construed to prevent a 61021  
hospital from requiring an individual to apply for eligibility 61022  
under the medical assistance program before the hospital processes 61023  
an application under this section. Hospitals may bill any 61024  
third-party payer for services rendered under this section. 61025  
Hospitals may bill the medical assistance program, in accordance 61026  
with Chapter 5111. of the Revised Code and the rules adopted under 61027  
that chapter, for services rendered under this section if the 61028  
individual becomes a recipient of the program. Hospitals may bill 61029  
individuals for services under this section if all of the 61030  
following apply: 61031

(1) The hospital has an established post-billing procedure 61032  
for determining the individual's income and canceling the charges 61033  
if the individual is found to qualify for services under this 61034

section. 61035

(2) The initial bill, and at least the first follow-up bill, 61036  
is accompanied by a written statement that does all of the 61037  
following: 61038

(a) Explains that individuals with income at or below the 61039  
federal poverty guideline are eligible for services without 61040  
charge; 61041

(b) Specifies the federal poverty guideline for individuals 61042  
and families of various sizes at the time the bill is sent; 61043

(c) Describes the procedure required by division (C)(1) of 61044  
this section. 61045

(3) The hospital complies with any additional rules the 61046  
department adopts under section 5112.03 of the Revised Code. 61047

Notwithstanding division (B) of this section, a hospital 61048  
providing care to an individual under this section is subrogated 61049  
to the rights of any individual to receive compensation or 61050  
benefits from any person or governmental entity for the hospital 61051  
goods and services rendered. 61052

(D) Each hospital shall collect and report to the department, 61053  
in the form and manner prescribed by the department, information 61054  
on the number and identity of patients served pursuant to this 61055  
section. 61056

(E) This section applies beginning May 22, 1992, regardless 61057  
of whether the department has adopted rules specifying the 61058  
services to be provided. Nothing in this section alters the scope 61059  
or limits the obligation of any governmental entity or program, 61060  
including the program awarding reparations to victims of crime 61061  
under sections 2743.51 to 2743.72 of the Revised Code and the 61062  
program for medically handicapped children established under 61063  
section 3701.023 of the Revised Code, to pay for hospital services 61064

in accordance with state or local law. 61065

**Sec. 5112.31.** The department of job and family services 61066  
shall: 61067

(A) For the purpose of providing home and community-based 61068  
services for mentally retarded and developmentally disabled 61069  
persons, annually assess each intermediate care facility for the 61070  
mentally retarded a franchise permit fee equal to nine dollars and 61071  
~~twenty-four~~ sixty-three cents multiplied by the product of the 61072  
following: 61073

(1) The number of beds certified under Title XIX of the 61074  
"Social Security Act" on the first day of May of the calendar year 61075  
in which the assessment is determined pursuant to division (A) of 61076  
section 5112.33 of the Revised Code; 61077

(2) The number of days in the fiscal year beginning on the 61078  
first day of July of the same calendar year. 61079

(B) ~~Not later than~~ Beginning July 1, ~~1996~~ 2005, and the first 61080  
day of each July thereafter, adjust fees determined under division 61081  
(A) of this section in accordance with the composite inflation 61082  
factor established in rules adopted under section 5112.39 of the 61083  
Revised Code. 61084

If the United States secretary of health and human services 61085  
determines that the franchise permit fee established by sections 61086  
5112.30 to 5112.39 of the Revised Code would be an impermissible 61087  
health care-related tax under section 1903(w) of the "Social 61088  
Security Act," 42 U.S.C.A. 1396b(w), as amended, the department 61089  
shall take all necessary actions to cease implementation of those 61090  
sections in accordance with rules adopted under section 5112.39 of 61091  
the Revised Code. 61092

**Sec. 5112.99.** (A) The director of job and family services 61093  
shall impose a penalty ~~of one hundred dollars~~ for each day that a 61094

hospital fails to report the information required under section 61095  
5112.04 of the Revised Code on or before the dates specified in 61096  
that section. The amount of the penalty shall be established by 61097  
the director in rules adopted under section 5112.03 of the Revised 61098  
Code. 61099

(B) In addition to any other remedy available to the 61100  
department of job and family services under law to collect unpaid 61101  
assessments and transfers, the director shall impose a penalty of 61102  
ten per cent of the amount due, ~~not to exceed twenty thousand~~ 61103  
~~dollars,~~ on any hospital that fails to pay assessments or make 61104  
intergovernmental transfers by the dates required by rules adopted 61105  
under section 5112.03 of the Revised Code. 61106

(C) The director shall waive the penalties provided for in 61107  
divisions (A) and (B) of this section for good cause shown by the 61108  
hospital. 61109

(D) All penalties imposed under this section shall be 61110  
deposited into the ~~general revenue~~ health care administration fund 61111  
created by section 5111.94 of the Revised Code. 61112

**Sec. 5115.01.** (A) ~~There is hereby established~~ The director of 61113  
job and family services shall establish the disability financial 61114  
assistance program. ~~Except as provided in division (D) of this~~ 61115  
~~section, a disability assistance recipient shall receive financial~~ 61116  
assistance. ~~Except as provided in section 5115.11 of the Revised~~ 61117  
~~Code, a disability assistance recipient also shall receive~~ 61118  
~~disability assistance medical assistance.~~ 61119

~~Except as provided by division (B) of this section, a person~~ 61120  
~~who meets all of the following requirements is~~ (B) Subject to all 61121  
other eligibility requirements established by this chapter and the 61122  
rules adopted under it for the disability financial assistance 61123  
program, a person may be eligible for disability financial 61124  
assistance only if one of the following applies: 61125

<del>(1) The person is ineligible to participate in the Ohio works</del>	61126
<del>first program established under Chapter 5107. of the Revised Code</del>	61127
<del>and to receive supplemental security income provided pursuant to</del>	61128
<del>Title XVI of the Social Security Act, 86 Stat. 1475 (1972), 42</del>	61129
<del>U.S.C.A. 1383, as amended;</del>	61130
<del>(2) The person is at least one of the following:</del>	61131
<del>(a) Under age eighteen;</del>	61132
<del>(b) Age sixty or older;</del>	61133
<del>(c) Pregnant;</del>	61134
<del>(d) Unable <u>unable</u> to do any substantial or gainful activity</del>	61135
<del>by reason of a medically determinable physical or mental</del>	61136
<del>impairment that can be expected to result in death or has lasted</del>	61137
<del>or can be expected to last for not less than nine months;</del>	61138
<del>(e) A resident of a residential treatment center certified as</del>	61139
<del>an alcohol or drug addiction program by the department of alcohol</del>	61140
<del>and drug addiction services under section 3793.06 of the Revised</del>	61141
<del>Code.</del>	61142
<del>(f) Medication dependent as determined by a physician, as</del>	61143
<del>defined in section 4730.01 of the Revised Code, who has certified</del>	61144
<del>to the county department of job and family services that the</del>	61145
<del>person is receiving ongoing treatment for a chronic medical</del>	61146
<del>condition requiring continuous prescription medication for an</del>	61147
<del>indefinite, long term period of time and for whom the loss of the</del>	61148
<del>medication would result in a significant risk of medical emergency</del>	61149
<del>and loss of employability lasting at least nine months.</del>	61150
<del>(3) <u>The (2) On the day before the effective date of this</u></del>	61151
<del><u>amendment, the person meets the eligibility requirements</u></del>	61152
<del><u>established in rules adopted under section 5115.05 of the Revised</u></del>	61153
<del><u>Code was sixty years of age or older and one of the following is</u></del>	61154
<del><u>the case:</u></del>	61155

<u>(a) The person was receiving or was scheduled to begin</u>	61156
<u>receiving financial assistance under this chapter on the basis of</u>	61157
<u>being sixty years of age or older;</u>	61158
<u>(b) An eligibility determination was pending regarding the</u>	61159
<u>person's application to receive financial assistance under this</u>	61160
<u>chapter on the basis of being sixty years of age or older and, on</u>	61161
<u>or after the effective date of this amendment, the person receives</u>	61162
<u>a determination of eligibility based on that application.</u>	61163
<del>(B)(1) A person is ineligible for disability assistance if</del>	61164
<del>the person is ineligible to participate in the Ohio works first</del>	61165
<del>program because of any of the following:</del>	61166
<del>(a) Section 5101.83, 5107.14, or 5107.16 of the Revised Code;</del>	61167
<del>(b) The time limit established by section 5107.18 of the</del>	61168
<del>Revised Code;</del>	61169
<del>(c) Failure to comply with an application or verification</del>	61170
<del>procedure;</del>	61171
<del>(d) The fraud control program established pursuant to 45</del>	61172
<del>C.F.R. 235.112, as in effect July 1, 1996.</del>	61173
<del>(2) A person under age eighteen is ineligible for disability</del>	61174
<del>assistance pursuant to division (B)(1)(a) of this section only if</del>	61175
<del>the person caused the assistance group to be ineligible to</del>	61176
<del>participate in the Ohio works first program or resides with a</del>	61177
<del>person age eighteen or older who was a member of the same</del>	61178
<del>ineligible assistance group. A person age eighteen or older is</del>	61179
<del>ineligible for disability assistance pursuant to division</del>	61180
<del>(B)(1)(a) of this section regardless of whether the person caused</del>	61181
<del>the assistance group to be ineligible to participate in the Ohio</del>	61182
<del>works first program.</del>	61183
<del>(C) The county department of job and family services that</del>	61184
<del>serves the county in which a person receiving disability</del>	61185

~~assistance pursuant to division (A)(2)(e) of this section 61186  
participates in an alcohol or drug addiction program shall 61187  
designate a representative payee for purposes of receiving and 61188  
distributing financial assistance provided under the disability 61189  
assistance program to the person. 61190~~

~~(D) A person eligible for disability assistance pursuant to 61191  
division (A)(2)(f) of this section shall not receive financial 61192  
assistance. 61193~~

~~(E) The director of job and family services shall adopt rules 61194  
in accordance with section 111.15 of the Revised Code defining 61195  
terms and establishing standards for determining whether a person 61196  
meets a condition of disability assistance eligibility pursuant to 61197  
this section. 61198~~

**Sec. 5115.04 5115.02.** (A) An individual is not eligible for 61199  
disability financial assistance under this chapter if ~~either~~ any 61200  
of the following apply: 61201

~~(A)(1) The individual is eligible to participate in the Ohio 61202  
works first program established under Chapter 5107. of the Revised 61203  
Code; eligible to receive supplemental security income provided 61204  
pursuant to Title XVI of the "Social Security Act," 86 Stat. 1475 61205  
(1972), 42 U.S.C. 1383, as amended; or eligible to participate in 61206  
or receive assistance through another state or federal program 61207  
that provides financial assistance similar to disability financial 61208  
assistance, as determined by the director of job and family 61209  
services; 61210~~

~~(2) The individual is ineligible to participate in the Ohio 61211  
works first program because of any of the following: 61212~~

~~(a) The time limit established by section 5107.18 of the 61213  
Revised Code; 61214~~

~~(b) Failure to comply with an application or verification 61215~~

<u>procedure;</u>	61216
<u>(c) The fraud control provisions of section 5101.83 of the Revised Code or the fraud control program established pursuant to 45 C.F.R. 235.112, as in effect July 1, 1996;</u>	61217 61218 61219
<u>(d) The self-sufficiency contract provisions of sections 5107.14 and 5107.16 of the Revised Code;</u>	61220 61221
<u>(e) The minor parent provisions of section 5107.24 of the Revised Code;</u>	61222 61223
<u>(f) The provisions of section 5107.26 of the Revised Code regarding termination of employment without just cause.</u>	61224 61225
<u>(3) The individual, or any of the other individuals included in determining the individual's eligibility, is involved in a strike, as defined in section 5107.10 of the Revised Code;</u>	61226 61227 61228
<u>(4) For the purpose of avoiding consideration of property in determinations of the individual's eligibility for disability financial assistance or a greater amount of assistance, the individual has transferred property during the two years preceding application for or most recent redetermination of eligibility for disability assistance;</u>	61229 61230 61231 61232 61233 61234
<u>(5) The individual is a child and does not live with the child's parents, guardians, or other persons standing in place of parents, unless the child is emancipated by being married, by serving in the armed forces, or by court order;</u>	61235 61236 61237 61238
<u>(6) The individual reside in a county home, city infirmary, jail, or public institution;</u>	61239 61240
<u>(7) The individual is a fugitive felon as defined in section 5101.26 of the Revised Code;</u>	61241 61242
<del>(B)</del> <u>(8) The individual is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law.</u>	61243 61244 61245

(B)(1) As used in division (B)(2) of this section, 61246  
"assistance group" has the same meaning as in section 5107.02 of 61247  
the Revised Code. 61248

(2) Ineligibility under division (A)(2)(c) or (d) of this 61249  
section applies as follows: 61250

(a) In the case of an individual who is under eighteen years 61251  
of age, the individual is ineligible only if the individual caused 61252  
the assistance group to be ineligible to participate in the Ohio 61253  
works first program or resides with an individual eighteen years 61254  
of age or older who was a member of the same ineligible assistance 61255  
group. 61256

(b) In the case of an individual who is eighteen years of age 61257  
or older, the individual is ineligible regardless of whether the 61258  
individual caused the assistance group to be ineligible to 61259  
participate in the Ohio works first program. 61260

**Sec. 5115.03.** (A) The director of job and family services 61261  
shall ~~do both of the following:~~ 61262

~~(A) Adopt~~ adopt rules in accordance with section 111.15 of 61263  
the Revised Code governing the administration of disability 61264  
assistance, including the administration of financial assistance 61265  
and disability assistance medical assistance program. The rules 61266  
shall be binding on county departments of job and family services. 61267

~~(B) Make investigations to determine whether disability~~ 61268  
~~assistance is being administered in compliance with the Revised~~ 61269  
~~Code and rules adopted by the director.~~ may establish or specify 61270  
any or all of the following: 61271

(1) Maximum payment amounts under the disability financial 61272  
assistance program, based on state appropriations for the program; 61273

(2) Limits on the length of time an individual may receive 61274  
disability financial assistance; 61275

<u>(3) Limits on the total number of individuals in the state</u>	61276
<u>who may receive disability financial assistance;</u>	61277
<u>(4) Income, resource, citizenship, age, residence, living</u>	61278
<u>arrangement, and other eligibility requirements for disability</u>	61279
<u>financial assistance;</u>	61280
<u>(5) Procedures for disregarding amounts of earned and</u>	61281
<u>unearned income for the purpose of determining eligibility for</u>	61282
<u>disability financial assistance and the amount of assistance to be</u>	61283
<u>provided;</u>	61284
<u>(6) Procedures for including the income and resources, or a</u>	61285
<u>certain amount of the income and resources, of a member of an</u>	61286
<u>individual's family when determining eligibility for disability</u>	61287
<u>financial assistance and the amount of assistance to be provided.</u>	61288
<u>(B) In establishing or specifying eligibility requirements</u>	61289
<u>for disability financial assistance, the director shall exclude</u>	61290
<u>the value of any tuition payment contract entered into under</u>	61291
<u>section 3334.09 of the Revised Code or any scholarship awarded</u>	61292
<u>under section 3334.18 of the Revised Code and the amount of</u>	61293
<u>payments made by the Ohio tuition trust authority under section</u>	61294
<u>3334.09 of the Revised Code pursuant to the contract or</u>	61295
<u>scholarship. The director shall not require any individual to</u>	61296
<u>terminate a tuition payment contract entered into under Chapter</u>	61297
<u>3334. of the Revised Code as a condition of eligibility for</u>	61298
<u>disability financial assistance. The director shall consider as</u>	61299
<u>income any refund paid under section 3334.10 of the Revised Code.</u>	61300
<u>(C) Notwithstanding section 3109.01 of the Revised Code, when</u>	61301
<u>a disability financial assistance applicant or recipient who is at</u>	61302
<u>least eighteen but under twenty-two years of age resides with the</u>	61303
<u>applicant's or recipient's parents, the income of the parents</u>	61304
<u>shall be taken into account in determining the applicant's or</u>	61305
<u>recipient's financial eligibility. In the rules adopted under this</u>	61306

section, the director shall specify procedures for determining the amount of income to be attributed to applicants and recipients in this age category. 61307  
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(D) For purposes of limiting the cost of the disability financial assistance program, the director may do either or both of the following: 61310  
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(1) Adopt rules in accordance with section 111.15 of the Revised Code that revise the program's eligibility requirements, the maximum payment amounts, or any other requirement or standard established or specified in the rules adopted by the director; 61313  
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(2) Suspend acceptance of applications for disability financial assistance. While a suspension is in effect, no person shall receive a determination or redetermination of eligibility for disability financial assistance unless the person was receiving the assistance during the month immediately preceding the suspension's effective date or the person submitted an application prior to the suspension's effective date and receives a determination of eligibility based on that application. The director may adopt rules in accordance with section 111.15 of the Revised Code establishing requirements and specifying procedures applicable to the suspension of acceptance of applications. 61317  
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**Sec. ~~5115.02~~ 5115.04.** (A) The department of job and family services shall supervise and administer the disability financial assistance program, except that the department may require county departments of job and family services to perform any administrative function specified in rules adopted by the director of job and family services, ~~including making determinations of financial eligibility and initial determinations of whether an applicant meets a condition of eligibility under division (A)(2)(d) of section 5115.01 of the Revised Code, distributing financial assistance payments, reimbursing providers of medical~~ 61328  
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~~services for services provided to disability assistance recipients, and any other function specified in the rules. The department may also require county departments to make a final determination of whether an applicant meets a condition for eligibility under division (A)(2)(a), (b), (c), (e), or (f) of section 5115.01 of the Revised Code. The department shall make the final determination of whether an applicant meets a condition of eligibility under division (A)(2)(d) of section 5115.01 of the Revised Code.~~ 61338  
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(B) If the department requires county departments to perform administrative functions under this section, the director shall adopt rules in accordance with section 111.15 of the Revised Code governing the performance of the functions to be performed by county departments. County departments shall perform the functions in accordance with the rules. The director shall conduct investigations to determine whether disability financial assistance is being administered in compliance with the Revised Code and rules adopted by the director. 61347  
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(C) If disability financial assistance payments ~~or medical services reimbursements~~ are made by the county department of job and family services, the department shall advance sufficient funds to provide the county treasurer with the amount estimated for the payments ~~or reimbursements~~. Financial assistance payments shall be distributed in accordance with sections 117.45, 319.16, and 329.03 of the Revised Code. 61356  
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**Sec. 5115.05.** (A) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code establishing application and verification procedures, reapplication procedures, and ~~income, resource, citizenship, age, residence, living arrangement, assistance group composition, and other eligibility~~ requirements the director considers necessary in 61363  
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~~the administration of the application process for disability 61369  
financial assistance. The rules may provide for disregarding 61370  
amounts of earned and unearned income for the purpose of 61371  
determining whether an assistance group is eligible for assistance 61372  
and the amount of assistance provided under this chapter. The 61373  
rules also may provide that the income and resources, or a certain 61374  
amount of the income and resources, of a member of an assistance 61375  
group's family group will be included in determining whether the 61376  
assistance group is eligible for aid and the amount of aid 61377  
provided under this chapter. 61378~~

~~If financial assistance under this chapter is to be paid by 61379  
the auditor of state through the medium of direct deposit, the 61380  
application shall be accompanied by information the auditor needs 61381  
to make direct deposits. 61382~~

~~The department of job and family services may require 61383  
recipients of disability financial assistance to participate in a 61384  
reapplication process two months after initial approval for 61385  
assistance has been determined and at such other times as 61386  
specified in the department requires rules. 61387~~

~~If a recipient of disability assistance, or the spouse of or 61388  
member of the assistance group of a recipient, becomes possessed 61389  
of resources or income in excess of the amount allowed under rules 61390  
adopted under this section, or if other changes occur that affect 61391  
the person's eligibility or need for assistance, the recipient 61392  
shall notify the department or county department of job and family 61393  
services within the time limits specified in the rules. Failure of 61394  
a recipient to report possession of excess resources or income or 61395  
a change affecting eligibility or need within those time limits 61396  
shall be considered prima facie evidence of intent to defraud 61397  
under section 5115.15 of the Revised Code. 61398~~

~~Each applicant for or recipient of disability assistance 61399  
shall make reasonable efforts to secure support from persons 61400~~

~~responsible for the applicant's or recipient's support, and from  
other sources, as a means of preventing or reducing the provision  
of disability assistance at public expense. The department or  
county department may provide assistance to the applicant or  
recipient in securing other forms of financial or medical  
assistance.~~

~~Notwithstanding section 3109.01 of the Revised Code, when a  
disability assistance applicant or recipient who is at least  
eighteen but under twenty two years of age resides with the  
applicant's or recipient's parents, the income of the parents  
shall be taken into account in determining the applicant's or  
recipient's financial eligibility. The director shall adopt rules  
for determining the amount of income to be attributed to the  
assistance group of applicants in this age category.~~

~~(B) Any person who applies for disability financial  
assistance under this section shall receive a voter registration  
application under section 3503.10 of the Revised Code.~~

~~**Sec. 5115.07 5115.06.** Financial assistance Assistance under  
the disability financial assistance program may be given by  
warrant, direct deposit, or, if provided by the director of job  
and family services pursuant to section 5101.33 of the Revised  
Code, by electronic benefit transfer. It shall be inalienable  
whether by way of assignment, charge, or otherwise, and is exempt  
from attachment, garnishment, or other like process. ~~Any~~~~

~~Any direct deposit shall be made to a financial institution  
and account designated by the recipient. ~~The~~ If disability  
financial assistance is to be paid by the auditor of state through  
direct deposit, the application for assistance shall be  
accompanied by information the auditor needs to make direct  
deposits.~~

~~The director of job and family services may adopt rules for~~

designation of financial institutions and accounts. ~~No~~ 61432

~~No~~ financial institution shall impose any charge for direct 61433  
deposit of disability ~~assistance~~ financial assistance payments 61434  
that it does not charge all customers for similar services. 61435

~~The department of job and family services shall establish 61436  
financial assistance payment amounts based on state 61437  
appropriations. 61438~~

~~Disability assistance may be given to persons living in their 61439  
own homes or other suitable quarters, but shall not be given to 61440  
persons who reside in a county home, city infirmary, jail, or 61441  
public institution. Disability assistance shall not be given to an 61442  
unemancipated child unless the child lives with the child's 61443  
parents, guardians, or other persons standing in place of parents. 61444  
For the purpose of this section, a child is emancipated if the 61445  
child is married, serving in the armed forces, or has been 61446  
emancipated by court order. 61447~~

~~No person shall be eligible for disability assistance if, for 61448  
the purpose of avoiding consideration of property in 61449  
determinations of the person's eligibility for disability 61450  
assistance or a greater amount of assistance, the person has 61451  
transferred property during the two years preceding application 61452  
for or most recent redetermination of eligibility for disability 61453  
assistance. 61454~~

**Sec. 5115.13 5115.07.** The acceptance of disability financial 61455  
assistance under ~~this chapter~~ the disability financial assistance 61456  
program constitutes an assignment to the department of job and 61457  
family services of any rights an individual receiving ~~disability~~ 61458  
the assistance has to financial support from any other person, 61459  
~~excluding medical support assigned pursuant to section 5101.59 of~~ 61460  
~~the Revised Code.~~ The rights to support assigned to the department 61461  
pursuant to this section constitute an obligation of the person 61462

responsible for providing the support to the state for the amount 61463  
of disability financial assistance payments to the recipient or 61464  
recipients whose needs are included in determining the amount of 61465  
~~disability~~ assistance received. Support payments assigned to the 61466  
state pursuant to this section shall be collected by the county 61467  
department of job and family services and reimbursements for 61468  
disability financial assistance payments shall be credited to the 61469  
state treasury. 61470

**Sec. 5115.10.** (A) The director of job and family services 61471  
shall establish a disability ~~assistance~~ medical assistance program 61472  
~~shall consist of a system of managed primary care. Until July 1,~~ 61473  
~~1992, the program shall also include limited hospital services,~~ 61474  
~~except that if prior to that date hospitals are required by~~ 61475  
~~section 5112.17 of the Revised Code to provide medical services~~ 61476  
~~without charge to persons specified in that section, the program~~ 61477  
~~shall cease to include hospital services at the time the~~ 61478  
~~requirement of section 5112.17 of the Revised Code takes effect.~~ 61479

~~The department of job and family services may require~~ 61480  
~~disability assistance medical assistance recipients to enroll in~~ 61481  
~~health insuring corporations or other managed care programs, or~~ 61482  
~~may limit the number or type of health care providers from which a~~ 61483  
~~recipient may receive services.~~ 61484

~~The director of job and family services shall adopt rules~~ 61485  
~~governing the disability assistance medical assistance program~~ 61486  
~~established under this division. The rules shall specify all of~~ 61487  
~~the following:~~ 61488

~~(1) Services that will be provided under the system of~~ 61489  
~~managed primary care;~~ 61490

~~(2) Hospital services that will be provided during the period~~ 61491  
~~that hospital services are provided under the program;~~ 61492

~~(3) The maximum authorized amount, scope, duration, or limit of payment for services.~~ 61493  
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~~(B) The director of job and family services shall designate medical services providers for the disability assistance medical assistance program. The first such designation shall be made not later than September 30, 1991. Services under the program shall be provided only by providers designated by the director. The director may require that, as a condition of being designated a disability assistance medical assistance provider, a provider enter into a provider agreement with the state department.~~ 61495  
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~~(C) As long as the disability assistance medical assistance program continues to include hospital services, the department or a county director of job and family services may, pursuant to rules adopted under this section, approve an application for disability assistance medical assistance for emergency inpatient hospital services when care has been given to a person who had not completed a sworn application for disability assistance at the time the care was rendered, if all of the following apply:~~ 61503  
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~~(1) The person files an application for disability assistance within sixty days after being discharged from the hospital or, if the conditions of division (D) of this section are met, while in the hospital;~~ 61511  
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~~(2) The person met all eligibility requirements for disability assistance at the time the care was rendered;~~ 61515  
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~~(3) The care given to the person was a medical service within the scope of disability assistance medical assistance as established under rules adopted by the director of job and family services.~~ 61517  
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~~(D) If a person files an application for disability assistance medical assistance for emergency inpatient hospital services while in the hospital, a face to face interview shall be~~ 61521  
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~~conducted with the applicant while the applicant is in the 61524  
hospital to determine whether the applicant is eligible for the 61525  
assistance. If the hospital agrees to reimburse the county 61526  
department of job and family services for all actual costs 61527  
incurred by the department in conducting the interview, the 61528  
interview shall be conducted by an employee of the county 61529  
department. If, at the request of the hospital, the county 61530  
department designates an employee of the hospital to conduct the 61531  
interview, the interview shall be conducted by the hospital 61532  
employee. 61533~~

~~(E) The department of job and family services may assume 61534  
responsibility for peer review of expenditures for disability 61535  
assistance medical assistance (B) Subject to all other eligibility 61536  
requirements established by this chapter and the rules adopted 61537  
under it for the disability medical assistance program, a person 61538  
may be eligible for disability medical assistance only if the 61539  
person is medication dependent, as determined by the department of 61540  
job and family services. 61541~~

~~(C) The director shall adopt rules under section 111.15 of 61542  
the Revised Code for purposes of implementing division (B) of this 61543  
section. The rules may specify or establish any or all of the 61544  
following: 61545~~

~~(1) Standards for determining whether a person is medication 61546  
dependent, including standards under which a person may qualify as 61547  
being medication dependent only if it is determined that both of 61548  
the following are the case: 61549~~

~~(a) The person is receiving ongoing treatment for a chronic 61550  
medical condition that requires continuous prescription medication 61551  
for an indefinite, long-term period of time; 61552~~

~~(b) Loss of the medication would result in a significant risk 61553  
of medical emergency and loss of employability lasting at least 61554~~

nine months. 61555

(2) A requirement that a person's medical condition be certified by an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 61556  
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(3) Limitations on the chronic medical conditions and prescription medications that may qualify a person as being medication dependent. 61560  
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**Sec. 5115.11.** ~~If a member of an assistance group receiving disability assistance under this chapter~~ An individual who 61563  
qualifies for the medical assistance program established under Chapter 5111. of the Revised Code, ~~the member~~ shall receive 61564  
medical assistance through that program rather than through the 61565  
disability ~~assistance~~ medical assistance program. 61566  
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An individual is ineligible for disability medical assistance if, for the purpose of avoiding consideration of property in determinations of the individual's eligibility for disability medical assistance or a greater amount of assistance, the person has transferred property during the two years preceding application for or most recent redetermination of eligibility for disability medical assistance. 61569  
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**Sec. 5115.12.** (A) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code governing the disability medical assistance program. The rules may establish or specify any or all of the following: 61576  
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(1) Income, resource, citizenship, age, residence, living arrangement, and other eligibility requirements; 61580  
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(2) Health services to be included in the program; 61582

(3) The maximum authorized amount, scope, duration, or limit 61583

of payment for services; 61584

(4) Limits on the length of time an individual may receive disability medical assistance; 61585  
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(5) Limits on the total number of individuals in the state who may receive disability medical assistance. 61587  
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(B) For purposes of limiting the cost of the disability medical assistance program, the director may do either of the following: 61589  
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(1) Adopt rules in accordance with section 111.15 of the Revised Code that revise the program's eligibility requirements; the maximum authorized amount, scope, duration, or limit of payment for services included in the program; or any other requirement or standard established or specified by rules adopted under division (A) of this section or under section 5115.10 of the Revised Code; 61592  
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(2) Suspend acceptance of applications for disability medical assistance. While a suspension is in effect, no person shall receive a determination or redetermination of eligibility for disability medical assistance unless the person was receiving the assistance during the month immediately preceding the suspension's effective date or the person submitted an application prior to the suspension's effective date and receives a determination of eligibility based on that application. The director may adopt rules in accordance with section 111.15 of the Revised Code establishing requirements and specifying procedures applicable to the suspension of acceptance of applications. 61599  
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**Sec. 5115.13.** (A) The department of job and family services shall supervise and administer the disability medical program, except as follows: 61610  
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(1) The department may require county departments of job and 61613

family services to perform any administrative function specified 61614  
in rules adopted by the director of job and family services. 61615

(2) The director may contract with any private or public 61616  
entity in this state to perform any administrative function or to 61617  
administer any or all of the program. 61618

(B) If the department requires county departments to perform 61619  
administrative functions, the director of job and family services 61620  
shall adopt rules in accordance with section 111.15 of the Revised 61621  
Code governing the performance of the functions to be performed by 61622  
county departments. County departments shall perform the functions 61623  
in accordance with the rules. 61624

If the director contracts with a private or public entity to 61625  
perform administrative functions or to administer any or all of 61626  
the program, the director may either adopt rules in accordance 61627  
with section 111.15 of the Revised Code or include provisions in 61628  
the contract governing the performance of the functions by the 61629  
private or public entity. Entities under contract shall perform 61630  
the functions in accordance with the requirements established by 61631  
the director. 61632

(C) Whenever division (A)(1) or (2) of this section is 61633  
implemented, the director shall conduct investigations to 61634  
determine whether disability medical assistance is being 61635  
administered in compliance with the Revised Code and rules adopted 61636  
by the director or in accordance with the terms of the contract. 61637

**Sec. 5115.14.** (A) The director of job and family services 61638  
shall adopt rules in accordance with section 111.15 of the Revised 61639  
Code establishing application and verification procedures, 61640  
reapplication procedures, and other requirements the director 61641  
considers necessary in the administration of the application 61642  
process for disability medical assistance. 61643

(B) Any person who applies for disability medical assistance 61644  
shall receive a voter registration application under section 61645  
3503.10 of the Revised Code. 61646

**Sec. 5115.20.** (A) The department of job and family services 61647  
shall establish a disability advocacy program and each county 61648  
department of job and family services shall establish a disability 61649  
advocacy program unit or join with other county departments of job 61650  
and family services to establish a joint county disability 61651  
advocacy program unit. Through the program the department and 61652  
county departments shall cooperate in efforts to assist applicants 61653  
for and recipients of assistance under ~~this chapter~~ the disability 61654  
financial assistance program and the disability medical assistance 61655  
program, who might be eligible for supplemental security income 61656  
benefits under Title XVI of the "Social Security Act," 86 Stat. 61657  
1475 (1972), 42 U.S.C.A. 1383, as amended, in applying for those 61658  
benefits. ~~The~~ 61659

As part of their disability advocacy programs, the state 61660  
department and county departments may enter into contracts for the 61661  
~~services to applicants for and recipients of assistance under this~~ 61662  
~~chapter who might be eligible for supplemental security income~~ 61663  
~~benefits with~~ of persons and ~~governmental~~ government entities that 61664  
in the judgment of the department or county department have 61665  
demonstrated expertise in representing persons seeking 61666  
supplemental security income benefits. Each contract shall require 61667  
the person or entity with which a department contracts to assess 61668  
each person referred to it by the department to determine whether 61669  
the person appears to be eligible for supplemental security income 61670  
benefits, and, if the person appears to be eligible, assist the 61671  
person in applying and represent the person in any proceeding of 61672  
the social security administration, including any appeal or 61673  
reconsideration of a denial of benefits. The department or county 61674  
department shall provide to the person or entity with which it 61675

contracts all records in its possession relevant to the 61676  
application for supplemental security income benefits. The 61677  
department shall require a county department with relevant records 61678  
to submit them to the person or entity. 61679

(B) Each applicant for or recipient of disability financial 61680  
assistance or disability medical assistance ~~under this chapter~~ 61681  
who, in the judgment of the department or a county department 61682  
might be eligible for supplemental security benefits, ~~must~~ shall, 61683  
as a condition of eligibility for assistance, apply for such 61684  
benefits if directed to do so by the department or county 61685  
department. 61686

(C) ~~Each~~ With regard to applicants for and recipients of 61687  
disability financial assistance or disability medical assistance, 61688  
each county department of job and family services shall do all of 61689  
the following: 61690

(1) Identify applicants ~~for~~ and recipients ~~of assistance~~ 61691  
~~under this chapter~~ who might be eligible for supplemental security 61692  
income benefits; 61693

(2) Assist applicants ~~for~~ and recipients ~~of assistance under~~ 61694  
~~this chapter~~ in securing documentation of disabling conditions or 61695  
refer them for such assistance to a person or government ~~agency~~ 61696  
entity with which the department or county department has 61697  
contracted under division (A) of this section; 61698

(3) Inform applicants ~~for~~ and recipients ~~of assistance under~~ 61699  
~~this chapter~~ of available sources of representation, which may 61700  
include a person or government entity with which the department or 61701  
county department has contracted under division (A) of this 61702  
section, and of their right to represent themselves in 61703  
reconsiderations and appeals of social security administration 61704  
decisions that deny them supplemental security income benefits. 61705  
The county department may require the applicants and recipients, 61706

as a condition of eligibility for assistance, to pursue 61707  
reconsiderations and appeals of social security administration 61708  
decisions that deny them supplemental security income benefits, 61709  
and shall assist applicants and recipients as necessary to obtain 61710  
such benefits or refer them to a person or government ~~agency~~ 61711  
entity with which the department or county department has 61712  
contracted under division (A) of this section. 61713

(4) Require applicants ~~for~~ and recipients of ~~assistance under~~ 61714  
~~this chapter~~ who, in the judgment of the county department, are or 61715  
may be aged, blind, or disabled, to apply for medical assistance 61716  
under Chapter 5111. of the Revised Code, make determinations when 61717  
appropriate as to eligibility for medical assistance, and refer 61718  
their applications when necessary to the disability determination 61719  
unit established in accordance with division (F) of this section 61720  
for expedited review; 61721

(5) Require each applicant ~~for~~ and each recipient of 61722  
~~assistance under this chapter~~ who in the judgment of the 61723  
department or the county department might be eligible for 61724  
supplemental security income benefits, as a condition of 61725  
eligibility for disability financial assistance or disability 61726  
medical assistance ~~under this chapter~~, to execute a written 61727  
authorization for the secretary of health and human services to 61728  
withhold benefits due that individual and pay to the director of 61729  
job and family services or the director's designee an amount 61730  
sufficient to reimburse the state and county shares of interim 61731  
assistance furnished to the individual. For the purposes of 61732  
division (C)(5) of this section, "benefits" and "interim 61733  
assistance" have the meanings given in Title XVI of the "Social 61734  
Security Act." 61735

(D) The director of job and family services shall adopt rules 61736  
in accordance with ~~Chapter 119.~~ section 111.15 of the Revised Code 61737  
for the effective administration of the disability advocacy 61738

program. The rules shall include all of the following: 61739

(1) Methods to be used in collecting information from and 61740  
disseminating it to county departments, including the following: 61741

(a) The number of individuals in the county who are disabled 61742  
recipients of disability financial assistance or disability 61743  
medical assistance ~~under this chapter in the county;~~ 61744

(b) The final decision made either by the social security 61745  
administration or by a court for each application or 61746  
reconsideration in which an individual was assisted pursuant to 61747  
this section. 61748

(2) The type and process of training to be provided by the 61749  
department of job and family services to the employees of the 61750  
county department of job and family services who perform duties 61751  
under this section; 61752

(3) Requirements for the written authorization required by 61753  
division (C)(5) of this section. 61754

(E) The department shall provide basic and continuing 61755  
training to employees of the county department of job and family 61756  
services who perform duties under this section. Training shall 61757  
include but not be limited to all processes necessary to obtain 61758  
federal disability benefits, and methods of advocacy. 61759

(F) The department shall establish a disability determination 61760  
unit and develop guidelines for expediting reviews of applications 61761  
for medical assistance under Chapter 5111. of the Revised Code for 61762  
persons who have been referred to the unit under division (C)(4) 61763  
of this section. The department shall make determinations of 61764  
eligibility for medical assistance for any such person within the 61765  
time prescribed by federal regulations. 61766

(G) The department may, under rules the director of job and 61767  
family services adopts in accordance with section 111.15 of the 61768

Revised Code, pay a portion of the federal reimbursement described 61769  
in division (C)(5) of this section to persons or ~~agencies~~ 61770  
government entities that assist or represent assistance recipients 61771  
in reconsiderations and appeals of social security administration 61772  
decisions denying them supplemental security income benefits. 61773

(H) The director shall conduct investigations to determine 61774  
whether disability advocacy programs are being administered in 61775  
compliance with the Revised Code and the rules adopted by the 61776  
director pursuant to this section. 61777

**Sec. 5115.22.** (A) If a recipient of disability financial 61778  
assistance or disability medical assistance, or an individual 61779  
whose income and resources are included in determining the 61780  
recipient's eligibility for the assistance, becomes possessed of 61781  
resources or income in excess of the amount allowed to retain 61782  
eligibility, or if other changes occur that affect the recipient's 61783  
eligibility or need for assistance, the recipient shall notify the 61784  
state or county department of job and family services within the 61785  
time limits specified in rules adopted by the director of job and 61786  
family services in accordance with section 111.15 of the Revised 61787  
Code. Failure of a recipient to report possession of excess 61788  
resources or income or a change affecting eligibility or need 61789  
within those time limits shall be considered prima-facie evidence 61790  
of intent to defraud under section 5115.23 of the Revised Code. 61791

(B) As a condition of eligibility for disability financial 61792  
assistance or disability medical assistance, and as a means of 61793  
preventing or reducing the provision of assistance at public 61794  
expense, each applicant for or recipient of the assistance shall 61795  
make reasonable efforts to secure support from persons responsible 61796  
for the applicant's or recipient's support, and from other 61797  
sources, including any federal program designed to provide 61798  
assistance to individuals with disabilities. The state or county 61799

department of job and family services may provide assistance to 61800  
the applicant or recipient in securing other forms of financial 61801  
assistance. 61802

**Sec. ~~5115.15~~ 5115.23.** As used in this section, "erroneous 61803  
payments" means disability financial assistance payments~~7~~ 61804  
~~including or~~ disability ~~assistance~~ medical assistance payments~~7~~ 61805  
made to persons who are not entitled to receive them, including 61806  
payments made as a result of misrepresentation or fraud, and 61807  
payments made due to an error by the recipient or by the county 61808  
department of job and family services that made the payment. 61809

The department of job and family services shall adopt rules 61810  
in accordance with section 111.15 of the Revised Code specifying 61811  
the circumstances under which action is to be taken under this 61812  
section to recover erroneous payments. The department, or a county 61813  
department of job and family services at the request of the 61814  
department, shall take action to recover erroneous payments in the 61815  
circumstances specified in the rules. The department or county 61816  
department may institute a civil action to recover erroneous 61817  
payments. 61818

Whenever disability financial assistance or disability 61819  
medical assistance has been furnished to a recipient for whose 61820  
support another person is responsible, the other person shall, in 61821  
addition to the liability otherwise imposed, as a consequence of 61822  
failure to support the recipient, be liable for all ~~disability~~ 61823  
assistance furnished the recipient. The value of the assistance so 61824  
furnished may be recovered in a civil action brought by the county 61825  
department of job and family services. 61826

Each county department of job and family services shall 61827  
retain fifty per cent of the erroneous payments it recovers under 61828  
this section. The department of job and family services shall 61829  
receive the remaining fifty per cent. 61830

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

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

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

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

(a) Rules governing a community mental health agency's services under section 340.091 of the Revised Code to an individual referred to the agency under division (C)(2) of section 173.35 of the Revised Code;

(b) For the purpose of division (A)(16) of section 340.03 of the Revised Code, rules governing the duties of mental health agencies and boards of alcohol, drug addiction, and mental health services under section 3722.18 of the Revised Code regarding referrals of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The rules shall do at least the following:

(i) Provide for agencies and boards to participate fully in the procedures owners and managers of adult care facilities must follow under division (A)(2) of section 3722.18 of the Revised Code;

(ii) Specify the manner in which boards are accountable for

ensuring that ongoing mental health services are effectively 61861  
arranged for individuals with mental illness or severe mental 61862  
disability who are referred by the board or mental health agency 61863  
under contract with the board to an adult care facility. 61864

(c) Rules governing a board of alcohol, drug addiction, and 61865  
mental health services when making a report to the director of 61866  
health under section 3722.17 of the Revised Code regarding the 61867  
quality of care and services provided by an adult care facility to 61868  
a person with mental illness or a severe mental disability. 61869

(2) Rules may be adopted to govern the method of paying a 61870  
community mental health facility ~~described, as defined in division~~ 61871  
~~(E) of~~ section 5111.022 of the Revised Code, for providing 61872  
services ~~established by~~ listed in division ~~(A)(B)~~ of that section. 61873  
Such rules must be consistent with the contract entered into 61874  
between the departments of job and family services and mental 61875  
health under ~~division (E) of that~~ section 5111.91 of the Revised 61876  
Code and include requirements ensuring appropriate service 61877  
utilization. 61878

(B) Review and evaluate, and, taking into account the 61879  
findings and recommendations of the board of alcohol, drug 61880  
addiction, and mental health services of the district served by 61881  
the program and the requirements and priorities of the state 61882  
mental health plan, including the needs of residents of the 61883  
district now residing in state mental institutions, approve and 61884  
allocate funds to support community programs, and make 61885  
recommendations for needed improvements to boards of alcohol, drug 61886  
addiction, and mental health services; 61887

(C) Withhold state and federal funds for any program, in 61888  
whole or in part, from a board of alcohol, drug addiction, and 61889  
mental health services in the event of failure of that program to 61890  
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 61891  
or 5119.62 of the Revised Code or rules of the department of 61892

mental health. The director shall identify the areas of 61893  
noncompliance and the action necessary to achieve compliance. The 61894  
director shall offer technical assistance to the board to achieve 61895  
compliance. The director shall give the board a reasonable time 61896  
within which to comply or to present its position that it is in 61897  
compliance. Before withholding funds, a hearing shall be conducted 61898  
to determine if there are continuing violations and that either 61899  
assistance is rejected or the board is unable to achieve 61900  
compliance. Subsequent to the hearing process, if it is determined 61901  
that compliance has not been achieved, the director may allocate 61902  
all or part of the withheld funds to a public or private agency to 61903  
provide the services not in compliance until the time that there 61904  
is compliance. The director shall establish rules pursuant to 61905  
Chapter 119. of the Revised Code to implement this division. 61906

(D) Withhold state or federal funds from a board of alcohol, 61907  
drug addiction, and mental health services that denies available 61908  
service on the basis of religion, race, color, creed, sex, 61909  
national origin, age, disability as defined in section 4112.01 of 61910  
the Revised Code, developmental disability, or the inability to 61911  
pay; 61912

(E) Provide consultative services to community mental health 61913  
agencies with the knowledge and cooperation of the board of 61914  
alcohol, drug addiction, and mental health services; 61915

(F) Provide to boards of alcohol, drug addiction, and mental 61916  
health services state or federal funds, in addition to those 61917  
allocated under section 5119.62 of the Revised Code, for special 61918  
programs or projects the director considers necessary but for 61919  
which local funds are not available; 61920

(G) Establish criteria by which a board of alcohol, drug 61921  
addiction, and mental health services reviews and evaluates the 61922  
quality, effectiveness, and efficiency of services provided 61923  
through its community mental health plan. The criteria shall 61924

include requirements ensuring appropriate service utilization. The 61925  
department shall assess a board's evaluation of services and the 61926  
compliance of each board with this section, Chapter 340. or 61927  
section 5119.62 of the Revised Code, and other state or federal 61928  
law and regulations. The department, in cooperation with the 61929  
board, periodically shall review and evaluate the quality, 61930  
effectiveness, and efficiency of services provided through each 61931  
board. The department shall collect information that is necessary 61932  
to perform these functions. 61933

(H) Develop and operate a community mental health information 61934  
system. 61935

Boards of alcohol, drug abuse, and mental health services 61936  
shall submit information requested by the department in the form 61937  
and manner prescribed by the department. Information collected by 61938  
the department shall include, but not be limited to, all of the 61939  
following: 61940

(1) Information regarding units of services provided in whole 61941  
or in part under contract with a board, including diagnosis and 61942  
special needs, demographic information, the number of units of 61943  
service provided, past treatment, financial status, and service 61944  
dates in accordance with rules adopted by the department in 61945  
accordance with Chapter 119. of the Revised Code; 61946

(2) Financial information other than price or price-related 61947  
data regarding expenditures of boards and community mental health 61948  
agencies, including units of service provided, budgeted and actual 61949  
expenses by type, and sources of funds. 61950

Boards shall submit the information specified in division 61951  
(H)(1) of this section no less frequently than annually for each 61952  
client, and each time the client's case is opened or closed. The 61953  
department shall not collect any information for the purpose of 61954  
identifying by name any person who receives a service through a 61955

board of alcohol, drug addiction, and mental health services, 61956  
except as required by state or federal law to validate appropriate 61957  
reimbursement. For the purposes of division (H)(1) of this 61958  
section, the department shall use an identification system that is 61959  
consistent with applicable nationally recognized standards. 61960

(I) Review each board's community mental health plan 61961  
submitted pursuant to section 340.03 of the Revised Code and 61962  
approve or disapprove it in whole or in part. Periodically, in 61963  
consultation with representatives of boards and after considering 61964  
the recommendations of the medical director, the director shall 61965  
issue criteria for determining when a plan is complete, criteria 61966  
for plan approval or disapproval, and provisions for conditional 61967  
approval. The factors that the director considers may include, but 61968  
are not limited to, the following: 61969

(1) The mental health needs of all persons residing within 61970  
the board's service district, especially severely mentally 61971  
disabled children, adolescents, and adults; 61972

(2) The demonstrated quality, effectiveness, efficiency, and 61973  
cultural relevance of the services provided in each service 61974  
district, the extent to which any services are duplicative of 61975  
other available services, and whether the services meet the needs 61976  
identified above; 61977

(3) The adequacy of the board's accounting for the 61978  
expenditure of funds. 61979

If the director disapproves all or part of any plan, the 61980  
director shall provide the board an opportunity to present its 61981  
position. The director shall inform the board of the reasons for 61982  
the disapproval and of the criteria that must be met before the 61983  
plan may be approved. The director shall give the board a 61984  
reasonable time within which to meet the criteria, and shall offer 61985  
technical assistance to the board to help it meet the criteria. 61986

If the approval of a plan remains in dispute thirty days prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, the board or the director may request that the dispute be submitted to a mutually agreed upon third-party mediator with the cost to be shared by the board and the department. The mediator shall issue to the board and the department recommendations for resolution of the dispute. Prior to the conclusion of the fiscal year in which the current plan is scheduled to expire, the director, taking into consideration the recommendations of the mediator, shall make a final determination and approve or disapprove the plan, in whole or in part.

**Sec. 5119.611.** (A) A board of alcohol, drug addiction, and mental health services may not contract with a community mental health agency under division (A)(8)(a) of section 340.03 of the Revised Code to provide community mental health services included in the board's community mental health plan unless the services are certified by the director of mental health under this section.

A community mental health agency that seeks the director's certification of its community mental health services shall submit an application to the director. On receipt of the application, the director may visit and shall evaluate the agency to determine whether its services satisfy the standards established by rules adopted under division (C) of this section. The director shall make the evaluation, and, if the director visits the agency, shall make the visit, in cooperation with the board of alcohol, drug addiction, and mental health services with which the agency seeks to contract.

If the director determines that a community mental health agency's services satisfy the standards, the director shall certify the services.

If the director determines that a community mental health

agency's services do not satisfy the standards, the director shall 62018  
identify the areas of noncompliance, specify what action is 62019  
necessary to satisfy the standards, and offer technical assistance 62020  
to the board of alcohol, drug addiction, and mental health 62021  
services so that the board may assist the agency in satisfying the 62022  
standards. The director shall give the agency a reasonable time 62023  
within which to demonstrate that its services satisfy the 62024  
standards or to bring the services into compliance with the 62025  
standards. If the director concludes that the services continue to 62026  
fail to satisfy the standards, the director may request that the 62027  
board reallocate the funds for the community mental health 62028  
services the agency was to provide to another community mental 62029  
health agency whose community mental health services satisfy the 62030  
standards. If the board does not reallocate those funds in a 62031  
reasonable period of time, the director may withhold state and 62032  
federal funds for the community mental health services and 62033  
allocate those funds directly to a community mental health agency 62034  
whose community mental health services satisfy the standards. 62035

(B) Each community mental health agency seeking certification 62036  
of its community mental health services under this section shall 62037  
pay a fee for the certification review required by this section. 62038  
Fees shall be paid into the sale of goods and services fund 62039  
created pursuant to section 5119.161 of the Revised Code. 62040

(C) The director shall adopt rules in accordance with Chapter 62041  
119. of the Revised Code to implement this section. The rules 62042  
shall do all of the following: 62043

(1) Establish certification standards for community mental 62044  
health services, including assertive community treatment and 62045  
intensive home-based mental health services, that are consistent 62046  
with nationally recognized applicable standards and facilitate 62047  
participation in federal assistance programs. The rules shall 62048  
include as certification standards only requirements that improve 62049

the quality of services or the health and safety of clients of 62050  
community mental health services. The standards shall address at a 62051  
minimum all of the following: 62052

- (a) Reporting major unusual incidents to the director; 62053
- (b) Procedures for applicants for and clients of community 62054  
mental health services to file grievances and complaints; 62055
- (c) Seclusion; 62056
- (d) Restraint; 62057
- (e) Development of written policies addressing the rights of 62058  
clients, including all of the following: 62059
  - (i) The right to a copy of the written policies addressing 62060  
client rights; 62061
  - (ii) The right at all times to be treated with consideration 62062  
and respect for the client's privacy and dignity; 62063
  - (iii) The right to have access to the client's own 62064  
psychiatric, medical, or other treatment records unless access is 62065  
specifically restricted in the client's treatment plan for clear 62066  
treatment reasons; 62067
  - (iv) The right to have a client rights officer provided by 62068  
the agency or board of alcohol, drug addiction, and mental health 62069  
services advise the client of the client's rights, including the 62070  
client's rights under Chapter 5122. of the Revised Code if the 62071  
client is committed to the agency or board. 62072

(2) Establish standards for qualifications of mental health 62073  
professionals as defined in section 340.02 of the Revised Code and 62074  
personnel who provide the community mental health services; 62075

(3) Establish the process for certification of community 62076  
mental health services; 62077

(4) Set the amount of certification review fees based on a 62078

portion of the cost of performing the review; 62079

(5) Specify the type of notice and hearing to be provided 62080  
prior to a decision on whether to reallocate funds. 62081

(D) The rules adopted under division (C)(1) of this section 62082  
to establish certification standards for assertive community 62083  
treatment and intensive home-based mental health services shall be 62084  
adopted not later than July 1, 2004. 62085

**Sec. 5123.01.** As used in this chapter: 62086

(A) "Chief medical officer" means the licensed physician 62087  
appointed by the managing officer of an institution for the 62088  
mentally retarded with the approval of the director of mental 62089  
retardation and developmental disabilities to provide medical 62090  
treatment for residents of the institution. 62091

(B) "Chief program director" means a person with special 62092  
training and experience in the diagnosis and management of the 62093  
mentally retarded, certified according to division (C) of this 62094  
section in at least one of the designated fields, and appointed by 62095  
the managing officer of an institution for the mentally retarded 62096  
with the approval of the director to provide habilitation and care 62097  
for residents of the institution. 62098

(C) "Comprehensive evaluation" means a study, including a 62099  
sequence of observations and examinations, of a person leading to 62100  
conclusions and recommendations formulated jointly, with 62101  
dissenting opinions if any, by a group of persons with special 62102  
training and experience in the diagnosis and management of persons 62103  
with mental retardation or a developmental disability, which group 62104  
shall include individuals who are professionally qualified in the 62105  
fields of medicine, psychology, and social work, together with 62106  
such other specialists as the individual case may require. 62107

(D) "Education" means the process of formal training and 62108

instruction to facilitate the intellectual and emotional 62109  
development of residents. 62110

(E) "Habilitation" means the process by which the staff of 62111  
the institution assists the resident in acquiring and maintaining 62112  
those life skills that enable the resident to cope more 62113  
effectively with the demands of the resident's own person and of 62114  
the resident's environment and in raising the level of the 62115  
resident's physical, mental, social, and vocational efficiency. 62116  
Habilitation includes but is not limited to programs of formal, 62117  
structured education and training. 62118

(F) "Habilitation center services" means services provided by 62119  
a habilitation center certified by the department of mental 62120  
retardation and developmental disabilities under section 5123.041 62121  
of the Revised Code and covered by the medicaid program pursuant 62122  
to rules adopted under section 5111.041 of the Revised Code. 62123

(G) "Health officer" means any public health physician, 62124  
public health nurse, or other person authorized or designated by a 62125  
city or general health district. 62126

(H) "Home and community-based services" means medicaid-funded 62127  
home and community-based services specified in division (B)(1) of 62128  
section 5111.87 of the Revised Code provided under a the medicaid 62129  
~~component~~ components the department of mental retardation and 62130  
developmental disabilities administers pursuant to section 62131  
5111.871 of the Revised Code. 62132

(I) "Indigent person" means a person who is unable, without 62133  
substantial financial hardship, to provide for the payment of an 62134  
attorney and for other necessary expenses of legal representation, 62135  
including expert testimony. 62136

(J) "Institution" means a public or private facility, or a 62137  
part of a public or private facility, that is licensed by the 62138  
appropriate state department and is equipped to provide 62139

residential habilitation, care, and treatment for the mentally 62140  
retarded. 62141

(K) "Licensed physician" means a person who holds a valid 62142  
certificate issued under Chapter 4731. of the Revised Code 62143  
authorizing the person to practice medicine and surgery or 62144  
osteopathic medicine and surgery, or a medical officer of the 62145  
government of the United States while in the performance of the 62146  
officer's official duties. 62147

(L) "Managing officer" means a person who is appointed by the 62148  
director of mental retardation and developmental disabilities to 62149  
be in executive control of an institution for the mentally 62150  
retarded under the jurisdiction of the department. 62151

(M) "Medicaid" has the same meaning as in section 5111.01 of 62152  
the Revised Code. 62153

(N) "Medicaid case management services" means case management 62154  
services provided to an individual with mental retardation or 62155  
other developmental disability that the state medicaid plan 62156  
requires. 62157

(O) "Mentally retarded person" means a person having 62158  
significantly subaverage general intellectual functioning existing 62159  
concurrently with deficiencies in adaptive behavior, manifested 62160  
during the developmental period. 62161

(P) "Mentally retarded person subject to institutionalization 62162  
by court order" means a person eighteen years of age or older who 62163  
is at least moderately mentally retarded and in relation to whom, 62164  
because of the person's retardation, either of the following 62165  
conditions exist: 62166

(1) The person represents a very substantial risk of physical 62167  
impairment or injury to self as manifested by evidence that the 62168  
person is unable to provide for and is not providing for the 62169  
person's most basic physical needs and that provision for those 62170

needs is not available in the community; 62171

(2) The person needs and is susceptible to significant 62172  
habilitation in an institution. 62173

(Q) "A person who is at least moderately mentally retarded" 62174  
means a person who is found, following a comprehensive evaluation, 62175  
to be impaired in adaptive behavior to a moderate degree and to be 62176  
functioning at the moderate level of intellectual functioning in 62177  
accordance with standard measurements as recorded in the most 62178  
current revision of the manual of terminology and classification 62179  
in mental retardation published by the American association on 62180  
mental retardation. 62181

(R) As used in this division, "substantial functional 62182  
limitation," "developmental delay," and "established risk" have 62183  
the meanings established pursuant to section 5123.011 of the 62184  
Revised Code. 62185

"Developmental disability" means a severe, chronic disability 62186  
that is characterized by all of the following: 62187

(1) It is attributable to a mental or physical impairment or 62188  
a combination of mental and physical impairments, other than a 62189  
mental or physical impairment solely caused by mental illness as 62190  
defined in division (A) of section 5122.01 of the Revised Code. 62191

(2) It is manifested before age twenty-two. 62192

(3) It is likely to continue indefinitely. 62193

(4) It results in one of the following: 62194

(a) In the case of a person under three years of age, at 62195  
least one developmental delay or an established risk; 62196

(b) In the case of a person at least three years of age but 62197  
under six years of age, at least two developmental delays or an 62198  
established risk; 62199

(c) In the case of a person six years of age or older, a 62200

substantial functional limitation in at least three of the 62201  
following areas of major life activity, as appropriate for the 62202  
person's age: self-care, receptive and expressive language, 62203  
learning, mobility, self-direction, capacity for independent 62204  
living, and, if the person is at least sixteen years of age, 62205  
capacity for economic self-sufficiency. 62206

(5) It causes the person to need a combination and sequence 62207  
of special, interdisciplinary, or other type of care, treatment, 62208  
or provision of services for an extended period of time that is 62209  
individually planned and coordinated for the person. 62210

(S) "Developmentally disabled person" means a person with a 62211  
developmental disability. 62212

(T) "State institution" means an institution that is 62213  
tax-supported and under the jurisdiction of the department. 62214

(U) "Residence" and "legal residence" have the same meaning 62215  
as "legal settlement," which is acquired by residing in Ohio for a 62216  
period of one year without receiving general assistance prior to 62217  
July 17, 1995, under former Chapter 5113. of the Revised Code, 62218  
~~disability~~ financial assistance under Chapter 5115. of the Revised 62219  
Code, or assistance from a private agency that maintains records 62220  
of assistance given. A person having a legal settlement in the 62221  
state shall be considered as having legal settlement in the 62222  
assistance area in which the person resides. No adult person 62223  
coming into this state and having a spouse or minor children 62224  
residing in another state shall obtain a legal settlement in this 62225  
state as long as the spouse or minor children are receiving public 62226  
assistance, care, or support at the expense of the other state or 62227  
its subdivisions. For the purpose of determining the legal 62228  
settlement of a person who is living in a public or private 62229  
institution or in a home subject to licensing by the department of 62230  
job and family services, the department of mental health, or the 62231  
department of mental retardation and developmental disabilities, 62232

the residence of the person shall be considered as though the 62233  
person were residing in the county in which the person was living 62234  
prior to the person's entrance into the institution or home. 62235  
Settlement once acquired shall continue until a person has been 62236  
continuously absent from Ohio for a period of one year or has 62237  
acquired a legal residence in another state. A woman who marries a 62238  
man with legal settlement in any county immediately acquires the 62239  
settlement of her husband. The legal settlement of a minor is that 62240  
of the parents, surviving parent, sole parent, parent who is 62241  
designated the residential parent and legal custodian by a court, 62242  
other adult having permanent custody awarded by a court, or 62243  
guardian of the person of the minor, provided that: 62244

(1) A minor female who marries shall be considered to have 62245  
the legal settlement of her husband and, in the case of death of 62246  
her husband or divorce, she shall not thereby lose her legal 62247  
settlement obtained by the marriage. 62248

(2) A minor male who marries, establishes a home, and who has 62249  
resided in this state for one year without receiving general 62250  
assistance prior to July 17, 1995, under former Chapter 5113. of 62251  
the Revised Code, ~~disability~~ financial assistance under Chapter 62252  
5115. of the Revised Code, or assistance from a private agency 62253  
that maintains records of assistance given shall be considered to 62254  
have obtained a legal settlement in this state. 62255

(3) The legal settlement of a child under eighteen years of 62256  
age who is in the care or custody of a public or private child 62257  
caring agency shall not change if the legal settlement of the 62258  
parent changes until after the child has been in the home of the 62259  
parent for a period of one year. 62260

No person, adult or minor, may establish a legal settlement 62261  
in this state for the purpose of gaining admission to any state 62262  
institution. 62263

(V)(1) "Resident" means, subject to division (R)(2) of this section, a person who is admitted either voluntarily or involuntarily to an institution or other facility pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution.

(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(W) "Respondent" means the person whose detention, commitment, or continued commitment is being sought in any proceeding under this chapter.

(X) "Working day" and "court day" mean Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a legal holiday.

(Y) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(Z) "Court" means the probate division of the court of common pleas.

**Sec. 5123.051.** (A) If the department of mental retardation and developmental disabilities determines pursuant to an audit

conducted under section 5123.05 of the Revised Code or a 62294  
reconciliation conducted under section 5123.18 or ~~5111.252~~ 62295  
5123.199 of the Revised Code that money is owed the state by a 62296  
provider of a service or program, the department may enter into a 62297  
payment agreement with the provider. The agreement shall include 62298  
the following: 62299

(1) A schedule of installment payments whereby the money owed 62300  
the state is to be paid in full within a period not to exceed one 62301  
year; 62302

(2) A provision that the provider may pay the entire balance 62303  
owed at any time during the term of the agreement; 62304

(3) A provision that if any installment is not paid in full 62305  
within forty-five days after it is due, the entire balance owed is 62306  
immediately due and payable; 62307

(4) Any other terms and conditions that are agreed to by the 62308  
department and the provider. 62309

(B) The department may include a provision in a payment 62310  
agreement that requires the provider to pay interest on the money 62311  
owed the state. The department, in its discretion, shall determine 62312  
whether to require the payment of interest and, if it so requires, 62313  
the rate of interest. Neither the obligation to pay interest nor 62314  
the rate of interest is subject to negotiation between the 62315  
department and the provider. 62316

(C) If the provider fails to pay any installment in full 62317  
within forty-five days after its due date, the department shall 62318  
certify the entire balance owed to the attorney general for 62319  
collection under section 131.02 of the Revised Code. The 62320  
department may withhold funds from payments made to a provider 62321  
under section 5123.18 or ~~5111.252~~ 5123.199 of the Revised Code to 62322  
satisfy a judgment secured by the attorney general. 62323

(D) The purchase of service fund is hereby created. Money 62324

credited to the fund shall be used solely for purposes of section 62325  
5123.05 of the Revised Code. 62326

**Sec. 5123.19.** (A) As used in this section and in sections 62327  
5123.191, 5123.194, 5123.196, 5123.198, 5123.1910, and 5123.20 of 62328  
the Revised Code: 62329

(1)(a) "Residential facility" means a home or facility in 62330  
which a mentally retarded or developmentally disabled person 62331  
resides, except the home of a relative or legal guardian in which 62332  
a mentally retarded or developmentally disabled person resides, a 62333  
respite care home certified under section 5126.05 of the Revised 62334  
Code, a county home or district home operated pursuant to Chapter 62335  
5155. of the Revised Code, or a dwelling in which the only 62336  
mentally retarded or developmentally disabled residents are in an 62337  
independent living arrangement or are being provided supported 62338  
living. 62339

(b) "Intermediate care facility for the mentally retarded" 62340  
means a residential facility that is considered an intermediate 62341  
care facility for the mentally retarded for the purposes of 62342  
Chapter 5111. of the Revised Code. 62343

(2) "Political subdivision" means a municipal corporation, 62344  
county, or township. 62345

(3) "Independent living arrangement" means an arrangement in 62346  
which a mentally retarded or developmentally disabled person 62347  
resides in an individualized setting chosen by the person or the 62348  
person's guardian, which is not dedicated principally to the 62349  
provision of residential services for mentally retarded or 62350  
developmentally disabled persons, and for which no financial 62351  
support is received for rendering such service from any 62352  
governmental agency by a provider of residential services. 62353

(4) "Supported living" has the same meaning as in section 62354

5126.01 of the Revised Code. 62355

(5) "Licensee" means the person or government agency that has 62356  
applied for a license to operate a residential facility and to 62357  
which the license was issued under this section. 62358

(B) Every person or government agency desiring to operate a 62359  
residential facility shall apply for licensure of the facility to 62360  
the director of mental retardation and developmental disabilities 62361  
unless the residential facility is subject to section 3721.02, 62362  
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 62363  
Chapter 3721. of the Revised Code, a nursing home that is 62364  
certified as an intermediate care facility for the mentally 62365  
retarded under Title XIX of the "Social Security Act," 79 Stat. 62366  
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 62367  
licensure of the portion of the home that is certified as an 62368  
intermediate care facility for the mentally retarded. 62369

(C) ~~The~~ Subject to section 5123.196 of the Revised Code, the 62370  
director of mental retardation and developmental disabilities 62371  
shall license the operation of residential facilities. An initial 62372  
license shall be issued for a period that does not exceed one 62373  
year, unless the director denies the license under division (D) of 62374  
this section. A license shall be renewed for a period that does 62375  
not exceed three years, unless the director refuses to renew the 62376  
license under division (D) of this section. The director, when 62377  
issuing or renewing a license, shall specify the period for which 62378  
the license is being issued or renewed. A license remains valid 62379  
for the length of the licensing period specified by the director, 62380  
unless the license is terminated, revoked, or voluntarily 62381  
surrendered. 62382

(D) If it is determined that an applicant or licensee is not 62383  
in compliance with a provision of this chapter that applies to 62384  
residential facilities or the rules adopted under such a 62385  
provision, the director may deny issuance of a license, refuse to 62386

renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed

the basis for the order has been corrected. 62419

(5) If the director determines that two or more residential 62420  
facilities owned or operated by the same person or government 62421  
entity are not being operated in compliance with a provision of 62422  
this chapter that applies to residential facilities or the rules 62423  
adopted under such a provision, and the director's findings are 62424  
based on the same or a substantially similar action, practice, 62425  
circumstance, or incident that creates a substantial risk to the 62426  
health and safety of the residents, the director shall conduct a 62427  
survey as soon as practicable at each residential facility owned 62428  
or operated by that person or government entity. The director may 62429  
take any action authorized by this section with respect to any 62430  
facility found to be operating in violation of a provision of this 62431  
chapter that applies to residential facilities or the rules 62432  
adopted under such a provision. 62433

(6) When the director initiates license revocation 62434  
proceedings, no opportunity for submitting a plan of correction 62435  
shall be given. The director shall notify the licensee by letter 62436  
of the initiation of such proceedings. The letter shall list the 62437  
deficiencies of the residential facility and inform the licensee 62438  
that no plan of correction will be accepted. The director shall 62439  
also notify each affected resident, the resident's guardian if the 62440  
resident is an adult for whom a guardian has been appointed, the 62441  
resident's parent or guardian if the resident is a minor, and the 62442  
county board of mental retardation and developmental disabilities. 62443

(7) Pursuant to rules which shall be adopted in accordance 62444  
with Chapter 119. of the Revised Code, the director may order the 62445  
immediate removal of residents from a residential facility 62446  
whenever conditions at the facility present an immediate danger of 62447  
physical or psychological harm to the residents. 62448

(8) In determining whether a residential facility is being 62449  
operated in compliance with a provision of this chapter that 62450

applies to residential facilities or the rules adopted under such 62451  
a provision, or whether conditions at a residential facility 62452  
present an immediate danger of physical or psychological harm to 62453  
the residents, the director may rely on information obtained by a 62454  
county board of mental retardation and developmental disabilities 62455  
or other governmental agencies. 62456

(9) In proceedings initiated to deny, refuse to renew, or 62457  
revoke licenses, the director may deny, refuse to renew, or revoke 62458  
a license regardless of whether some or all of the deficiencies 62459  
that prompted the proceedings have been corrected at the time of 62460  
the hearing. 62461

(E) The director shall establish a program under which public 62462  
notification may be made when the director has initiated license 62463  
revocation proceedings or has issued an order for the suspension 62464  
of admissions, placement of a monitor, or removal of residents. 62465  
The director shall adopt rules in accordance with Chapter 119. of 62466  
the Revised Code to implement this division. The rules shall 62467  
establish the procedures by which the public notification will be 62468  
made and specify the circumstances for which the notification must 62469  
be made. The rules shall require that public notification be made 62470  
if the director has taken action against the facility in the 62471  
eighteen-month period immediately preceding the director's latest 62472  
action against the facility and the latest action is being taken 62473  
for the same or a substantially similar violation of a provision 62474  
of this chapter that applies to residential facilities or the 62475  
rules adopted under such a provision. The rules shall specify a 62476  
method for removing or amending the public notification if the 62477  
director's action is found to have been unjustified or the 62478  
violation at the residential facility has been corrected. 62479

(F)(1) Except as provided in division (F)(2) of this section, 62480  
appeals from proceedings initiated to impose a sanction under 62481  
division (D) of this section shall be conducted in accordance with 62482

Chapter 119. of the Revised Code. 62483

(2) Appeals from proceedings initiated to order the 62484  
suspension of admissions to a facility shall be conducted in 62485  
accordance with Chapter 119. of the Revised Code, unless the order 62486  
was issued before providing an opportunity for an adjudication, in 62487  
which case all of the following apply: 62488

(a) The licensee may request a hearing not later than ten 62489  
days after receiving the notice specified in section 119.07 of the 62490  
Revised Code. 62491

(b) If a timely request for a hearing is made, the hearing 62492  
shall commence not later than thirty days after the department 62493  
receives the request. 62494

(c) After commencing, the hearing shall continue 62495  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 62496  
unless other interruptions are agreed to by the licensee and the 62497  
director. 62498

(d) If the hearing is conducted by a hearing examiner, the 62499  
hearing examiner shall file a report and recommendations not later 62500  
than ten days after the close of the hearing. 62501

(e) Not later than five days after the hearing examiner files 62502  
the report and recommendations, the licensee may file objections 62503  
to the report and recommendations. 62504

(f) Not later than fifteen days after the hearing examiner 62505  
files the report and recommendations, the director shall issue an 62506  
order approving, modifying, or disapproving the report and 62507  
recommendations. 62508

(g) Notwithstanding the pendency of the hearing, the director 62509  
shall lift the order for the suspension of admissions when the 62510  
director determines that the violation that formed the basis for 62511  
the order has been corrected. 62512

(G) In accordance with Chapter 119. of the Revised Code, the 62513  
director shall adopt and may amend and rescind rules for licensing 62514  
and regulating the operation of residential facilities, including 62515  
intermediate care facilities for the mentally retarded. The rules 62516  
for intermediate care facilities for the mentally retarded may 62517  
differ from those for other residential facilities. The rules 62518  
shall establish and specify the following: 62519

(1) Procedures and criteria for issuing and renewing 62520  
licenses, including procedures and criteria for determining the 62521  
length of the licensing period that the director must specify for 62522  
each license when it is issued or renewed; 62523

(2) Procedures and criteria for denying, refusing to renew, 62524  
terminating, and revoking licenses and for ordering the suspension 62525  
of admissions to a facility, placement of a monitor at a facility, 62526  
and the immediate removal of residents from a facility; 62527

(3) Fees for issuing and renewing licenses; 62528

(4) Procedures for surveying residential facilities; 62529

(5) Requirements for the training of residential facility 62530  
personnel; 62531

(6) Classifications for the various types of residential 62532  
facilities; 62533

(7) Certification procedures for licensees and management 62534  
contractors that the director determines are necessary to ensure 62535  
that they have the skills and qualifications to properly operate 62536  
or manage residential facilities; 62537

(8) The maximum number of persons who may be served in a 62538  
particular type of residential facility; 62539

(9) Uniform procedures for admission of persons to and 62540  
transfers and discharges of persons from residential facilities; 62541

(10) Other standards for the operation of residential 62542

facilities and the services provided at residential facilities; 62543

(11) Procedures for waiving any provision of any rule adopted 62544  
under this section. 62545

(H) Before issuing a license, the director of the department 62546  
or the director's designee shall conduct a survey of the 62547  
residential facility for which application is made. The director 62548  
or the director's designee shall conduct a survey of each licensed 62549  
residential facility at least once during the period the license 62550  
is valid and may conduct additional inspections as needed. A 62551  
survey includes but is not limited to an on-site examination and 62552  
evaluation of the residential facility, its personnel, and the 62553  
services provided there. 62554

In conducting surveys, the director or the director's 62555  
designee shall be given access to the residential facility; all 62556  
records, accounts, and any other documents related to the 62557  
operation of the facility; the licensee; the residents of the 62558  
facility; and all persons acting on behalf of, under the control 62559  
of, or in connection with the licensee. The licensee and all 62560  
persons on behalf of, under the control of, or in connection with 62561  
the licensee shall cooperate with the director or the director's 62562  
designee in conducting the survey. 62563

Following each survey, unless the director initiates a 62564  
license revocation proceeding, the director or the director's 62565  
designee shall provide the licensee with a report listing any 62566  
deficiencies, specifying a timetable within which the licensee 62567  
shall submit a plan of correction describing how the deficiencies 62568  
will be corrected, and, when appropriate, specifying a timetable 62569  
within which the licensee must correct the deficiencies. After a 62570  
plan of correction is submitted, the director or the director's 62571  
designee shall approve or disapprove the plan. A copy of the 62572  
report and any approved plan of correction shall be provided to 62573  
any person who requests it. 62574

The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(I) In addition to any other information which may be required of applicants for a license pursuant to this section and except as provided in section 5123.1910 of the Revised Code, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license.

(J) A licensee shall notify the owner of the building in which the licensee's residential facility is located of any significant change in the identity of the licensee or management contractor before the effective date of the change if the licensee is not the owner of the building.

Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may require notification to the department of any significant change in the ownership of a residential facility or in the identity of the licensee or management contractor. If the director determines that a significant change of ownership is proposed, the director shall consider the proposed change to be an application for development by a new operator pursuant to section 5123.042 of the Revised Code and shall advise the applicant within sixty days of such notification that the current license shall continue in effect or a new license will be required pursuant to this section. If the director requires a new license, the director shall permit the facility to continue to operate under the current license until the new license is issued, unless the current license is revoked, refused to be renewed, or terminated in accordance with Chapter 119. of the Revised Code.

(K) A county board of mental retardation and developmental disabilities, the legal rights service, and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall be in writing and shall state the facts constituting the basis of the allegation. The department shall not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division.

(L) The department shall establish procedures for the notification of interested parties of the transfer or interim care of residents from residential facilities that are closing or are losing their license.

(M) Before issuing a license under this section to a residential facility that will accommodate at any time more than one mentally retarded or developmentally disabled individual, the director shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation;

(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the clerk of the appropriate board of township trustees.

The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in

which to comment on the proposed issuance. 62638

Any legislative authority of a municipal corporation, board 62639  
of county commissioners, or board of township trustees that 62640  
receives notice under this division of the proposed issuance of a 62641  
license for a residential facility may comment on it in writing to 62642  
the director within ten days after the director mailed the notice, 62643  
excluding Saturdays, Sundays, and legal holidays. If the director 62644  
receives written comments from any notified officials within the 62645  
specified time, the director shall make written findings 62646  
concerning the comments and the director's decision on the 62647  
issuance of the license. If the director does not receive written 62648  
comments from any notified local officials within the specified 62649  
time, the director shall continue the process for issuance of the 62650  
license. 62651

(N) Any person may operate a licensed residential facility 62652  
that provides room and board, personal care, habilitation 62653  
services, and supervision in a family setting for at least six but 62654  
not more than eight persons with mental retardation or a 62655  
developmental disability as a permitted use in any residential 62656  
district or zone, including any single-family residential district 62657  
or zone, of any political subdivision. These residential 62658  
facilities may be required to comply with area, height, yard, and 62659  
architectural compatibility requirements that are uniformly 62660  
imposed upon all single-family residences within the district or 62661  
zone. 62662

(O) Any person may operate a licensed residential facility 62663  
that provides room and board, personal care, habilitation 62664  
services, and supervision in a family setting for at least nine 62665  
but not more than sixteen persons with mental retardation or a 62666  
developmental disability as a permitted use in any multiple-family 62667  
residential district or zone of any political subdivision, except 62668  
that a political subdivision that has enacted a zoning ordinance 62669

or resolution establishing planned unit development districts may 62670  
exclude these residential facilities from such districts, and a 62671  
political subdivision that has enacted a zoning ordinance or 62672  
resolution may regulate these residential facilities in 62673  
multiple-family residential districts or zones as a conditionally 62674  
permitted use or special exception, in either case, under 62675  
reasonable and specific standards and conditions set out in the 62676  
zoning ordinance or resolution to: 62677

(1) Require the architectural design and site layout of the 62678  
residential facility and the location, nature, and height of any 62679  
walls, screens, and fences to be compatible with adjoining land 62680  
uses and the residential character of the neighborhood; 62681

(2) Require compliance with yard, parking, and sign 62682  
regulation; 62683

(3) Limit excessive concentration of these residential 62684  
facilities. 62685

(P) This section does not prohibit a political subdivision 62686  
from applying to residential facilities nondiscriminatory 62687  
regulations requiring compliance with health, fire, and safety 62688  
regulations and building standards and regulations. 62689

(Q) Divisions (N) and (O) of this section are not applicable 62690  
to municipal corporations that had in effect on June 15, 1977, an 62691  
ordinance specifically permitting in residential zones licensed 62692  
residential facilities by means of permitted uses, conditional 62693  
uses, or special exception, so long as such ordinance remains in 62694  
effect without any substantive modification. 62695

(R)(1) The director may issue an interim license to operate a 62696  
residential facility to an applicant for a license under this 62697  
section if either of the following is the case: 62698

(a) The director determines that an emergency exists 62699  
requiring immediate placement of persons in a residential 62700

facility, that insufficient licensed beds are available, and that 62701  
the residential facility is likely to receive a permanent license 62702  
under this section within thirty days after issuance of the 62703  
interim license. 62704

(b) The director determines that the issuance of an interim 62705  
license is necessary to meet a temporary need for a residential 62706  
facility. 62707

(2) To be eligible to receive an interim license, an 62708  
applicant must meet the same criteria that must be met to receive 62709  
a permanent license under this section, except for any differing 62710  
procedures and time frames that may apply to issuance of a 62711  
permanent license. 62712

(3) An interim license shall be valid for thirty days and may 62713  
be renewed by the director for a period not to exceed one hundred 62714  
fifty days. 62715

(4) The director shall adopt rules in accordance with Chapter 62716  
119. of the Revised Code as the director considers necessary to 62717  
administer the issuance of interim licenses. 62718

(S) Notwithstanding rules adopted pursuant to this section 62719  
establishing the maximum number of persons who may be served in a 62720  
particular type of residential facility, a residential facility 62721  
shall be permitted to serve the same number of persons being 62722  
served by the facility on the effective date of such rules or the 62723  
number of persons for which the facility is authorized pursuant to 62724  
a current application for a certificate of need with a letter of 62725  
support from the department of mental retardation and 62726  
developmental disabilities and which is in the review process 62727  
prior to April 4, 1986. 62728

(T) The director or the director's designee may enter at any 62729  
time, for purposes of investigation, any home, facility, or other 62730  
structure that has been reported to the director or that the 62731

director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

Sec. 5123.196. (A) Except as provided in divisions (E) and (F) of this section, the director of mental retardation and developmental disabilities shall not issue a license under section 5123.19 of the Revised Code on or after July 1, 2003, if issuance will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.

(B) The maximum number of beds for the purpose of division (A) of this section shall not exceed ten thousand eight hundred thirty-eight minus, except as provided in division (C) of this section, both of the following:

(1) The number of such beds that cease to be residential facility beds on or after July 1, 2003, because a residential facility license is revoked, terminated, or not renewed for any reason or is surrendered in accordance with section 5123.19 of the Revised Code and after the issuance of an adjudication order pursuant to Chapter 119. of the Revised Code;

(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003.

(C) The director is not required to reduce the maximum number of beds pursuant to division (B) of this section by a bed that ceases to be a residential facility bed if the director determines that the bed is needed to provide services to an individual with mental retardation or a developmental disability who resided in the residential facility in which the bed was located. 62762  
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(D) The director shall maintain an up-to-date written record of the maximum number of residential facility beds provided for by division (B) of this section. 62768  
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(E) If required by section 5123.1910 of the Revised Code to issue a license under section 5123.19 of the Revised Code, the director shall issue the license regardless of whether issuance will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section. 62771  
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(F) The director may issue an interim license under division (R) of section 5123.19 of the Revised Code and issue, pursuant to rules adopted under division (G)(11) of that section, a waiver allowing a residential facility to admit more residents than the facility is licensed to admit regardless of whether the interim license or waiver will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section. 62777  
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**Sec. 5123.198.** (A) As used in this section, "date of the commitment" means the date that an individual specified in division (B) of this section begins to reside in a state-operated intermediate care facility for the mentally retarded after being committed to the facility pursuant to sections 5123.71 to 5123.76 of the Revised Code. 62785  
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(B) Except as provided in division (C) of this section, whenever a resident of a residential facility is committed to a 62791  
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state-operated intermediate care facility for the mentally retarded pursuant to sections 5123.71 to 5123.76 of the Revised Code, the department of mental retardation and developmental disabilities, pursuant to an adjudication order issued in accordance with Chapter 119. of the Revised Code, shall reduce by one the number of residents for which the facility in which the resident resided is licensed. 62793  
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(C) The department shall not reduce under division (B) of this section the number of residents for which a residential facility is licensed if any of the following are the case: 62800  
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(1) The resident of the residential facility who is committed to a state-operated intermediate care facility for the mentally retarded resided in the residential facility because of the closure, on or after the effective date of this section, of another state-operated intermediate care facility for the mentally retarded; 62803  
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(2) The residential facility admits within ninety days of the date of the commitment an individual who resides on the date of the commitment in a state-operated intermediate care facility for the mentally retarded or another residential facility; 62809  
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(3) The department fails to do either of the following within ninety days of the date of the commitment: 62813  
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(a) Identify an individual to whom all of the following applies: 62815  
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(i) Resides on the date of the commitment in a state-operated intermediate care facility for the mentally retarded or another residential facility; 62817  
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(ii) Has indicated to the department an interest in relocating to the residential facility or has a parent or guardian who has indicated to the department an interest for the individual to relocate to the residential facility; 62820  
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(iii) The department determines the individual has needs that the residential facility can meet. 62824  
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(b) Provide the residential facility with information about the individual identified under division (C)(2)(a) of this section that the residential facility needs in order to determine whether the facility can meet the individual's needs. 62826  
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(4) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and except as provided in division (D) of this section, the residential facility does all of the following not later than ninety days after the date of the commitment: 62830  
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(a) Evaluates the information provided by the department; 62836

(b) Assesses the identified individual's needs; 62837

(c) Determines that the residential facility cannot meet the identified individual's needs. 62838  
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(5) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and the residential facility determines that the residential facility can meet the identified individual's needs, the individual, or a parent or guardian of the individual, refuses placement in the residential facility. 62840  
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(D) The department may reduce under division (B) of this section the number of residents for which a residential facility is licensed even though the residential facility completes the actions specified in division (C)(4) of this section not later than ninety days after the date of the commitment if all of the following are the case: 62846  
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(1) The department disagrees with the residential facility's determination that the residential facility cannot meet the 62852  
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identified individual's needs. 62854

(2) The department issues a written decision pursuant to the 62855  
uniform procedures for admissions, transfers, and discharges 62856  
established by rules adopted under division (G)(9) of section 62857  
5123.19 of the Revised Code that the residential facility should 62858  
admit the identified individual. 62859

(3) After the department issues the written decision 62860  
specified in division (D)(2) of this section, the residential 62861  
facility refuses to admit the identified individual. 62862

(E) A residential facility that admits, refuses to admit, 62863  
transfers, or discharges a resident under this section shall 62864  
comply with the uniform procedures for admissions, transfers, and 62865  
discharges established by rules adopted under division (G)(9) of 62866  
section 5123.19 of the Revised Code. 62867

(F) The department of mental retardation and developmental 62868  
disabilities may notify the department of job and family services 62869  
of any reduction under this section in the number of residents for 62870  
which a residential facility that is an intermediate care facility 62871  
for the mentally retarded is licensed. On receiving the notice, 62872  
the department of job and family services may transfer to the 62873  
department of mental retardation and developmental disabilities 62874  
the savings in the nonfederal share of medicaid expenditures for 62875  
each fiscal year after the year of the commitment to be used for 62876  
costs of the resident's care in the state-operated intermediate 62877  
care facility for the mentally retarded. In determining the amount 62878  
saved, the department of job and family services shall consider 62879  
medicaid payments for the remaining residents of the facility in 62880  
which the resident resided. 62881

**Sec. ~~5111.252~~ 5123.199.** (A) As used in this section: 62882

(1) "Contractor" means a person or government agency that has 62883

entered into a contract with the department of mental retardation 62884  
and developmental disabilities under this section. 62885

(2) "Government agency" and "residential services" have the 62886  
same meanings as in section 5123.18 of the Revised Code. 62887

(3) "Intermediate care facility for the mentally retarded" 62888  
has the same meaning as in section 5111.20 of the Revised Code. 62889

(4) "Respite care services" has the same meaning as in 62890  
section 5123.171 of the Revised Code. 62891

(B) The department of mental retardation and developmental 62892  
disabilities may enter into a contract with a person or government 62893  
agency to do any of the following: 62894

(1) Provide residential services in an intermediate care 62895  
facility for the mentally retarded to an individual who meets the 62896  
criteria for admission to such a facility but is not eligible for 62897  
assistance under ~~this chapter~~ Chapter 5111. of the Revised Code 62898  
due to unliquidated assets subject to final probate action; 62899

(2) Provide respite care services in an intermediate care 62900  
facility for the mentally retarded; 62901

(3) Provide residential services in a facility for which the 62902  
person or government agency has applied for, but has not received, 62903  
certification and payment as an intermediate care facility for the 62904  
mentally retarded if the person or government agency is making a 62905  
good faith effort to bring the facility into compliance with 62906  
requirements for certification and payment as an intermediate care 62907  
facility for the mentally retarded. In assigning payment amounts 62908  
to such contracts, the department shall take into account costs 62909  
incurred in attempting to meet certification requirements. 62910

(4) Reimburse an intermediate care facility for the mentally 62911  
retarded for costs not otherwise reimbursed under ~~this chapter~~ 62912  
Chapter 5111. of the Revised Code for clothing for individuals who 62913

are mentally retarded or developmentally disabled. Reimbursement 62914  
under such contracts shall not exceed a maximum amount per 62915  
individual per year specified in rules that the department shall 62916  
adopt in accordance with Chapter 119. of the Revised Code. 62917

(C) The amount paid to a contractor under divisions (B)(1) to 62918  
(3) of this section shall not exceed the reimbursement that would 62919  
be made under ~~this chapter~~ Chapter 5111. of the Revised Code by 62920  
the department of job and family services for the same goods and 62921  
services. 62922

(D) The department of mental retardation and developmental 62923  
disabilities shall adopt rules as necessary to implement this 62924  
section, including rules establishing standards and procedures for 62925  
the submission of cost reports by contractors and the department's 62926  
conduct of audits and reconciliations regarding the contracts. The 62927  
rules shall be adopted in accordance with Chapter 119. of the 62928  
Revised Code. 62929

**Sec. 5123.1910.** (A) The director of mental retardation and 62930  
developmental disabilities shall issue one or more residential 62931  
facility licenses under section 5123.19 of the Revised Code to an 62932  
applicant without requiring the applicant to have plans submitted, 62933  
reviewed, or approved under section 5123.042 of the Revised Code 62934  
for the residential facility if all of the following requirements 62935  
are met: 62936

(1) The applicant satisfies the requirements for the license 62937  
established by section 5123.19 of the Revised Code and rules 62938  
adopted under that section, other than any rule that requires an 62939  
applicant for a residential facility license to have plans 62940  
submitted, reviewed, or approved under section 5123.042 of the 62941  
Revised Code for the residential facility. 62942

(2) The applicant operates at least one residential facility 62943  
licensed under section 5123.19 of the Revised Code on the 62944

effective date of this section. 62945

(3) The applicant provides services to individuals with 62946  
mental retardation or a developmental disability who have a 62947  
chronic, medically complex, or technology-dependent condition that 62948  
requires special supervision or care, the majority of whom 62949  
received habilitation services from the applicant before attaining 62950  
eighteen years of age. 62951

(4) The applicant has created directly or through a corporate 62952  
affiliate a research center that has the mission of funding, 62953  
promoting, and carrying on scientific research in the public 62954  
interest related to individuals with mental retardation or a 62955  
developmental disability for the purpose of improving the lives of 62956  
such individuals. 62957

(5) If the applicant seeks two or more residential facility 62958  
licenses, the residential facilities for which a license is sought 62959  
after the effective date of this section are located on the same 62960  
or adjoining property sites. 62961

(6) The residential facilities for which the applicant seeks 62962  
licensure have not more than eight beds each and forty-eight beds 62963  
total. 62964

(7) The applicant, one or more of the applicant's corporate 62965  
affiliates, or both employ or contract for, on a full-time basis, 62966  
at least one licensed physician who is certified by the American 62967  
board of pediatrics or would be eligible for certification from 62968  
that board if the physician passed an examination necessary to 62969  
obtain certification from that board. 62970

(8) The applicant, one or more of the applicant's corporate 62971  
affiliates, or both have educational facilities suitable for the 62972  
instruction of individuals under eighteen years of age with mental 62973  
retardation or a developmental disability who have a medically 62974  
complex or technology-dependent condition. 62975

(9) The applicant has a policy for giving individuals with mental retardation or a developmental disability who meet all of the following conditions priority over all others in admissions to one of the residential facilities licensed under section 5123.19 of the Revised Code that the applicant operates on the effective date of this section: 62976  
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(a) Are under eighteen years of age; 62982

(b) Have a chronic, medically complex, or technology-dependent condition that requires special supervision or care; 62983  
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(c) Are eligible for medicaid; 62986

(d) Reside in a nursing home, as defined in section 3721.01 of the Revised Code, or a hospital, as defined in section 3727.01, prior to being admitted to the residential facility. 62987  
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(B) The director shall issue one or more residential facility licenses under section 5123.19 of the Revised Code to an applicant who meets all of the requirements of this section regardless of whether the requirements for approval of a plan for a proposed residential facility established by rules adopted under section 5123.042 of the Revised Code are met. 62990  
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**Sec. 5123.38.** (A) Except as provided in division (B) and (C) of this section, if an individual receiving supported living or home and community-based services, as defined in section 5126.01 of the Revised Code, funded by a county board of mental retardation and developmental disabilities is committed to a state-operated intermediate care facility for the mentally retarded pursuant to sections 5123.71 to 5123.76 of the Revised Code, the department of mental retardation and developmental disabilities shall use the funds otherwise allocated to the county board as the nonfederal share of medicaid expenditures for the 62996  
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individual's care in the state-operated facility. 63006

(B) Division (A) of this section does not apply if the county board, not later than ninety days after the date of the commitment of a person receiving supported services, commences funding of supported living for an individual who resides in a state-operated intermediate care facility for the mentally retarded on the date of the commitment or another eligible individual designated by the department. 63007  
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(C) Division (A) of this section does not apply if the county board, not later than ninety days after the date of the commitment of a person receiving home and community-based services, commences funding of home and community-based services for an individual who resides in a state-operated intermediate care facility for the mentally retarded on the date of the commitment or another eligible individual designated by the department. 63014  
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**Sec. 5123.60.** (A) A legal rights service is hereby created and established to protect and advocate the rights of mentally ill persons, mentally retarded persons, developmentally disabled persons, and other disabled persons who may be represented by the service pursuant to division (L) of this section; to receive and act upon complaints concerning institutional and hospital practices and conditions of institutions for mentally retarded or developmentally disabled persons and hospitals for the mentally ill; and to assure that all persons detained, hospitalized, discharged, or institutionalized, and all persons whose detention, hospitalization, discharge, or institutionalization is sought or has been sought under this chapter or Chapter 5122. of the Revised Code are fully informed of their rights and adequately represented by counsel in proceedings under this chapter or Chapter 5122. of the Revised Code and in any proceedings to secure the rights of those persons. Notwithstanding the definitions of "mentally 63021  
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retarded person" and "developmentally disabled person" in section 63037  
5123.01 of the Revised Code, the legal rights service shall 63038  
determine who is a mentally retarded or developmentally disabled 63039  
person for purposes of this section and sections 5123.601 to 63040  
5123.604 of the Revised Code. 63041

(B) In regard to those persons detained, hospitalized, or 63042  
institutionalized under Chapter 5122. of the Revised Code, the 63043  
legal rights service shall undertake formal representation only of 63044  
those persons who are involuntarily detained, hospitalized, or 63045  
institutionalized pursuant to sections 5122.10 to 5122.15 of the 63046  
Revised Code, and those voluntarily detained, hospitalized, or 63047  
institutionalized who are minors, who have been adjudicated 63048  
incompetent, who have been detained, hospitalized, or 63049  
institutionalized in a public hospital, or who have requested 63050  
representation by the legal rights service. If a person referred 63051  
to in division (A) of this section voluntarily requests in writing 63052  
that the legal rights service terminate participation in the 63053  
person's case, such involvement shall cease. 63054

(C) Any person voluntarily hospitalized or institutionalized 63055  
in a public hospital under division (A) of section 5122.02 of the 63056  
Revised Code, after being fully informed of the person's rights 63057  
under division (A) of this section, may, by written request, waive 63058  
assistance by the legal rights service if the waiver is knowingly 63059  
and intelligently made, without duress or coercion. 63060

The waiver may be rescinded at any time by the voluntary 63061  
patient or resident, or by the voluntary patient's or resident's 63062  
legal guardian. 63063

(D)(1) The legal rights service commission is hereby created 63064  
for the purposes of appointing an administrator of the legal 63065  
rights service, advising the administrator, assisting the 63066  
administrator in developing a budget, advising the administrator 63067  
in establishing and annually reviewing a strategic plan, creating 63068

a procedure for filing and determination of grievances against the 63069  
legal rights service, and establishing general policy guidelines, 63070  
including guidelines for the commencement of litigation, for the 63071  
legal rights service. The commission may adopt rules to carry 63072  
these purposes into effect and may receive and act upon appeals of 63073  
personnel decisions by the administrator. 63074

(2) The commission shall consist of seven members. One 63075  
member, who shall serve as chairperson, shall be appointed by the 63076  
chief justice of the supreme court, three members shall be 63077  
appointed by the speaker of the house of representatives, and 63078  
three members shall be appointed by the president of the senate. 63079  
At least two members shall have experience in the field of 63080  
developmental disabilities, and at least two members shall have 63081  
experience in the field of mental health. No member shall be a 63082  
provider or related to a provider of services to mentally 63083  
retarded, developmentally disabled, or mentally ill persons. 63084

(3) Terms of office of the members of the commission shall be 63085  
for three years, each term ending on the same day of the month of 63086  
the year as did the term which it succeeds. Each member shall 63087  
serve subsequent to the expiration of the member's term until a 63088  
successor is appointed and qualifies, or until sixty days has 63089  
elapsed, whichever occurs first. No member shall serve more than 63090  
two consecutive terms. 63091

All vacancies in the membership of the commission shall be 63092  
filled in the manner prescribed for regular appointments to the 63093  
commission and shall be limited to the unexpired terms. 63094

(4) The commission shall meet at least four times each year. 63095  
Members shall be reimbursed for their necessary and actual 63096  
expenses incurred in the performance of their official duties. 63097

(5) The administrator of the legal rights service shall be 63098  
~~appointed for a five year term, subject to removal for mental or~~ 63099

~~physical incapacity to perform the duties of the office,~~ 63100  
~~conviction of violation of any law relating to the administrator's~~ 63101  
~~powers and duties, or other good cause shown~~ serve at the pleasure 63102  
of the commission. 63103

The administrator shall be a person who has had special 63104  
training and experience in the type of work with which the legal 63105  
rights service is charged. If the administrator is not an 63106  
attorney, the administrator shall seek legal counsel when 63107  
appropriate. The salary of the administrator shall be established 63108  
in accordance with section 124.14 of the Revised Code. 63109

(E) The legal rights service shall be completely independent 63110  
of the department of mental health and the department of mental 63111  
retardation and developmental disabilities and, notwithstanding 63112  
section 109.02 of the Revised Code, shall also be independent of 63113  
the office of the attorney general. The administrator of the legal 63114  
rights service, staff, and attorneys designated by the 63115  
administrator to represent persons detained, hospitalized, or 63116  
institutionalized under this chapter or Chapter 5122. of the 63117  
Revised Code shall have ready access to the following: 63118

(1) During normal business hours and at other reasonable 63119  
times, all records relating to expenditures of state and federal 63120  
funds or to the commitment, care, treatment, and habilitation of 63121  
all persons represented by the legal rights service, including 63122  
those who may be represented pursuant to division (L) of this 63123  
section, or persons detained, hospitalized, institutionalized, or 63124  
receiving services under this chapter or Chapter 340., 5119., 63125  
5122., or 5126. of the Revised Code that are records maintained by 63126  
the following entities providing services for those persons: 63127  
departments; institutions; hospitals; community residential 63128  
facilities; boards of alcohol, drug addiction, and mental health 63129  
services; county boards of mental retardation and developmental 63130  
disabilities; contract agencies of those boards; and any other 63131

entity providing services to persons who may be represented by the 63132  
service pursuant to division (L) of this section; 63133

(2) Any records maintained in computerized data banks of the 63134  
departments or boards or, in the case of persons who may be 63135  
represented by the service pursuant to division (L) of this 63136  
section, any other entity that provides services to those persons; 63137

(3) During their normal working hours, personnel of the 63138  
departments, facilities, boards, agencies, institutions, 63139  
hospitals, and other service-providing entities; 63140

(4) At any time, all persons detained, hospitalized, or 63141  
institutionalized; persons receiving services under this chapter 63142  
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 63143  
persons who may be represented by the service pursuant to division 63144  
(L) of this section. 63145

(F) The administrator of the legal rights service shall do 63146  
the following: 63147

(1) Administer and organize the work of the legal rights 63148  
service and establish administrative or geographic divisions as 63149  
the administrator considers necessary, proper, and expedient; 63150

(2) Adopt and promulgate rules that are not in conflict with 63151  
rules adopted by the commission and prescribe duties for the 63152  
efficient conduct of the business and general administration of 63153  
the legal rights service; 63154

(3) Appoint and discharge employees, and hire experts, 63155  
consultants, advisors, or other professionally qualified persons 63156  
as the administrator considers necessary to carry out the duties 63157  
of the legal rights service; 63158

(4) Apply for and accept grants of funds, and accept 63159  
charitable gifts and bequests; 63160

(5) Prepare and submit a budget to the general assembly for 63161

the operation of the legal rights service~~+~~. At least thirty days 63162  
prior to submitting the budget to the general assembly, the 63163  
administrator shall provide a copy of the budget to the commission 63164  
for review and comment. When submitting the budget to the general 63165  
assembly, the administrator shall include a copy of any written 63166  
comments returned by the commission to the administrator. 63167

(6) Enter into contracts and make expenditures necessary for 63168  
the efficient operation of the legal rights service; 63169

(7) Annually prepare a report of activities and submit copies 63170  
of the report to the governor, the chief justice of the supreme 63171  
court, the president of the senate, the speaker of the house of 63172  
representatives, the director of mental health, and the director 63173  
of mental retardation and developmental disabilities, and make the 63174  
report available to the public; 63175

(8) Upon request of the commission or of the chairperson of 63176  
the commission, report to the commission on specific litigation 63177  
issues or activities. 63178

(G)(1) The legal rights service may act directly or contract 63179  
with other organizations or individuals for the provision of the 63180  
services envisioned under this section. 63181

(2) Whenever possible, the administrator shall attempt to 63182  
facilitate the resolution of complaints through administrative 63183  
channels. Subject to division (G)(3) of this section, if attempts 63184  
at administrative resolution prove unsatisfactory, the 63185  
administrator may pursue any legal, administrative, and other 63186  
appropriate remedies or approaches that may be necessary to 63187  
accomplish the purposes of this section. 63188

(3) The administrator may not pursue a class action lawsuit 63189  
under division (G)(2) of this section when attempts at 63190  
administrative resolution of a complaint prove unsatisfactory 63191  
under that division unless both of the following have first 63192

occurred: 63193

(a) At least four members of the commission, by their 63194  
affirmative vote, have consented to the pursuit of the class 63195  
action lawsuit; 63196

(b) At least five members of the commission are present at 63197  
the meeting of the commission at which that consent is obtained. 63198

(4) ~~Relationships~~ Subject to division (G)(5) of this section, 63199  
relationships between personnel and the agents of the legal rights 63200  
service and its clients shall be fiduciary relationships, and all 63201  
communications shall be confidential, as if between attorney and 63202  
client. 63203

(5) Any person who has been represented by the legal rights 63204  
service or who has applied for and been denied representation and 63205  
who files a grievance with the service concerning the 63206  
representation or application may appeal the decision of the 63207  
service on the grievance to the commission. The person may appeal 63208  
notwithstanding any objections of the person's legal guardian. The 63209  
commission may examine any records relevant to the appeal and 63210  
shall maintain the confidentiality of any records that are 63211  
required to be kept confidential. 63212

(H) The legal rights service, on the order of the 63213  
administrator, with the approval by an affirmative vote of at 63214  
least four members of the commission, may compel by subpoena the 63215  
appearance and sworn testimony of any person the administrator 63216  
reasonably believes may be able to provide information or to 63217  
produce any documents, books, records, papers, or other 63218  
information necessary to carry out its duties. 63219

(I) The legal rights service may conduct public hearings. 63220

(J) The legal rights service may request from any 63221  
governmental agency any cooperation, assistance, services, or data 63222  
that will enable it to perform its duties. 63223

(K) In any malpractice action filed against the administrator 63224  
of the legal rights service, a member of the staff of the legal 63225  
rights service, or an attorney designated by the administrator to 63226  
perform legal services under division (E) of this section, the 63227  
state shall, when the administrator, member, or attorney has acted 63228  
in good faith and in the scope of employment, indemnify the 63229  
administrator, member, or attorney for any judgment awarded or 63230  
amount negotiated in settlement, and for any court costs or legal 63231  
fees incurred in defense of the claim. 63232

This division does not limit or waive, and shall not be 63233  
construed to limit or waive, any defense that is available to the 63234  
legal rights service, its administrator or employees, persons 63235  
under a personal services contract with it, or persons designated 63236  
under division (E) of this section, including, but not limited to, 63237  
any defense available under section 9.86 of the Revised Code. 63238

(L) In addition to providing services to mentally ill, 63239  
mentally retarded, or developmentally disabled persons, when a 63240  
grant authorizing the provision of services to other individuals 63241  
is accepted pursuant to division (F)(4) of this section, the legal 63242  
rights service and its ombudsperson section may provide advocacy 63243  
or ombudsperson services to those other individuals and exercise 63244  
any other authority granted by this section or sections 5123.601 63245  
to 5123.604 of the Revised Code on behalf of those individuals. 63246  
Determinations of whether an individual is eligible for services 63247  
under this division shall be made by the legal rights service. 63248

**Sec. 5123.801.** If neither a discharged resident, nor a 63249  
resident granted trial visit, nor the persons requesting the 63250  
resident's trial visit or discharge are financially able to bear 63251  
the expense of the resident's trial visit or discharge, the 63252  
managing officer of an institution under the control of the 63253  
department of mental retardation and developmental disabilities 63254

may then provide actual traveling and escort expenses to the 63255  
township of which the resident resided at the time of 63256  
institutionalization. The amount payable shall be charged to the 63257  
current expense fund of the institution. 63258

The expense of the return of a resident on trial visit from 63259  
an institution, if it cannot be paid by the responsible relatives, 63260  
shall be borne by the county of institutionalization. 63261

~~The managing officer of the institution shall take all proper 63262  
measures for the apprehension of an escaped resident. The expense 63263  
of the return of an escaped resident shall be borne by the 63264  
institution where the resident is institutionalized. 63265~~

The managing officer of the institution shall provide 63266  
sufficient and proper clothing for traveling if neither the 63267  
resident nor the persons requesting the resident's trial visit or 63268  
discharge are financially able to provide that clothing. 63269

Sec. 5123.851. When a resident institutionalized pursuant to 63270  
this chapter is discharged from the institution, the managing 63271  
officer of the institution may provide the resident with all 63272  
personal items that were purchased in implementing the resident's 63273  
habilitation plan established pursuant to section 5123.85 of the 63274  
Revised Code. The personal items may be provided to the resident, 63275  
regardless of the source of the funds that were used to purchase 63276  
the items. 63277

**Sec. 5126.01.** As used in this chapter: 63278

(A) As used in this division, "adult" means an individual who 63279  
is eighteen years of age or over and not enrolled in a program or 63280  
service under Chapter 3323. of the Revised Code and an individual 63281  
sixteen or seventeen years of age who is eligible for adult 63282  
services under rules adopted by the director of mental retardation 63283  
and developmental disabilities pursuant to Chapter 119. of the 63284

Revised Code.	63285
(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.	63286 63287 63288 63289 63290 63291 63292
(2) "Adult services" includes all of the following:	63293
(a) Adult day habilitation services;	63294
(b) Adult day care;	63295
(c) Prevocational services;	63296
(d) Sheltered employment;	63297
(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;	63298 63299 63300 63301 63302 63303 63304
(f) Community employment services and supported employment services.	63305 63306
(B)(1) "Adult day habilitation services" means adult services that do the following:	63307 63308
(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community	63309 63310 63311 63312 63313 63314

events, and activities where individuals without disabilities are 63315  
involved; 63316

(b) Provide supports or a combination of training and 63317  
supports that afford an individual a wide variety of opportunities 63318  
to facilitate and build relationships and social supports in the 63319  
community. 63320

(2) "Adult day habilitation services" includes all of the 63321  
following: 63322

(a) Personal care services needed to ensure an individual's 63323  
ability to experience and participate in vocational services, 63324  
educational services, community activities, and any other adult 63325  
day habilitation services; 63326

(b) Skilled services provided while receiving adult day 63327  
habilitation services, including such skilled services as behavior 63328  
management intervention, occupational therapy, speech and language 63329  
therapy, physical therapy, and nursing services; 63330

(c) Training and education in self-determination designed to 63331  
help the individual do one or more of the following: develop 63332  
self-advocacy skills, exercise the individual's civil rights, 63333  
acquire skills that enable the individual to exercise control and 63334  
responsibility over the services received, and acquire skills that 63335  
enable the individual to become more independent, integrated, or 63336  
productive in the community; 63337

(d) Recreational and leisure activities identified in the 63338  
individual's service plan as therapeutic in nature or assistive in 63339  
developing or maintaining social supports; 63340

(e) Counseling and assistance provided to obtain housing, 63341  
including such counseling as identifying options for either rental 63342  
or purchase, identifying financial resources, assessing needs for 63343  
environmental modifications, locating housing, and planning for 63344  
ongoing management and maintenance of the housing selected; 63345

(f) Transportation necessary to access adult day habilitation services;	63346 63347
(g) Habilitation management, as described in section 5126.14 of the Revised Code.	63348 63349
(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.	63350 63351 63352
(C) "Community employment services" or "supported employment services" means job training and other services related to employment outside a sheltered workshop. "Community employment services" or "supported employment services" include all of the following:	63353 63354 63355 63356 63357
(1) Job training resulting in the attainment of competitive work, supported work in a typical work environment, or self-employment;	63358 63359 63360
(2) Supervised work experience through an employer paid to provide the supervised work experience;	63361 63362
(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;	63363 63364
(4) Ongoing supervision by an employer paid to provide the supervision.	63365 63366
(D) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.	63367 63368 63369 63370
"Developmental disability" means a severe, chronic disability that is characterized by all of the following:	63371 63372
(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as	63373 63374 63375

defined in division (A) of section 5122.01 of the Revised Code;	63376
(2) It is manifested before age twenty-two;	63377
(3) It is likely to continue indefinitely;	63378
(4) It results in one of the following:	63379
(a) In the case of a person under age three, at least one developmental delay or an established risk;	63380 63381
(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;	63382 63383
(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.	63384 63385 63386 63387 63388 63389 63390
(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.	63391 63392 63393 63394
(E) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age.	63395 63396 63397 63398
(F)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.	63399 63400 63401 63402 63403 63404
(2) "Environmental modifications" includes such adaptations	63405

as installation of ramps and grab-bars, widening of doorways, 63406  
modification of bathroom facilities, and installation of 63407  
specialized electric and plumbing systems necessary to accommodate 63408  
the individual's medical equipment and supplies. 63409

(3) "Environmental modifications" does not include physical 63410  
adaptations or improvements to the home that are of general 63411  
utility or not of direct medical or remedial benefit to the 63412  
individual, including such adaptations or improvements as 63413  
carpeting, roof repair, and central air conditioning. 63414

(G) "Family support services" means the services provided 63415  
under a family support services program operated under section 63416  
5126.11 of the Revised Code. 63417

(H) "Habilitation" means the process by which the staff of 63418  
the facility or agency assists an individual with mental 63419  
retardation or other developmental disability in acquiring and 63420  
maintaining those life skills that enable the individual to cope 63421  
more effectively with the demands of the individual's own person 63422  
and environment, and in raising the level of the individual's 63423  
personal, physical, mental, social, and vocational efficiency. 63424  
Habilitation includes, but is not limited to, programs of formal, 63425  
structured education and training. 63426

(I) "Habilitation center services" means services provided by 63427  
a habilitation center certified by the department of mental 63428  
retardation and developmental disabilities under section 5123.041 63429  
of the Revised Code and covered by the medicaid program pursuant 63430  
to rules adopted under section 5111.041 of the Revised Code. 63431

(J) "Home and community-based services" means medicaid-funded 63432  
home and community-based services specified in division (B)(1) of 63433  
section 5111.87 of the Revised Code and provided under a the 63434  
medicaid ~~component~~ components the department of mental retardation 63435  
and developmental disabilities administers pursuant to section 63436

5111.871 of the Revised Code. 63437

(K) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 63438  
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(L) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires. 63440  
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(M) "Mental retardation" means a mental impairment manifested during the developmental period characterized by significantly subaverage general intellectual functioning existing concurrently with deficiencies in the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's age and cultural group. 63444  
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(N) "Residential services" means services to individuals with mental retardation or other developmental disabilities to provide housing, food, clothing, habilitation, staff support, and related support services necessary for the health, safety, and welfare of the individuals and the advancement of their quality of life. 63451  
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"Residential services" includes program management, as described in section 5126.14 of the Revised Code. 63456  
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(O) "Resources" means available capital and other assets, including moneys received from the federal, state, and local governments, private grants, and donations; appropriately qualified personnel; and appropriate capital facilities and equipment. 63458  
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(P) "Service and support administration" means the duties performed by a service and support administrator pursuant to section 5126.15 of the Revised Code. 63463  
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(Q)(1) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" means equipment, supplies, and 63466  
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supports that enable an individual to increase the ability to 63468  
perform activities of daily living or to perceive, control, or 63469  
communicate within the environment. 63470

(2) "Specialized medical, adaptive, and assistive equipment, 63471  
supplies, and supports" includes the following: 63472

(a) Eating utensils, adaptive feeding dishes, plate guards, 63473  
mylatex straps, hand splints, reaches, feeder seats, adjustable 63474  
pointer sticks, interpreter services, telecommunication devices 63475  
for the deaf, computerized communications boards, other 63476  
communication devices, support animals, veterinary care for 63477  
support animals, adaptive beds, supine boards, prone boards, 63478  
wedges, sand bags, sidelayers, bolsters, adaptive electrical 63479  
switches, hand-held shower heads, air conditioners, humidifiers, 63480  
emergency response systems, folding shopping carts, vehicle lifts, 63481  
vehicle hand controls, other adaptations of vehicles for 63482  
accessibility, and repair of the equipment received. 63483

(b) Nondisposable items not covered by medicaid that are 63484  
intended to assist an individual in activities of daily living or 63485  
instrumental activities of daily living. 63486

(R) "Supportive home services" means a range of services to 63487  
families of individuals with mental retardation or other 63488  
developmental disabilities to develop and maintain increased 63489  
acceptance and understanding of such persons, increased ability of 63490  
family members to teach the person, better coordination between 63491  
school and home, skills in performing specific therapeutic and 63492  
management techniques, and ability to cope with specific 63493  
situations. 63494

(S)(1) "Supported living" means services provided for as long 63495  
as twenty-four hours a day to an individual with mental 63496  
retardation or other developmental disability through any public 63497  
or private resources, including moneys from the individual, that 63498

enhance the individual's reputation in community life and advance 63499  
the individual's quality of life by doing the following: 63500

(a) Providing the support necessary to enable an individual 63501  
to live in a residence of the individual's choice, with any number 63502  
of individuals who are not disabled, or with not more than three 63503  
individuals with mental retardation and developmental disabilities 63504  
unless the individuals are related by blood or marriage; 63505

(b) Encouraging the individual's participation in the 63506  
community; 63507

(c) Promoting the individual's rights and autonomy; 63508

(d) Assisting the individual in acquiring, retaining, and 63509  
improving the skills and competence necessary to live successfully 63510  
in the individual's residence. 63511

(2) "Supported living" includes the provision of all of the 63512  
following: 63513

(a) Housing, food, clothing, habilitation, staff support, 63514  
professional services, and any related support services necessary 63515  
to ensure the health, safety, and welfare of the individual 63516  
receiving the services; 63517

(b) A combination of life-long or extended-duration 63518  
supervision, training, and other services essential to daily 63519  
living, including assessment and evaluation and assistance with 63520  
the cost of training materials, transportation, fees, and 63521  
supplies; 63522

(c) Personal care services and homemaker services; 63523

(d) Household maintenance that does not include modifications 63524  
to the physical structure of the residence; 63525

(e) Respite care services; 63526

(f) Program management, as described in section 5126.14 of 63527  
the Revised Code. 63528

Sec. 5126.042. (A) As used in this section+ 63529

~~(1)~~ "Emergency", "emergency" means any situation that creates 63530  
for an individual with mental retardation or developmental 63531  
disabilities a risk of substantial self-harm or substantial harm 63532  
to others if action is not taken within thirty days. An 63533  
"emergency" may include one or more of the following situations: 63534

~~(a)~~(1) Loss of present residence for any reason, including 63535  
legal action; 63536

~~(b)~~(2) Loss of present caretaker for any reason, including 63537  
serious illness of the caretaker, change in the caretaker's 63538  
status, or inability of the caretaker to perform effectively for 63539  
the individual; 63540

~~(c)~~(3) Abuse, neglect, or exploitation of the individual; 63541

~~(d)~~(4) Health and safety conditions that pose a serious risk 63542  
to the individual or others of immediate harm or death; 63543

~~(e)~~(5) Change in the emotional or physical condition of the 63544  
individual that necessitates substantial accommodation that cannot 63545  
be reasonably provided by the individual's existing caretaker. 63546

~~(2)~~ "Medicaid" has the same meaning as in section 5111.01 of 63547  
the Revised Code. 63548

(B) If a county board of mental retardation and developmental 63549  
disabilities determines that available resources are not 63550  
sufficient to meet the needs of all individuals who request 63551  
programs and services and may be offered the programs and 63552  
services, it shall establish waiting lists for services. The board 63553  
may establish priorities for making placements on its waiting 63554  
lists according to an individual's emergency status and shall 63555  
establish priorities in accordance with ~~division~~ divisions (D) and 63556  
(E) of this section. 63557

The individuals who may be placed on a waiting list include 63558

individuals with a need for services on an emergency basis and 63559  
individuals who have requested services for which resources are 63560  
not available. 63561

Except for an individual who is to receive priority for 63562  
services pursuant to division (D)(3) of this section, an 63563  
individual who currently receives a service but would like to 63564  
change to another service shall not be placed on a waiting list 63565  
but shall be placed on a service substitution list. The board 63566  
shall work with the individual, service providers, and all 63567  
appropriate entities to facilitate the change in service as 63568  
expeditiously as possible. The board may establish priorities for 63569  
making placements on its service substitution lists according to 63570  
an individual's emergency status. 63571

In addition to maintaining waiting lists and service 63572  
substitution lists, a board shall maintain a long-term service 63573  
planning registry for individuals who wish to record their 63574  
intention to request in the future a service they are not 63575  
currently receiving. The purpose of the registry is to enable the 63576  
board to document requests and to plan appropriately. The board 63577  
may not place an individual on the registry who meets the 63578  
conditions for receipt of services on an emergency basis. 63579

(C) A county board shall establish a separate waiting list 63580  
for each of the following categories of services, and may 63581  
establish separate waiting lists within the waiting lists: 63582

(1) Early childhood services; 63583

(2) Educational programs for preschool and school age 63584  
children; 63585

(3) Adult services; 63586

(4) Service and support administration; 63587

(5) Residential services and supported living; 63588

(6) Transportation services;	63589
(7) Other services determined necessary and appropriate for persons with mental retardation or a developmental disability according to their individual habilitation or service plans;	63590 63591 63592
(8) Family support services provided under section 5126.11 of the Revised Code.	63593 63594
(D) Except as provided in division <del>(F)</del> (G) of this section, a county board shall do, as priorities, all of the following in accordance with the assessment component, approved under section 5123.046 of the Revised Code, of the county board's plan developed under section 5126.054 of the Revised Code:	63595 63596 63597 63598 63599
(1) For the purpose of obtaining additional federal medicaid funds for home and community-based services, medicaid case management services, and habilitation center services, do both of the following:	63600 63601 63602 63603
(a) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include supported living, residential services, or family support services:	63604 63605 63606 63607 63608 63609
(i) Is twenty-two years of age or older;	63610
(ii) Receives supported living or family support services.	63611
(b) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include adult services:	63612 63613 63614 63615 63616
(i) Resides in the individual's own home or the home of the individual's family and will continue to reside in that home after	63617 63618

enrollment in home and community-based services; 63619

(ii) Receives adult services from the county board. 63620

(2) As federal medicaid funds become available pursuant to 63621  
division (D)(1) of this section, give an individual who is 63622  
eligible for home and community-based services and meets any of 63623  
the following requirements priority for such services over any 63624  
other individual on a waiting list established under division (C) 63625  
of this section: 63626

(a) Does not receive residential services or supported 63627  
living, either needs services in the individual's current living 63628  
arrangement or will need services in a new living arrangement, and 63629  
has a primary caregiver who is sixty years of age or older; 63630

(b) Is less than twenty-two years of age and has at least one 63631  
of the following service needs that are unusual in scope or 63632  
intensity: 63633

(i) Severe behavior problems for which a behavior support 63634  
plan is needed; 63635

(ii) An emotional disorder for which anti-psychotic 63636  
medication is needed; 63637

(iii) A medical condition that leaves the individual 63638  
dependent on life-support medical technology; 63639

(iv) A condition affecting multiple body systems for which a 63640  
combination of specialized medical, psychological, educational, or 63641  
habilitation services are needed; 63642

(v) A condition the county board determines to be comparable 63643  
in severity to any condition described in division (D)(2)(b)(i) to 63644  
(iv) of this section and places the individual at significant risk 63645  
of institutionalization. 63646

(c) Is twenty-two years of age or older, does not receive 63647  
residential services or supported living, and is determined by the 63648

county board to have intensive needs for home and community-based 63649  
services on an in-home or out-of-home basis. 63650

(3) In fiscal years 2002 and 2003, give an individual who is 63651  
eligible for home and community-based services, resides in an 63652  
intermediate care facility for the mentally retarded or nursing 63653  
facility, chooses to move to another setting with the help of home 63654  
and community-based services, and has been determined by the 63655  
department of mental retardation and developmental disabilities to 63656  
be capable of residing in the other setting, priority over any 63657  
other individual on a waiting list established under division (C) 63658  
of this section for home and community-based services who does not 63659  
meet these criteria. The department of mental retardation and 63660  
developmental disabilities shall identify the individuals to 63661  
receive priority under division (D)(3) of this section, assess the 63662  
needs of the individuals, and notify the county boards that are to 63663  
provide the individuals priority under division (D)(3) of this 63664  
section of the individuals identified by the department and the 63665  
individuals' assessed needs. 63666

(E) Except as provided in division (G) of this section and 63667  
for a number of years and beginning on a date specified in rules 63668  
adopted under division (K) of this section, a county board shall 63669  
give an individual who is eligible for home and community-based 63670  
services, resides in a nursing facility, and chooses to move to 63671  
another setting with the help of home and community-based 63672  
services, priority over any other individual on a waiting list 63673  
established under division (C) of this section for home and 63674  
community-based services who does not meet these criteria. 63675

(F) If two or more individuals on a waiting list established 63676  
under division (C) of this section for home and community-based 63677  
services have priority for the services pursuant to division 63678  
(D)(1) or (2) or (E) of this section, a county board may use, 63679  
until December 31, ~~2003~~ 2005, criteria specified in rules adopted 63680

under division ~~(J)~~(K)(2) of this section in determining the order 63681  
in which the individuals with priority will be offered the 63682  
services. Otherwise, the county board shall offer the home and 63683  
community-based services to such individuals in the order they are 63684  
placed on the waiting list. 63685

~~(F)~~(G)(1) No individual may receive priority for services 63686  
pursuant to division (D) or (E) of this section over an individual 63687  
placed on a waiting list established under division (C) of this 63688  
section on an emergency status. 63689

(2) No more than four hundred individuals in the state may 63690  
receive priority for services during the ~~2002~~ 2004 and ~~2003~~ 2005 63691  
biennium pursuant to division (D)(2)(b) of this section. 63692

(3) No more than a total of seventy-five individuals in the 63693  
state may receive priority for services during state fiscal years 63694  
2002 and 2003 pursuant to division (D)(3) of this section. 63695

~~(G)~~(4) No more than forty individuals in the state may 63696  
receive priority for services pursuant to division (E) of this 63697  
section for each year that priority category is in effect as 63698  
specified in rules adopted under division (K) of this section. 63699

(H) Prior to establishing any waiting list under this 63700  
section, a county board shall develop and implement a policy for 63701  
waiting lists that complies with this section and rules adopted 63702  
under division ~~(J)~~(K) of this section. 63703

Prior to placing an individual on a waiting list, the county 63704  
board shall assess the service needs of the individual in 63705  
accordance with all applicable state and federal laws. The county 63706  
board shall place the individual on the appropriate waiting list 63707  
and may place the individual on more than one waiting list. The 63708  
county board shall notify the individual of the individual's 63709  
placement and position on each waiting list on which the 63710  
individual is placed. 63711

At least annually, the county board shall reassess the 63712  
service needs of each individual on a waiting list. If it 63713  
determines that an individual no longer needs a program or 63714  
service, the county board shall remove the individual from the 63715  
waiting list. If it determines that an individual needs a program 63716  
or service other than the one for which the individual is on the 63717  
waiting list, the county board shall provide the program or 63718  
service to the individual or place the individual on a waiting 63719  
list for the program or service in accordance with the board's 63720  
policy for waiting lists. 63721

When a program or service for which there is a waiting list 63722  
becomes available, the county board shall reassess the service 63723  
needs of the individual next scheduled on the waiting list to 63724  
receive that program or service. If the reassessment demonstrates 63725  
that the individual continues to need the program or service, the 63726  
board shall offer the program or service to the individual. If it 63727  
determines that an individual no longer needs a program or 63728  
service, the county board shall remove the individual from the 63729  
waiting list. If it determines that an individual needs a program 63730  
or service other than the one for which the individual is on the 63731  
waiting list, the county board shall provide the program or 63732  
service to the individual or place the individual on a waiting 63733  
list for the program or service in accordance with the board's 63734  
policy for waiting lists. The county board shall notify the 63735  
individual of the individual's placement and position on the 63736  
waiting list on which the individual is placed. 63737

~~(H)~~(I) A child subject to a determination made pursuant to 63738  
section 121.38 of the Revised Code who requires the home and 63739  
community-based services provided through ~~the~~ a medicaid component 63740  
that the department of mental retardation and developmental 63741  
disabilities administers under section 5111.871 of the Revised 63742  
Code shall receive services through that medicaid component. For 63743

all other services, a child subject to a determination made 63744  
pursuant to section 121.38 of the Revised Code shall be treated as 63745  
an emergency by the county boards and shall not be subject to a 63746  
waiting list. 63747

~~(I)~~(J) Not later than the fifteenth day of March of each 63748  
even-numbered year, each county board shall prepare and submit to 63749  
the director of mental retardation and developmental disabilities 63750  
its recommendations for the funding of services for individuals 63751  
with mental retardation and developmental disabilities and its 63752  
proposals for reducing the waiting lists for services. 63753

~~(J)~~(K)(1) The department of mental retardation and 63754  
developmental disabilities shall adopt rules in accordance with 63755  
Chapter 119. of the Revised Code governing waiting lists 63756  
established under this section. The rules shall include procedures 63757  
to be followed to ensure that the due process rights of 63758  
individuals placed on waiting lists are not violated. 63759

(2) As part of the rules adopted under this division, the 63760  
department shall adopt, ~~not later than December 31, 2001,~~ rules 63761  
establishing criteria a county board may use under division ~~(E)~~(F) 63762  
of this section in determining the order in which individuals with 63763  
priority for home and community-based services will be offered the 63764  
services. The rules shall also specify conditions under which a 63765  
county board, when there is no individual with priority for home 63766  
and community-based services pursuant to division (D)(1) or (2) or 63767  
(E) of this section available and appropriate for the services, 63768  
may offer the services to an individual on a waiting list for the 63769  
services but not given such priority for the services. The rules 63770  
adopted under division ~~(J)~~(K)(2) of this section shall cease to 63771  
have effect December 31, ~~2003~~ 2005. 63772

~~(K)~~(3) As part of the rules adopted under this division, the 63773  
department shall adopt rules specifying both of the following for 63774  
the priority category established under division (E) of this 63775

<u>section:</u>	63776
<u>(a) The number of years, which shall not exceed five, that the priority category will be in effect;</u>	63777 63778
<u>(b) The date that the priority category is to go into effect.</u>	63779
<u>(L) The following shall take precedence over the applicable provisions of this section:</u>	63780 63781
<u>(1) Medicaid rules and regulations;</u>	63782
<u>(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports.</u>	63783 63784 63785 63786
<u>Sec. 5126.058. (A) The director of job and family services shall seek federal financial participation for the administrative costs for the following that each county board of mental retardation and developmental disabilities incurs pursuant to its medicaid local administrative authority under section 5126.055 of the Revised Code and claims in accordance with rules adopted under this section:</u>	63787 63788 63789 63790 63791 63792 63793
<u>(1) Home and community-based services;</u>	63794
<u>(2) Habilitation center services;</u>	63795
<u>(3) Service and support administration provided in conjunction with any of the services listed in divisions (A)(1) and (2) of this section.</u>	63796 63797 63798
<u>(B) The administrative costs for which the director shall seek federal financial participation under this section shall include all of the following:</u>	63799 63800 63801
<u>(1) Business management;</u>	63802
<u>(2) Contract management;</u>	63803

<u>(3) General administration;</u>	63804
<u>(4) Personnel management.</u>	63805
<u>(C) Except as provided in division (D) of this section,</u>	63806
<u>federal financial participation obtained pursuant to a claim made</u>	63807
<u>under this section shall be paid to the county board that makes</u>	63808
<u>the claim.</u>	63809
<u>(D) The department of mental retardation and development</u>	63810
<u>disabilities shall collect one per cent of the federal financial</u>	63811
<u>participation obtained pursuant to each claim made under this</u>	63812
<u>section. The amount the department collects under this division</u>	63813
<u>shall be deposited into the ODMR/DD administrative and oversight</u>	63814
<u>fund created under section 5123.0412 of the Revised Code.</u>	63815
<u>(E) The director of job and family services shall adopt rules</u>	63816
<u>in accordance with Chapter 119. of the Revised Code as necessary</u>	63817
<u>for the implementation of this section. The director shall adopt</u>	63818
<u>the rules in consultation with the director of mental retardation</u>	63819
<u>and developmental disabilities. The rules shall be consistent with</u>	63820
<u>federal regulations governing the medicaid program and shall</u>	63821
<u>comply with all of the following:</u>	63822
<u>(1) A county board may not claim more than fifteen per cent</u>	63823
<u>of its administrative costs for home and community-based services</u>	63824
<u>and habilitation center services.</u>	63825
<u>(2) A county board may not claim more than fifty per cent of</u>	63826
<u>its administrative costs for service and support administration</u>	63827
<u>provided in conjunction with any of the services listed in</u>	63828
<u>division (A)(1) or (2) of this section.</u>	63829
<u>(3) A county board shall verify the administrative costs for</u>	63830
<u>which it seeks federal financial participation in accordance with</u>	63831
<u>a time study or actual billing provided for by the rules.</u>	63832
<u>(4) A county board may make a claim for administrative costs</u>	63833

incurred before, on, or after the effective date of this section. 63834

**Sec. 5126.11.** (A) As used in this section, "respite care" 63835  
means appropriate, short-term, temporary care that is provided to 63836  
a mentally retarded or developmentally disabled person to sustain 63837  
the family structure or to meet planned or emergency needs of the 63838  
family. 63839

(B) Subject to rules adopted by the director of mental 63840  
retardation and developmental disabilities, and subject to the 63841  
availability of money from state and federal sources, the county 63842  
board of mental retardation and developmental disabilities shall 63843  
establish a family support services program. Under such a program, 63844  
the board shall make payments to an individual with mental 63845  
retardation or other developmental disability or the family of an 63846  
individual with mental retardation or other developmental 63847  
disability who desires to remain in and be supported in the family 63848  
home. Payments shall be made for all or part of costs incurred or 63849  
estimated to be incurred for services that would promote 63850  
self-sufficiency and normalization, prevent or reduce 63851  
inappropriate institutional care, and further the unity of the 63852  
family by enabling the family to meet the special needs of the 63853  
individual and to live as much like other families as possible. 63854  
Payments may be made in the form of reimbursement for expenditures 63855  
or in the form of vouchers to be used to purchase services. 63856

(C) Payment shall not be made under this section to an 63857  
individual or the individual's family if the individual is living 63858  
in a residential facility that is providing residential services 63859  
under contract with the department of mental retardation and 63860  
developmental disabilities or a county board. 63861

(D) Payments may be made for the following services: 63862

(1) Respite care, in or out of the home; 63863

(2) Counseling, supervision, training, and education of the individual, the individual's caregivers, and members of the individual's family that aid the family in providing proper care for the individual, provide for the special needs of the family, and assist in all aspects of the individual's daily living;

(3) Special diets, purchase or lease of special equipment, or modifications of the home, if such diets, equipment, or modifications are necessary to improve or facilitate the care and living environment of the individual;

(4) Providing support necessary for the individual's continued skill development, including such services as development of interventions to cope with unique problems that may occur within the complexity of the family, enrollment of the individual in special summer programs, provision of appropriate leisure activities, and other social skills development activities;

(5) Any other services that are consistent with the purposes specified in division (B) of this section and specified in the individual's service plan.

(E) In order to be eligible for payments under a family support services program, the individual or the individual's family must reside in the county served by the county board, and the individual must be in need of habilitation. Payments shall be adjusted for income in accordance with the payment schedule established in rules adopted under this section. Payments shall be made only after the county board has taken into account all other available assistance for which the individual or family is eligible.

(F) Before incurring expenses for a service for which payment will be sought under a family support services program, the individual or family shall apply to the county board for a

determination of eligibility and approval of the service. The 63895  
service need not be provided in the county served by the county 63896  
board. After being determined eligible and receiving approval for 63897  
the service, the individual or family may incur expenses for the 63898  
service or use the vouchers received from the county board for the 63899  
purchase of the service. 63900

If the county board refuses to approve a service, an appeal 63901  
may be made in accordance with rules adopted by the department 63902  
under this section. 63903

(G) To be reimbursed for expenses incurred for approved 63904  
services, the individual or family shall submit to the county 63905  
board a statement of the expenses incurred accompanied by any 63906  
evidence required by the board. To redeem vouchers used to 63907  
purchase approved services, the entity that provided the service 63908  
shall submit to the county board evidence that the service was 63909  
provided and a statement of the charges. The county board shall 63910  
make reimbursements and redeem vouchers no later than forty-five 63911  
days after it receives the statements and evidence required by 63912  
this division. 63913

(H) A county board shall consider the following objectives in 63914  
carrying out a family support services program: 63915

(1) Enabling individuals to return to their families from an 63916  
institution under the jurisdiction of the department of mental 63917  
retardation and developmental disabilities; 63918

(2) Enabling individuals found to be subject to 63919  
institutionalization by court order under section 5123.76 of the 63920  
Revised Code to remain with their families with the aid of 63921  
payments provided under this section; 63922

(3) Providing services to eligible children and adults 63923  
currently residing in the community; 63924

(4) Providing services to individuals with developmental 63925

disabilities who are not receiving other services from the board.	63926
(I) The director shall adopt, and may amend and rescind,	63927
rules for the implementation of family support services programs	63928
by county boards. Such rules shall include the following:	63929
(1) A payment schedule adjusted for income;	63930
(2) A formula for distributing to county boards the money	63931
appropriated for family support services;	63932
(3) Standards for supervision, training, and quality control	63933
in the provision of respite care services;	63934
(4) Eligibility standards and procedures for providing	63935
temporary emergency respite care;	63936
(5) Procedures for hearing and deciding appeals made under	63937
division (F) of this section;	63938
(6) Requirements to be followed by county boards regarding	63939
reports submitted under division (K) of this section.	63940
Rules adopted under divisions (I)(1) and (2) of this section	63941
shall be adopted in accordance with section 111.15 of the Revised	63942
Code. Rules adopted under divisions (I)(3) to (6) of this section	63943
shall be adopted in accordance with Chapter 119. of the Revised	63944
Code.	63945
(J) All individuals certified by the superintendent of the	63946
county board as eligible for temporary emergency respite care in	63947
accordance with rules adopted under this section shall be	63948
considered eligible for temporary emergency respite care for not	63949
more than five days to permit the determination of eligibility for	63950
family support services. The requirements of divisions (E) and (F)	63951
of this section do not apply to temporary emergency respite care.	63952
(K) <del>On the first day of July of each year, the</del> <u>The</u> department	63953
of mental retardation and developmental disabilities shall	63954
distribute to county boards money appropriated for family support	63955

services in quarterly installments of equal amounts. The 63956  
installments shall be made not later than the thirtieth day of 63957  
September, the thirty-first day of December, the thirty-first day 63958  
of March, and the thirtieth day of June. A county board shall use 63959  
no more than seven per cent of the funds for administrative costs. 63960  
Each county board shall submit reports to the department on 63961  
payments made under this section. The reports shall be submitted 63962  
at those times and in the manner specified in rules adopted under 63963  
this section. 63964

(L) The county board shall not be required to make payments 63965  
for family support services at a level that exceeds available 63966  
state and federal funds for such payments. 63967

**Sec. 5126.12.** (A) As used in this section: 63968

(1) "Approved school age class" means a class operated by a 63969  
county board of mental retardation and developmental disabilities 63970  
and funded by the department of education under section 3317.20 of 63971  
the Revised Code. 63972

(2) "Approved preschool unit" means a class or unit operated 63973  
by a county board of mental retardation and developmental 63974  
disabilities and approved ~~by the state board of education~~ under 63975  
division (B) of section 3317.05 of the Revised Code. 63976

(3) "Active treatment" means a continuous treatment program, 63977  
which includes aggressive, consistent implementation of a program 63978  
of specialized and generic training, treatment, health services, 63979  
and related services, that is directed toward the acquisition of 63980  
behaviors necessary for an individual with mental retardation or 63981  
other developmental disability to function with as much 63982  
self-determination and independence as possible and toward the 63983  
prevention of deceleration, regression, or loss of current optimal 63984  
functional status. 63985

(4) "Eligible for active treatment" means that an individual 63986  
with mental retardation or other developmental disability resides 63987  
in an intermediate care facility for the mentally retarded 63988  
certified under Title XIX of the "Social Security Act," ~~49~~ 79 63989  
Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C. ~~301~~ 1396, as amended; resides 63990  
in a state institution operated by the department of mental 63991  
retardation and developmental disabilities; or is enrolled in a 63992  
home and community-based services ~~waiver program administered by~~ 63993  
~~the department of mental retardation and developmental~~ 63994  
~~disabilities as part of the medical assistance program established~~ 63995  
~~under section 5111.01 of the Revised Code.~~ 63996

(5) "Community alternative funding system" means the program 63997  
under which habilitation center services are reimbursed under the 63998  
medicaid program pursuant to section 5111.041 of the Revised Code 63999  
and rules adopted under that section. 64000

(6) "Traditional adult services" means vocational and 64001  
nonvocational activities conducted within a sheltered workshop or 64002  
adult activity center or supportive home services. 64003

(B) Each county board of mental retardation and developmental 64004  
disabilities shall certify to the director of mental retardation 64005  
and developmental disabilities all of the following: 64006

(1) On or before the fifteenth day of October, the average 64007  
daily membership for the first full week of programs and services 64008  
during October receiving: 64009

(a) Early childhood services provided pursuant to section 64010  
5126.05 of the Revised Code for children who are less than three 64011  
years of age on the thirtieth day of September of the academic 64012  
year; 64013

(b) Special education for handicapped children in approved 64014  
school age classes; 64015

(c) Adult services for persons sixteen years of age and older 64016

operated pursuant to section 5126.05 and division (B) of section 64017  
5126.051 of the Revised Code. Separate counts shall be made for 64018  
the following: 64019

(i) Persons enrolled in traditional adult services who are 64020  
eligible for but not enrolled in active treatment under the 64021  
community alternative funding system; 64022

(ii) Persons enrolled in traditional adult services who are 64023  
eligible for and enrolled in active treatment under the community 64024  
alternative funding system; 64025

(iii) Persons enrolled in traditional adult services but who 64026  
are not eligible for active treatment under the community 64027  
alternative funding system; 64028

(iv) Persons participating in community employment services. 64029  
To be counted as participating in community employment services, a 64030  
person must have spent an average of no less than ten hours per 64031  
week in that employment during the preceding six months. 64032

(d) Other programs in the county for individuals with mental 64033  
retardation and developmental disabilities that have been approved 64034  
for payment of subsidy by the department of mental retardation and 64035  
developmental disabilities. 64036

The membership in each such program and service in the county 64037  
shall be reported on forms prescribed by the department of mental 64038  
retardation and developmental disabilities. 64039

The department of mental retardation and developmental 64040  
disabilities shall adopt rules defining full-time equivalent 64041  
enrollees and for determining the average daily membership 64042  
therefrom, except that certification of average daily membership 64043  
in approved school age classes shall be in accordance with rules 64044  
adopted by the state board of education. The average daily 64045  
membership figure shall be determined by dividing the amount 64046  
representing the sum of the number of enrollees in each program or 64047

service in the week for which the certification is made by the 64048  
number of days the program or service was offered in that week. No 64049  
enrollee may be counted in average daily membership for more than 64050  
one program or service. 64051

(2) By the fifteenth day of December, the number of children 64052  
enrolled in approved preschool units on the first day of December; 64053

(3) On or before the thirtieth day of March, an itemized 64054  
report of all income and operating expenditures for the 64055  
immediately preceding calendar year, in the format specified by 64056  
the department of mental retardation and developmental 64057  
disabilities; 64058

(4) By the fifteenth day of February, a report of the total 64059  
annual cost per enrollee for operation of programs and services in 64060  
the preceding calendar year. The report shall include a grand 64061  
total of all programs operated, the cost of the individual 64062  
programs, and the sources of funds applied to each program. 64063

(5) That each required certification and report is in 64064  
accordance with rules established by the department of mental 64065  
retardation and developmental disabilities and the state board of 64066  
education for the operation and subsidization of the programs and 64067  
services. 64068

(C) To compute payments under this section to the board for 64069  
the fiscal year, the department of mental retardation and 64070  
developmental disabilities shall use the certification of average 64071  
daily membership required by division (B)(1) of this section 64072  
exclusive of the average daily membership in any approved school 64073  
age class and the number in any approved preschool unit. 64074

(D) The department shall pay each county board for each 64075  
fiscal year an amount equal to nine hundred fifty dollars times 64076  
the certified number of persons who on the first day of December 64077  
of the academic year are under three years of age and are not in 64078

an approved preschool unit. For persons who are at least age 64079  
sixteen and are not in an approved school age class, the 64080  
department shall pay each county board for each fiscal year the 64081  
following amounts: 64082

(1) One thousand dollars times the certified average daily 64083  
membership of persons enrolled in traditional adult services who 64084  
are eligible for but not enrolled in active treatment under the 64085  
community alternative funding system; 64086

(2) One thousand two hundred dollars times the certified 64087  
average daily membership of persons enrolled in traditional adult 64088  
services who are eligible for and enrolled in active treatment 64089  
under the community alternative funding system; 64090

(3) No less than one thousand five hundred dollars times the 64091  
certified average daily membership of persons enrolled in 64092  
traditional adult services but who are not eligible for active 64093  
treatment under the community alternative funding system; 64094

(4) No less than one thousand five hundred dollars times the 64095  
certified average daily membership of persons participating in 64096  
community employment services. 64097

(E) The department shall distribute this subsidy to county 64098  
boards in ~~semiannual~~ quarterly installments of equal amounts. The 64099  
installments shall be made not later than the thirtieth day of 64100  
September, the thirty-first day of August and December, the 64101  
thirty-first day of ~~January~~ March, and the thirtieth day of June. 64102

(F) The director of mental retardation and developmental 64103  
disabilities shall make efforts to obtain increases in the 64104  
subsidies for early childhood services and adult services so that 64105  
the amount of the subsidies is equal to at least fifty per cent of 64106  
the statewide average cost of those services minus any applicable 64107  
federal reimbursements for those services. The director shall 64108  
advise the director of budget and management of the need for any 64109

such increases when submitting the biennial appropriations request 64110  
for the department. 64111

(G) In determining the reimbursement of a county board for 64112  
the provision of service and support administration, family 64113  
support services, and other services required or approved by the 64114  
director for which children three through twenty-one years of age 64115  
are eligible, the department shall include the average daily 64116  
membership in approved school age or preschool units. The 64117  
department, in accordance with this section and upon receipt and 64118  
approval of the certification required by this section and any 64119  
other information it requires to enable it to determine a board's 64120  
payments, shall pay the agency providing the specialized training 64121  
the amounts payable under this section. 64122

**Sec. 5126.121.** Each county board of mental retardation and 64123  
developmental disabilities may be eligible to receive a subsidy 64124  
from the department of mental retardation and developmental 64125  
disabilities for the employment of a business manager as provided 64126  
in this section. The department shall adopt rules in accordance 64127  
with Chapter 119. of the Revised Code specifying standards for the 64128  
employment of such a business manager. The rules shall include the 64129  
minimum education and experience requirements for the position of 64130  
business manager and shall specify requirements for courses in 64131  
fiscal and business management that are annually sponsored or 64132  
certified by the department and that are applicable to the 64133  
position and designed to teach effective business practices. Each 64134  
county board of mental retardation and developmental disabilities 64135  
that employs a business manager in accordance with the standards 64136  
adopted under this section may receive a subsidy from the 64137  
department. 64138

The department shall distribute this subsidy to eligible 64139  
county boards in quarterly installments of equal amounts. The 64140

installments shall be made not later than the thirtieth day of 64141  
September, the thirty-first day of December, the thirty-first day 64142  
of March, and the thirtieth day of June. 64143

**Sec. 5126.15.** (A) A county board of mental retardation and 64144  
developmental disabilities shall provide service and support 64145  
administration to each individual three years of age or older who 64146  
is eligible for service and support administration if the 64147  
individual requests, or a person on the individual's behalf 64148  
requests, service and support administration. A board shall 64149  
provide service and support administration to each individual 64150  
receiving home and community-based services. A board may provide, 64151  
in accordance with the service coordination requirements of 34 64152  
C.F.R. 303.23, service and support administration to an individual 64153  
under three years of age eligible for early intervention services 64154  
under 34 C.F.R. part 303. A board may provide service and support 64155  
administration to an individual who is not eligible for other 64156  
services of the board. Service and support administration shall be 64157  
provided in accordance with rules adopted under section 5126.08 of 64158  
the Revised Code. 64159

A board may provide service and support administration by 64160  
directly employing service and support administrators or by 64161  
contracting with entities for the performance of service and 64162  
support administration. Individuals employed or under contract as 64163  
service and support administrators shall not be in the same 64164  
collective bargaining unit as employees who perform duties that 64165  
are not administrative. 64166

Individuals employed by a board as service and support 64167  
administrators shall not be assigned responsibilities for 64168  
implementing other services for individuals and shall not be 64169  
employed by or serve in a decision-making or policy-making 64170  
capacity for any other entity that provides programs or services 64171

to individuals with mental retardation or developmental 64172  
disabilities. An individual employed as a conditional status 64173  
service and support administrator shall perform the duties of 64174  
service and support administration only under the supervision of a 64175  
management employee who is a service and support administration 64176  
supervisor or a professional employee who is a service and support 64177  
administrator. 64178

(B) The individuals employed by or under contract with a 64179  
board to provide service and support administration shall do all 64180  
of the following: 64181

(1) Establish an individual's eligibility for the services of 64182  
the county board of mental retardation and developmental 64183  
disabilities; 64184

(2) Assess individual needs for services; 64185

(3) Develop individual service plans with the active 64186  
participation of the individual to be served, other persons 64187  
selected by the individual, and, when applicable, the provider 64188  
selected by the individual, and recommend the plans for approval 64189  
by the department of mental retardation and developmental 64190  
disabilities when services included in the plans are funded 64191  
through medicaid; 64192

(4) Establish budgets for services based on the individual's 64193  
assessed needs and preferred ways of meeting those needs; 64194

(5) Assist individuals in making selections from among the 64195  
providers they have chosen; 64196

(6) Ensure that services are effectively coordinated and 64197  
provided by appropriate providers; 64198

(7) Establish and implement an ongoing system of monitoring 64199  
the implementation of individual service plans to achieve 64200  
consistent implementation and the desired outcomes for the 64201

individual; 64202

(8) Perform quality assurance reviews as a distinct function 64203  
of service and support administration; 64204

(9) Incorporate the results of quality assurance reviews and 64205  
identified trends and patterns of unusual incidents and major 64206  
unusual incidents into amendments of an individual's service plan 64207  
for the purpose of improving and enhancing the quality and 64208  
appropriateness of services rendered to the individual; 64209

(10) Ensure that each individual receiving services has a 64210  
designated person who is responsible on a continuing basis for 64211  
providing the individual with representation, advocacy, advice, 64212  
and assistance related to the day-to-day coordination of services 64213  
in accordance with the individual's service plan. The service and 64214  
support administrator shall give the individual receiving services 64215  
an opportunity to designate the person to provide daily 64216  
representation. If the individual declines to make a designation, 64217  
the administrator shall make the designation. In either case, the 64218  
individual receiving services may change at any time the person 64219  
designated to provide daily representation. 64220

(C) Subject to available funds, the department of mental 64221  
retardation and developmental disabilities shall pay a county 64222  
board an annual subsidy for service and support administration. 64223  
The amount of the subsidy shall be equal to the greater of twenty 64224  
thousand dollars or two hundred dollars times the board's 64225  
certified average daily membership. The payments shall be made in 64226  
~~semiannual~~ quarterly installments of equal amounts, which shall be 64227  
made no later than the thirtieth day of September, the 64228  
thirty-first day of August and December, the thirty-first day of 64229  
~~January~~ March, and the thirtieth day of June. Funds received shall 64230  
be used solely for service and support administration. 64231

**Sec. 5126.18.** (A) As used in this section: 64232

(1) "County board" means a county board of mental retardation and developmental disabilities.	64233 64234
(2) Notwithstanding section 5126.01 of the Revised Code, "adult services" means the following services, as they are identified on individual information forms submitted by county boards to the department of mental retardation and developmental disabilities for the purpose of subsidies paid to county boards under section 5126.12 of the Revised Code, provided to an individual with mental retardation or other developmental disability who is at least twenty-two years of age:	64235 64236 64237 64238 64239 64240 64241 64242
(a) Assessment;	64243
(b) Home service;	64244
(c) Adult program;	64245
(d) Community employment services;	64246
(e) Retirement.	64247
(3) "Adult services enrollment" means a county board's average daily membership in adult services, exclusive of such services provided to individuals served solely through service and support administration provided pursuant to section 5126.15 of the Revised Code or family support services provided pursuant to section 5126.11 of the Revised Code.	64248 64249 64250 64251 64252 64253
(4) "Taxable value" means the taxable value of a county board certified under division (B)(1) of this section.	64254 64255
(5) "Per-mill yield" of a county board means the quotient obtained by dividing (a) the taxable value of the county board by (b) one thousand.	64256 64257 64258
(6) "Local adult services cost" means a county board's expenditures for adult services, excluding all federal and state reimbursements and subsidy allocations received by such boards and expended for such services, as certified under section 5126.12 of	64259 64260 64261 64262

the Revised Code. 64263

(7) "Statewide average millage" means one thousand multiplied 64264  
by the quotient obtained by dividing (a) the total of the local 64265  
adult services costs of all county boards by (b) the total of the 64266  
taxable values of all county boards. 64267

(8) "County yield" of a county board means the product 64268  
obtained by multiplying (a) the statewide average millage by (b) 64269  
the per-mill yield of the county board. 64270

(9) "County yield per enrollee" of a county board means the 64271  
quotient obtained by dividing (a) the county yield of the county 64272  
board by (b) the adult enrollment of the county board. 64273

(10) "Statewide yield per enrollee" means the quotient 64274  
obtained by dividing (a) the sum of the county yields of all 64275  
county boards by (b) the sum of the adult enrollments of all 64276  
county boards. 64277

(11) "Local tax effort for adult services" of a county board 64278  
means one thousand multiplied by the quotient obtained by dividing 64279  
(a) the local adult services cost of the county board by (b) the 64280  
taxable value of the county board. 64281

(12) "Funding percentage" for a fiscal year means the 64282  
percentage that the amount appropriated to the department for the 64283  
purpose of making payments under this section in the fiscal year 64284  
is of the amount computed under division (C)(3) of this section 64285  
for the fiscal year. 64286

(13) "Funding-adjusted required millage" for a fiscal year 64287  
means the statewide average millage multiplied by the funding 64288  
percentage for that fiscal year. 64289

(B)(1) On the request of the director of mental retardation 64290  
and developmental disabilities, the tax commissioner shall provide 64291  
to the department of mental retardation and developmental 64292

disabilities information specifying the taxable value of property 64293  
on each county's tax list of real and public utility property and 64294  
tax list of personal property for the most recent tax year for 64295  
which such information is available. The director may request any 64296  
other tax information necessary for the purposes of this section. 64297

(2) On the request of the director, each county board shall 64298  
report the county board's adult services enrollment and local 64299  
adult services cost. 64300

(C) Each year, the department of mental retardation and 64301  
developmental disabilities shall compute the following: 64302

(1) For each county board, the amount, if any, by which the 64303  
statewide yield per enrollee exceeds the county yield per 64304  
enrollee; 64305

(2) For each county board, the amount of any excess computed 64306  
under division (C)(1) of this section multiplied by the adult 64307  
services enrollment of the county board; 64308

(3) The sum of the amounts computed under division (C)(2) of 64309  
this section for all county boards. 64310

(D) From money appropriated for the purpose, the department, 64311  
~~on or before the thirtieth day of September of each year,~~ shall 64312  
provide for payment to each county board of the amount computed 64313  
for that county board under division (C)(2) of this section, 64314  
subject to any reduction or adjustment under division (E), (F), or 64315  
(G) of this section. The department shall make the payments in 64316  
quarterly installments of equal amounts. The installments shall be 64317  
made not later than the thirtieth day of September, thirty-first 64318  
day of December, thirty-first day of March, and thirtieth day of 64319  
June. 64320

(E) If a county board's local tax effort for adult services 64321  
is less than the funding-adjusted required millage, the director 64322  
shall reduce the amount of payment otherwise computed under 64323

division (C)(2) of this section so that the amount paid, after the 64324  
reduction, is the same percentage of the amount computed under 64325  
division (C)(2) of this section as the county board's local tax 64326  
effort for adult services is of the funding-adjusted required 64327  
millage. 64328

If the director reduces the amount of a county board's 64329  
payment under this division, the department, not later than the 64330  
fifteenth day of July, shall notify the county board of the 64331  
reduction and the amount of the reduction. The notice shall 64332  
include a statement that the county board may request to be 64333  
exempted from the reduction by filing a request with the director, 64334  
in the manner and form prescribed by the director, within 64335  
twenty-one days after such notification is issued. The board may 64336  
present evidence of its attempt to obtain passage of levies or any 64337  
other extenuating circumstances the board considers relevant. If 64338  
the county board requests a hearing before the director to present 64339  
such evidence, the director shall conduct a hearing on the request 64340  
unless the director exempts the board from the reduction on the 64341  
basis of the evidence presented in the request filed by the board. 64342  
Upon receiving a properly and timely filed request for exemption, 64343  
but not later than the thirty-first day of August, the director 64344  
shall determine whether the county board shall be exempted from 64345  
all or a part of the reduction. The director may exempt the board 64346  
from all or part of the reduction if the director finds that the 64347  
board has made good faith efforts to obtain passage of tax levies 64348  
or that there are extenuating circumstances. 64349

(F) If a payment is reduced under division (E) of this 64350  
section and the director does not exempt the county board from the 64351  
reduction, the amount of the reduction shall be apportioned among 64352  
all county boards entitled to payments under this section for 64353  
which payments were not so reduced. The amount apportioned to each 64354  
county board shall be proportionate to the amount of the board's 64355

payment as computed under division (C)(2) of this section. 64356

(G) If, for any fiscal year, the amount appropriated to the 64357  
department for the purpose of this section is less than the amount 64358  
computed under division (C)(3) of this section for the fiscal 64359  
year, the department shall adjust the amount of each payment as 64360  
computed under divisions (C)(2), (E), and (F) of this section by 64361  
multiplying that amount by the funding percentage. 64362

(H) The payments authorized by this section are supplemental 64363  
to all other funds that may be received by a county board. A 64364  
county board shall use the payments solely to pay the nonfederal 64365  
share of medicaid expenditures that division (A) of section 64366  
5126.057 of the Revised Code requires the county board to pay. 64367

**Sec. 5126.44.** (A) The department of mental retardation and 64368  
developmental disabilities, in accordance with Chapter 119. of the 64369  
Revised Code, shall adopt rules for making allocations for 64370  
counties and distributing to county boards of mental retardation 64371  
and developmental disabilities money to be used for planning, 64372  
development, contracting for, and providing supported living. The 64373  
rules shall provide for an allocation to be made for each county 64374  
on an equitable basis, taking into account any factors that 64375  
indicate need for supported living for residents of the county. 64376

(B) The department shall annually allocate for each county an 64377  
amount determined in accordance with the rules adopted under this 64378  
section. Except as provided in division (C) of this section, the 64379  
department shall distribute the amount allocated for the county to 64380  
each county board. Money shall be distributed to county boards in 64381  
~~two quarterly installments annually,~~ which shall be paid no later 64382  
than the ~~last day of July and the last day of December~~ thirtieth 64383  
day of September, the thirty-first day of December, the 64384  
thirty-first day of March, and the thirtieth day of June. In the 64385  
case of a county that has not adopted a resolution under division 64386

(B) of section 5126.40 of the Revised Code, the department shall 64387  
use the money allocated for the county to provide supported living 64388  
under section 5123.182 of the Revised Code. 64389

(C) The department shall not distribute money to a county 64390  
board for residential services that are being provided by a 64391  
provider under contract with the department on the effective date 64392  
of this amendment unless the provider and the county board agree 64393  
to enter into a contract between the provider and the county board 64394  
under which the provider will provide the services as supported 64395  
living. If the conversion of a contract occurs under this 64396  
division, the provisions of section 5126.451 shall apply as though 64397  
the contract was transferred under that section. 64398

(D) Pursuant to section 5126.05 of the Revised Code, the 64399  
county board shall annually adopt a separate budget for money 64400  
distributed to it under this section. The board shall cause the 64401  
money to be deposited in a fund created pursuant to division (F) 64402  
of section 5705.09 of the Revised Code which shall be known as the 64403  
"community mental retardation and developmental disabilities 64404  
residential services and supported living fund." The fund shall 64405  
consist of this money and any other money for residential services 64406  
or supported living that the board causes to be deposited in the 64407  
fund. A county board is not required to use any other money for 64408  
residential services or supported living. A county board may 64409  
establish a reserve balance account within this fund pursuant to 64410  
division (C)(2) of section 5705.28 of the Revised Code. 64411

(E) The department of mental retardation and developmental 64412  
disabilities may adopt rules under Chapter 119. of the Revised 64413  
Code establishing procedures for an annual reconciliation of state 64414  
funds that have been deposited in the reserve balance account. The 64415  
rules may provide for the return of state funds to the appropriate 64416  
department account when the funds have been unexpended for a 64417  
period of two years. 64418

(F) A county board may use up to ten per cent of the amount 64419  
distributed to it under this section for the administrative costs 64420  
of developing, arranging, and contracting for supported living and 64421  
for costs of staff training and support. Annually, each county 64422  
board shall report to the department all revenue and expenditures 64423  
pertaining to supported living. The report shall be made in 64424  
conjunction with the annual report of expenditures submitted 64425  
pursuant to section 5126.12 of the Revised Code. The report shall 64426  
list the names of the individuals served, the total number of 64427  
individuals served on a monthly basis in the preceding calendar 64428  
year, the types of services provided, the total cost of the 64429  
services, and the sources of revenue used to cover the cost. 64430

**Sec. 5139.01.** (A) As used in this chapter: 64431

(1) "Commitment" means the transfer of the physical custody 64432  
of a child or youth from the court to the department of youth 64433  
services. 64434

(2) "Permanent commitment" means a commitment that vests 64435  
legal custody of a child in the department of youth services. 64436

(3) "Legal custody," insofar as it pertains to the status 64437  
that is created when a child is permanently committed to the 64438  
department of youth services, means a legal status in which the 64439  
department has the following rights and responsibilities: the 64440  
right to have physical possession of the child; the right and duty 64441  
to train, protect, and control the child; the responsibility to 64442  
provide the child with food, clothing, shelter, education, and 64443  
medical care; and the right to determine where and with whom the 64444  
child shall live, subject to the minimum periods of, or periods 64445  
of, institutional care prescribed in sections 2152.13 to 2152.18 64446  
of the Revised Code; provided, that these rights and 64447  
responsibilities are exercised subject to the powers, rights, 64448  
duties, and responsibilities of the guardian of the person of the 64449

child, and subject to any residual parental rights and 64450  
responsibilities. 64451

(4) Unless the context requires a different meaning, 64452  
"institution" means a state facility that is created by the 64453  
general assembly and that is under the management and control of 64454  
the department of youth services or a private entity with which 64455  
the department has contracted for the institutional care and 64456  
custody of felony delinquents. 64457

(5) "Full-time care" means care for twenty-four hours a day 64458  
for over a period of at least two consecutive weeks. 64459

(6) "Placement" means the conditional release of a child 64460  
under the terms and conditions that are specified by the 64461  
department of youth services. The department shall retain legal 64462  
custody of a child released pursuant to division (C) of section 64463  
2152.22 of the Revised Code or division (C) of section 5139.06 of 64464  
the Revised Code until the time that it discharges the child or 64465  
until the legal custody is terminated as otherwise provided by 64466  
law. 64467

(7) "Home placement" means the placement of a child in the 64468  
home of the child's parent or parents or in the home of the 64469  
guardian of the child's person. 64470

(8) "Discharge" means that the department of youth services' 64471  
legal custody of a child is terminated. 64472

(9) "Release" means the termination of a child's stay in an 64473  
institution and the subsequent period during which the child 64474  
returns to the community under the terms and conditions of 64475  
supervised release. 64476

(10) "Delinquent child" has the same meaning as in section 64477  
2152.02 of the Revised Code. 64478

(11) "Felony delinquent" means any child who is at least 64479

~~twelve~~ ten years of age but less than eighteen years of age and 64480  
who is adjudicated a delinquent child for having committed an act 64481  
that if committed by an adult would be a felony. "Felony 64482  
delinquent" includes any adult who is between the ages of eighteen 64483  
and twenty-one and who is in the legal custody of the department 64484  
of youth services for having committed an act that if committed by 64485  
an adult would be a felony. 64486

(12) "Juvenile traffic offender" has the same meaning as in 64487  
section 2152.02 of the Revised Code. 64488

(13) "Public safety beds" means all of the following: 64489

(a) Felony delinquents who have been committed to the 64490  
department of youth services for the commission of an act, other 64491  
than a violation of section 2911.01 or 2911.11 of the Revised 64492  
Code, that is a category one offense or a category two offense and 64493  
who are in the care and custody of an institution or have been 64494  
diverted from care and custody in an institution and placed in a 64495  
community corrections facility; 64496

(b) Felony delinquents who, while committed to the department 64497  
of youth services and in the care and custody of an institution or 64498  
a community corrections facility, are adjudicated delinquent 64499  
children for having committed in that institution or community 64500  
corrections facility an act that if committed by an adult would be 64501  
a misdemeanor or a felony; 64502

(c) Children who satisfy all of the following: 64503

(i) They are at least ~~twelve~~ ten years of age but less than 64504  
eighteen years of age. 64505

(ii) They are adjudicated delinquent children for having 64506  
committed acts that if committed by an adult would be a felony. 64507

(iii) They are committed to the department of youth services 64508  
by the juvenile court of a county that has had one-tenth of one 64509

per cent or less of the statewide adjudications for felony 64510  
delinquents as averaged for the past four fiscal years. 64511

(iv) They are in the care and custody of an institution or a 64512  
community corrections facility. 64513

(d) Felony delinquents who, while committed to the department 64514  
of youth services and in the care and custody of an institution, ~~commit in that institution an act that if committed by an adult~~ 64515  
~~would be a felony, who~~ are serving disciplinary time for having 64517  
committed ~~that~~ an act described in division (A)(19)(a), (b), or 64518  
(c) of this section, and who have been institutionalized or 64519  
institutionalized in a secure facility for the minimum period of 64520  
time specified in divisions (A)(1)(b) to (e) of section 2152.16 of 64521  
the Revised Code. 64522

(e) Felony delinquents who are subject to and serving a 64523  
three-year period of commitment order imposed by a juvenile court 64524  
pursuant to divisions (A) and (B) of section 2152.17 of the 64525  
Revised Code for an act, other than a violation of section 2911.11 64526  
of the Revised Code, that would be a category one offense or 64527  
category two offense if committed by an adult. 64528

(f) Felony delinquents who are described in divisions 64529  
(A)(13)(a) to (e) of this section, who have been granted a 64530  
judicial release to court supervision under division (B) of 64531  
section 2152.22 of the Revised Code or a judicial release to the 64532  
department of youth services supervision under division (C) of 64533  
that section from the commitment to the department of youth 64534  
services for the act described in divisions (A)(13)(a) to (e) of 64535  
this section, who have violated the terms and conditions of that 64536  
release, and who, pursuant to an order of the court of the county 64537  
in which the particular felony delinquent was placed on release 64538  
that is issued pursuant to division (D) of section 2152.22 of the 64539  
Revised Code, have been returned to the department for 64540  
institutionalization or institutionalization in a secure facility. 64541

(g) Felony delinquents who have been committed to the custody of the department of youth services, who have been granted supervised release from the commitment pursuant to section 5139.51 of the Revised Code, who have violated the terms and conditions of that supervised release, and who, pursuant to an order of the court of the county in which the particular child was placed on supervised release issued pursuant to division (F) of section 5139.52 of the Revised Code, have had the supervised release revoked and have been returned to the department for institutionalization. A felony delinquent described in this division shall be a public safety bed only for the time during which the felony delinquent is institutionalized as a result of the revocation subsequent to the initial thirty-day period of institutionalization required by division (F) of section 5139.52 of the Revised Code.

~~(14) "State target youth" means twenty five per cent of the projected total number of felony delinquents for each year of a biennium, factoring in revocations and commitments.~~

~~(15)~~ Unless the context requires a different meaning, "community corrections facility" means a county or multicounty rehabilitation center for felony delinquents who have been committed to the department of youth services and diverted from care and custody in an institution and placed in the rehabilitation center pursuant to division (E) of section 5139.36 of the Revised Code.

~~(16)~~(15) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are under the exclusive control of its staff and to ensure that, because of that exclusive control, no child who has been institutionalized in the facility may leave the facility without permission or supervision.

~~(17)~~(16) "Community residential program" means a program that

satisfies both of the following: 64574

(a) It is housed in a building or other structure that has no 64575  
associated major restraining construction, including, but not 64576  
limited to, a security fence. 64577

(b) It provides twenty-four-hour care, supervision, and 64578  
programs for felony delinquents who are in residence. 64579

~~(18)~~(17) "Category one offense" and "category two offense" 64580  
have the same meanings as in section 2151.26 of the Revised Code. 64581

~~(19)~~(18) "Disciplinary time" means additional time that the 64582  
department of youth services requires a felony delinquent to serve 64583  
in an institution, that delays the ~~person's~~ or felony delinquent's 64584  
planned release, and that the department imposes upon the ~~person~~ 64585  
~~or~~ felony delinquent following the conduct of an internal due 64586  
process hearing for having committed any of the following acts 64587  
while committed to the department and in the care and custody of 64588  
an institution: 64589

(a) An act that if committed by an adult would be a felony; 64590

(b) An act that if committed by an adult would be a 64591  
misdemeanor; 64592

(c) An act that is not described in division (A)~~(19)~~(18)(a) 64593  
or (b) of this section and that violates an institutional rule of 64594  
conduct of the department. 64595

~~(20)~~(19) "Unruly child" has the same meaning as in section 64596  
2151.022 of the Revised Code. 64597

~~(21)~~(20) "Revocation" means the act of revoking a child's 64598  
supervised release for a violation of a term or condition of the 64599  
child's supervised release in accordance with section 5139.52 of 64600  
the Revised Code. 64601

~~(22)~~(21) "Release authority" means the release authority of 64602  
the department of youth services that is established by section 64603

5139.50 of the Revised Code. 64604

~~(23)~~(22) "Supervised release" means the event of the release 64605  
of a child under this chapter from an institution and the period 64606  
after that release during which the child is supervised and 64607  
assisted by an employee of the department of youth services under 64608  
specific terms and conditions for reintegration of the child into 64609  
the community. 64610

~~(24)~~(23) "Victim" means the person identified in a police 64611  
report, complaint, or information as the victim of an act that 64612  
would have been a criminal offense if committed by an adult and 64613  
that provided the basis for adjudication proceedings resulting in 64614  
a child's commitment to the legal custody of the department of 64615  
youth services. 64616

~~(25)~~(24) "Victim's representative" means a member of the 64617  
victim's family or another person whom the victim or another 64618  
authorized person designates in writing, pursuant to section 64619  
5139.56 of the Revised Code, to represent the victim with respect 64620  
to proceedings of the release authority of the department of youth 64621  
services and with respect to other matters specified in that 64622  
section. 64623

~~(26)~~(25) "Member of the victim's family" means a spouse, 64624  
child, stepchild, sibling, parent, stepparent, grandparent, other 64625  
relative, or legal guardian of a child but does not include a 64626  
person charged with, convicted of, or adjudicated a delinquent 64627  
child for committing a criminal or delinquent act against the 64628  
victim or another criminal or delinquent act arising out of the 64629  
same conduct, criminal or delinquent episode, or plan as the 64630  
criminal or delinquent act committed against the victim. 64631

~~(27)~~(26) "Judicial release to court supervision" means a 64632  
release of a child from institutional care or institutional care 64633  
in a secure facility that is granted by a court pursuant to 64634

division (B) of section 2152.22 of the Revised Code during the 64635  
period specified in that division. 64636

~~(28)~~(27) "Judicial release to department of youth services 64637  
supervision" means a release of a child from institutional care or 64638  
institutional care in a secure facility that is granted by a court 64639  
pursuant to division (C) of section 2152.22 of the Revised Code 64640  
during the period specified in that division. 64641

~~(29)~~(28) "Juvenile justice system" includes all of the 64642  
functions of the juvenile courts, the department of youth 64643  
services, any public or private agency whose purposes include the 64644  
prevention of delinquency or the diversion, adjudication, 64645  
detention, or rehabilitation of delinquent children, and any of 64646  
the functions of the criminal justice system that are applicable 64647  
to children. 64648

~~(30)~~(29) "Metropolitan county criminal justice services 64649  
agency" means an agency that is established pursuant to division 64650  
(A) of section 181.54 of the Revised Code. 64651

~~(31)~~(30) "Administrative planning district" means a district 64652  
that is established pursuant to division (A) or (B) of section 64653  
181.56 of the Revised Code. 64654

~~(32)~~(31) "Criminal justice coordinating council" means a 64655  
criminal justice services agency that is established pursuant to 64656  
division (D) of section 181.56 of the Revised Code. 64657

~~(33)~~(32) "Comprehensive plan" means a document that 64658  
coordinates, evaluates, and otherwise assists, on an annual or 64659  
multi-year basis, all of the functions of the juvenile justice 64660  
systems of the state or a specified area of the state, that 64661  
conforms to the priorities of the state with respect to juvenile 64662  
justice systems, and that conforms with the requirements of all 64663  
federal criminal justice acts. These functions include, but are 64664  
not limited to, all of the following: 64665

(a) Delinquency;	64666
(b) Identification, detection, apprehension, and detention of persons charged with delinquent acts;	64667 64668
(c) Assistance to crime victims or witnesses, except that the comprehensive plan does not include the functions of the attorney general pursuant to sections 109.91 and 109.92 of the Revised Code;	64669 64670 64671 64672
(d) Adjudication or diversion of persons charged with delinquent acts;	64673 64674
(e) Custodial treatment of delinquent children;	64675
(f) Institutional and noninstitutional rehabilitation of delinquent children.	64676 64677
(B) There is hereby created the department of youth services. The governor shall appoint the director of the department with the advice and consent of the senate. The director shall hold office during the term of the appointing governor but subject to removal at the pleasure of the governor. Except as otherwise authorized in section 108.05 of the Revised Code, the director shall devote the director's entire time to the duties of the director's office and shall hold no other office or position of trust or profit during the director's term of office.	64678 64679 64680 64681 64682 64683 64684 64685 64686
The director is the chief executive and administrative officer of the department and has all the powers of a department head set forth in Chapter 121. of the Revised Code. The director may adopt rules for the government of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property. The director shall be an appointing authority within the meaning of Chapter 124. of the Revised Code. Whenever this or any other chapter or section of the Revised Code imposes a duty on or requires an	64687 64688 64689 64690 64691 64692 64693 64694 64695 64696

action of the department, the duty or action shall be performed by 64697  
the director or, upon the director's order, in the name of the 64698  
department. 64699

**Sec. 5139.04.** The department of youth services shall do all 64700  
of the following: 64701

(A) Support service districts through a central 64702  
administrative office that shall have as its administrative head a 64703  
deputy director who shall be appointed by the director of the 64704  
department. When a vacancy occurs in the office of that deputy 64705  
director, an assistant deputy director shall act as that deputy 64706  
director until the vacancy is filled. The position of deputy 64707  
director and assistant deputy director described in this division 64708  
shall be in the unclassified civil service of the state. 64709

(B) Receive custody of all children committed to it under 64710  
Chapter 2152. of the Revised Code, cause a study to be made of 64711  
those children, and issue any orders, as it considers best suited 64712  
to the needs of any of those children and the interest of the 64713  
public, for the treatment of each of those children; 64714

(C) Obtain personnel necessary for the performance of its 64715  
duties; 64716

(D) ~~Train or provide for training of probation and youth~~ 64717  
~~correction workers;~~ 64718

~~(E)~~ Adopt rules that regulate its organization and operation, 64719  
that implement sections 5139.34 and 5139.41 to ~~5139.45~~ 5139.43 of 64720  
the Revised Code, and that pertain to the administration of other 64721  
sections of this chapter; 64722

~~(F)~~(E) Submit reports of its operations to the governor and 64723  
the general assembly by the thirty-first day of January of each 64724  
odd-numbered year; 64725

~~(G)~~(F) Conduct a program of research in diagnosis, training, 64726

and treatment of delinquent children to evaluate the effectiveness 64727  
of the department's services and to develop more adequate methods; 64728

~~(H) Receive reports from the juvenile courts under division 64729  
(C)(3)(b) of section 5139.43 of the Revised Code and prepare an 64730  
annual report of state juvenile court statistics and information 64731  
based upon those reports. The department shall make available a 64732  
copy of the annual report to the governor and members of the 64733  
general assembly upon request. 64734~~

~~(I)(G) Develop a standard form for the disposition 64735  
investigation report that a juvenile court is required pursuant to 64736  
section 2152.18 of the Revised Code to complete and provide to the 64737  
department when the court commits a child to the legal custody of 64738  
the department; 64739~~

~~(J)(H) Do all other acts necessary or desirable to carry out 64740  
this chapter. 64741~~

**Sec. 5139.33.** (A) The department of youth services shall make 64742  
grants in accordance with this section to encourage counties to 64743  
use community-based programs and services for juveniles who are 64744  
adjudicated delinquent children for the commission of acts that 64745  
would be felonies if committed by an adult. 64746

(B) Each county seeking a grant under this section shall file 64747  
an application with the department of youth services. The 64748  
application shall be filed at the time and in accordance with 64749  
procedures established by the department in rules adopted under 64750  
this section. Each application shall be accompanied by a plan 64751  
designed to reduce the county's commitment percentage, or to 64752  
enable it to maintain or attain a commitment percentage that is 64753  
equal to or below the statewide average commitment percentage. A 64754  
county's commitment percentage is the percentage determined by 64755  
dividing the number of juveniles the county committed to the 64756  
department during the year by the number of juveniles who were 64757

eligible to be committed. The statewide average commitment 64758  
percentage is the percentage determined by dividing the number of 64759  
juveniles in the state committed to the department during the year 64760  
by the number of juveniles who were eligible to be committed. 64761  
These percentages shall be determined by the department using the 64762  
most reliable data available to it. 64763

Each plan shall include a method of ensuring equal access for 64764  
minority youth to the programs and services for which the grant 64765  
will be used. 64766

The department shall review each application and plan to 64767  
ensure that the requirements of this division are satisfied. Any 64768  
county applying for a grant under this section that received a 64769  
grant under this section during the preceding year and that failed 64770  
to meet its commitment goals for that year shall make the changes 64771  
in its plan that the department requires in order to continue to 64772  
be eligible for grants under this section. 64773

(C) Subject to division (E) of this section, the amounts 64774  
appropriated for the purpose of making grants under this section 64775  
shall be distributed annually on a per capita basis among the 64776  
counties that have complied with division (B) of this section. 64777

(D) The department shall adopt rules to implement this 64778  
section. The rules shall include, but are not limited to, 64779  
procedures and schedules for submitting applications and plans 64780  
under this section, including procedures allowing joint-county 64781  
applications and plans; and procedures for monitoring and 64782  
evaluating the effectiveness of the programs and services financed 64783  
with grant money, the enhancement of the use of local facilities 64784  
and services, and the adequacy of the supervision and treatment 64785  
provided to juveniles by those programs and services. 64786

(E)(1) Three months prior to the implementation of the felony 64787  
delinquent care and custody program described in section 5139.43 64788

of the Revised Code, each county that is entitled to a grant under 64789  
this section shall receive its grant money for the fiscal year or 64790  
the remainder of its grant money for the fiscal year, other than 64791  
any grant money to which it is entitled and that is set aside by 64792  
the department of youth services for purposes of division (E)(2) 64793  
of this section. The grant money so distributed shall be paid in a 64794  
lump sum. 64795

(2) During the first twelve months that the felony delinquent 64796  
care and custody program described in section 5139.43 of the 64797  
Revised Code is implemented in a county, any grant or the 64798  
remainder of any grant to which a county is entitled and that is 64799  
payable from the appropriation made to the department of youth 64800  
services for community sanctions shall be distributed as follows: 64801

(a) In the first quarter of the twelve-month period, the 64802  
county shall receive one hundred per cent of the quarterly 64803  
distribution. 64804

(b) In the second quarter of the twelve-month period, the 64805  
county shall receive seventy-five per cent of the quarterly 64806  
distribution. 64807

(c) In the third quarter of the twelve-month period, the 64808  
county shall receive fifty per cent of the quarterly distribution. 64809

(d) In the fourth quarter of the twelve-month period, the 64810  
county shall receive twenty-five per cent of the quarterly 64811  
distribution. 64812

(3) Grant moneys received pursuant to divisions (E)(1) and 64813  
(2) of this section shall be transmitted by the juvenile court of 64814  
the recipient county to the county treasurer, shall be deposited 64815  
by the county treasurer into the felony delinquent care and 64816  
custody fund created pursuant to division ~~(C)~~(B)(1) of section 64817  
5139.43 of the Revised Code, and shall be used by the juvenile 64818  
court in accordance with division ~~(C)~~(B)(2) of that section. The 64819

grant moneys shall be in addition to, and shall not be used to 64820  
reduce, any usual annual increase in county funding that the 64821  
juvenile court is eligible to receive or the current level of 64822  
county funding of the juvenile court and of any programs or 64823  
services for delinquent children, unruly children, or juvenile 64824  
traffic offenders. 64825

(4) One year after the commencement of its operation of the 64826  
felony delinquent care and custody program described in section 64827  
5139.43 of the Revised Code, the department shall not make any 64828  
further grants under this section. 64829

**Sec. 5139.34.** (A) Funds may be appropriated to the department 64830  
of youth services for the purpose of granting state subsidies to 64831  
counties. A county or the juvenile court that serves a county 64832  
shall use state subsidies granted to the county pursuant to this 64833  
section only in accordance with divisions ~~(C)~~(B)(2)(a) and (3)(a) 64834  
of section 5139.43 of the Revised Code and the rules pertaining to 64835  
the state subsidy funds that the department adopts pursuant to 64836  
division ~~(E)~~(D) of section 5139.04 of the Revised Code. The 64837  
department shall not grant financial assistance pursuant to this 64838  
section for the provision of care and services for children in a 64839  
~~foster-care~~ placement facility unless the facility has been 64840  
certified, licensed, or approved by a state or national agency 64841  
with certification, licensure, or approval authority, including, 64842  
but not limited to, the department of job and family services, 64843  
department of education, department of mental health, ~~or~~ 64844  
department of mental retardation and developmental disabilities, 64845  
or American Correctional Association. For the purposes of this 64846  
section, ~~foster-care~~ placement facilities do not include a state 64847  
institution or a county or district children's home. 64848

The department also shall not grant financial assistance 64849  
pursuant to this section for the provision of care and services 64850

for children, including, but not limited to, care and services in 64851  
a detention facility, in another facility, or in out-of-home 64852  
placement, unless the minimum standards applicable to the care and 64853  
services that the department prescribes in rules adopted pursuant 64854  
to division ~~(E)~~(D) of section 5139.04 of the Revised Code have 64855  
been satisfied. 64856

(B) The department of youth services shall apply the 64857  
following formula to determine the amount of the annual grant that 64858  
each county is to receive pursuant to division (A) of this 64859  
section, subject to the appropriation for this purpose to the 64860  
department made by the general assembly: 64861

(1) Each county shall receive a basic annual grant of fifty 64862  
thousand dollars. 64863

(2) The sum of the basic annual grants provided under 64864  
division (B)(1) of this section shall be subtracted from the total 64865  
amount of funds appropriated to the department of youth services 64866  
for the purpose of making grants pursuant to division (A) of this 64867  
section to determine the remaining portion of the funds 64868  
appropriated. The remaining portion of the funds appropriated 64869  
shall be distributed on a per capita basis to each county that has 64870  
a population of more than twenty-five thousand for that portion of 64871  
the population of the county that exceeds twenty-five thousand. 64872

(C)(1) Prior to a county's receipt of an annual grant 64873  
pursuant to this section, the juvenile court that serves the 64874  
county shall prepare, submit, and file in accordance with division 64875  
~~(C)~~(B)(3)(a) of section 5139.43 of the Revised Code an annual 64876  
grant agreement and application for funding that is for the 64877  
combined purposes of, and that satisfies the requirements of, this 64878  
section and section 5139.43 of the Revised Code. In addition to 64879  
the subject matters described in division ~~(C)~~(B)(3)(a) of section 64880  
5139.43 of the Revised Code or in the rules that the department 64881  
adopts to implement that division, the annual grant agreement and 64882

application for funding shall address fiscal accountability and 64883  
performance matters pertaining to the programs, care, and services 64884  
that are specified in the agreement and application and for which 64885  
state subsidy funds granted pursuant to this section will be used. 64886

(2) The county treasurer of each county that receives an 64887  
annual grant pursuant to this section shall deposit the state 64888  
subsidy funds so received into the county's felony delinquent care 64889  
and custody fund created pursuant to division ~~(C)~~(B)(1) of section 64890  
5139.43 of the Revised Code. Subject to exceptions prescribed in 64891  
section 5139.43 of the Revised Code that may apply to the 64892  
disbursement, the department shall disburse the state subsidy 64893  
funds to which ~~each county is entitled as follows:~~ 64894

~~(a) Except as provided in division (C)(2)(b) of this section,~~ 64895  
~~the department shall disburse the state subsidy funds to which a~~ 64896  
county is entitled in a lump sum payment that shall be made in 64897  
July of each calendar year. 64898

~~(b) In the case of state subsidy funds to which a county is~~ 64899  
~~entitled for fiscal year 1998, the department shall disburse the~~ 64900  
~~state subsidy funds to the county in two distinct payments in~~ 64901  
~~accordance with this division. The department shall disburse~~ 64902  
~~seventy five per cent of those state subsidy funds to the county~~ 64903  
~~in July 1997. After the department reviews and reconciles the~~ 64904  
~~applicable reports that the juvenile court of the county is~~ 64905  
~~required to prepare and submit to the department pursuant to~~ 64906  
~~section 5139.43 of the Revised Code, the department shall disburse~~ 64907  
~~to the county in October 1997, the remainder of the state subsidy~~ 64908  
~~funds to which the county is entitled.~~ 64909

(3) Upon an order of the juvenile court that serves a county 64910  
and subject to appropriation by the board of county commissioners 64911  
of that county, a county treasurer shall disburse from the 64912  
county's felony delinquent care and custody fund the state subsidy 64913  
funds granted to the county pursuant to this section for use only 64914

in accordance with this section, the applicable provisions of 64915  
section 5139.43 of the Revised Code, and the county's approved 64916  
annual grant agreement and application for funding. 64917

(4) The moneys in a county's felony delinquent care and 64918  
custody fund that represent state subsidy funds granted pursuant 64919  
to this section are subject to appropriation by the board of 64920  
county commissioners of the county; shall be disbursed by the 64921  
county treasurer as required by division (C)(3) of this section; 64922  
shall be used in the manners referred to in division (C)(3) of 64923  
this section; shall not revert to the county general fund at the 64924  
end of any fiscal year; shall carry over in the felony delinquent 64925  
care and custody fund from the end of any fiscal year to the next 64926  
fiscal year; shall be in addition to, and shall not be used to 64927  
reduce, any usual annual increase in county funding that the 64928  
juvenile court is eligible to receive or the current level of 64929  
county funding of the juvenile court and of any programs, care, or 64930  
services for alleged or adjudicated delinquent children, unruly 64931  
children, or juvenile traffic offenders or for children who are at 64932  
risk of becoming delinquent children, unruly children, or juvenile 64933  
traffic offenders; and shall not be used to pay for the care and 64934  
custody of felony delinquents who are in the care and custody of an 64935  
institution pursuant to a commitment, recommitment, or revocation 64936  
of a release on parole by the juvenile court of that county or who 64937  
are in the care and custody of a community corrections facility 64938  
pursuant to a placement by the department with the consent of the 64939  
juvenile court as described in division (E) of section 5139.36 of 64940  
the Revised Code. 64941

(5) As a condition of the continued receipt of state subsidy 64942  
funds pursuant to this section, each county and the juvenile court 64943  
that serves each county that receives an annual grant pursuant to 64944  
this section shall comply with divisions ~~(C)~~(B)(3)(b), (c), and 64945  
(d) of section 5139.43 of the Revised Code. 64946

Sec. 5139.36. (A) In accordance with this section and the 64947  
rules adopted under it and from funds appropriated to the 64948  
department of youth services for the purposes of this section, the 64949  
department shall make grants that provide financial resources to 64950  
operate community corrections facilities for felony delinquents. 64951

(B)(1) Each community corrections facility that intends to 64952  
seek a grant under this section shall file an application with the 64953  
department of youth services at the time and in accordance with 64954  
the procedures that the department shall establish by rules 64955  
adopted in accordance with Chapter 119. of the Revised Code. In 64956  
addition to other items required to be included in the 64957  
application, a plan that satisfies both of the following shall be 64958  
included: 64959

(a) It reduces the number of felony delinquents committed to 64960  
the department from the county or counties associated with the 64961  
community corrections facility. 64962

(b) It ensures equal access for minority felony delinquents 64963  
to the programs and services for which a potential grant would be 64964  
used. 64965

(2) The department of youth services shall review each 64966  
application submitted pursuant to division (B)(1) of this section 64967  
to determine whether the plan described in that division, the 64968  
community corrections facility, and the application comply with 64969  
this section and the rules adopted under it. 64970

(C) To be eligible for a grant under this section and for 64971  
continued receipt of moneys comprising a grant under this section, 64972  
a community corrections facility shall satisfy at least all of the 64973  
following requirements: 64974

(1) Be constructed, reconstructed, improved, or financed by 64975  
the Ohio building authority pursuant to section 307.021 of the 64976

Revised Code and Chapter 152. of the Revised Code for the use of 64977  
the department of youth services and be designated as a community 64978  
corrections facility; 64979

(2) Have written standardized criteria governing the types of 64980  
felony delinquents that are eligible for the programs and services 64981  
provided by the facility; 64982

(3) Have a written standardized intake screening process and 64983  
an intake committee that at least performs both of the following 64984  
tasks: 64985

(a) Screens all eligible felony delinquents who are being 64986  
considered for admission to the facility in lieu of commitment to 64987  
the department; 64988

(b) Notifies, within ten days after the date of the referral 64989  
of a felony delinquent to the facility, the committing court 64990  
whether the felony delinquent will be admitted to the facility. 64991

(4) Comply with all applicable fiscal and program rules that 64992  
the department adopts in accordance with Chapter 119. of the 64993  
Revised Code and demonstrate that felony delinquents served by the 64994  
facility have been or will be diverted from a commitment to the 64995  
department. 64996

(D) The department of youth services shall determine the 64997  
method of distribution of the funds appropriated for grants under 64998  
this section to community corrections facilities. 64999

~~(E) With the consent of a committing court and of a community 65000  
corrections facility that has received a grant under this section, 65001  
the department of youth services may place in that facility a 65002  
felony delinquent who has been committed to the department. During 65003  
the period in which the felony delinquent is in that facility, the 65004  
felony delinquent~~ (1) The department of youth services shall adopt 65005  
rules in accordance with Chapter 119. of the Revised Code to 65006  
establish the minimum occupancy threshold of community corrections 65007

facilities. 65008

(2) The department may make referrals for the placement of 65009  
children in its custody to a community corrections facility if the 65010  
community corrections facility is not meeting the minimum 65011  
occupancy threshold established by the department. At least 65012  
forty-five days prior to the referral of a child, the department 65013  
shall notify the committing court of its intent to place the child 65014  
in a community corrections facility. The court shall have thirty 65015  
days after the receipt of the notice to approve or disapprove the 65016  
placement. If the court does not respond to the notice of the 65017  
placement within that thirty-day period, the department shall 65018  
proceed with the placement and debit the county in accordance with 65019  
sections 5139.41 to 5139.43 of the Revised Code. A child placed in 65020  
a community corrections facility pursuant to this division shall 65021  
remain in the legal custody of the department of youth services 65022  
during the period in which the child is in the community 65023  
corrections facility. 65024

(3) Counties that are not associated with a community 65025  
corrections facility may refer children to a community corrections 65026  
facility with the consent of the facility. The department of youth 65027  
services shall debit the county that makes the referral in 65028  
accordance with sections 5139.41 to 5139.43 of the Revised Code. 65029

(F) If the board or other governing body of a community 65030  
corrections facility establishes an advisory board, the board or 65031  
other governing authority of the community corrections facility 65032  
shall reimburse the members of the advisory board for their actual 65033  
and necessary expenses incurred in the performance of their 65034  
official duties on the advisory board. The members of advisory 65035  
boards shall serve without compensation. 65036

**Sec. 5139.41.** ~~On and after January 1, 1995, the~~ The 65037  
appropriation made to the department of youth services for care 65038

and custody of felony delinquents shall be expended in accordance 65039  
with ~~a formula~~ the following procedure that the department shall 65040  
~~develop use~~ for each year of a biennium. The ~~formula~~ procedure 65041  
shall be consistent with sections 5139.41 to ~~5139.45~~ 5139.43 of 65042  
the Revised Code and shall be developed in accordance with the 65043  
following guidelines: 65044

~~(A) The department shall set aside at least three per cent 65045  
but not more than five per cent of the appropriation for purposes 65046  
of funding the contingency program described in section 5139.45 of 65047  
the Revised Code and of use in accordance with that section. 65048~~

~~(B)(1) After setting aside the amount described in division 65049  
(A) of this section, the department shall set aside twenty five 65050  
per cent of the remainder of the appropriation and use that amount 65051  
for the purpose described in division (B)(2) of this section and 65052  
to pay certain of the operational costs associated with, and to 65053  
provide cash flow for, the following: 65054~~

~~(a) Institutions; 65055~~

~~(b) The diagnosis, care, or treatment of felony delinquents 65056  
at institutions, facilities, or centers pursuant to contracts 65057  
entered into under section 5139.08 of the Revised Code; 65058~~

~~(c) Community corrections facilities constructed, 65059  
reconstructed, improved, or financed as described in section 65060  
5139.36 of the Revised Code for the purpose of providing 65061  
alternative placement and services for felony delinquents who have 65062  
been diverted from care and custody in institutions. 65063~~

~~(2) The department may use a portion of the twenty five per 65064  
cent of the remainder of the appropriation set aside pursuant to 65065  
division (B)(1) of this section for administrative expenses 65066  
incurred by the department in connection with the felony 65067  
delinquent care and custody program described in section 5139.43 65068~~

~~of the Revised Code and the associated contingency program 65069  
described in section 5139.45 of the Revised Code. 65070~~

~~(C) After setting aside the amounts described in divisions 65071  
(A) and (B)(1) of this section, the department shall set aside the 65072  
amount of the appropriation that is equal to twenty five per cent 65073  
of the amount that is calculated by multiplying the per diem cost 65074  
for the care and custody of felony delinquents, as determined 65075  
pursuant to division (D) of section 5139.42 of the Revised Code, 65076  
by the number of bed days that the department projects for 65077  
occupancy in community corrections facilities described in 65078  
division (B)(1)(c) of this section. The department shall use the 65079  
amount of the appropriation that is set aside pursuant to this 65080  
division to pay the percentage of the per diem cost for the care 65081  
and custody of felony delinquents who are in the care and custody 65082  
of community corrections facilities described in division 65083  
(B)(1)(c) of this section for which the department is responsible 65084  
under sections 5139.41 to 5139.45 of the Revised Code. 65085~~

~~(D) After setting aside the amounts described in divisions 65086  
(A) to (C) of this section, the department shall set aside the 65087  
amount of the appropriation that is necessary to pay seventy five 65088  
per cent of the per diem cost of public safety beds and shall use 65089  
that amount for the purpose of paying that per diem cost. 65090~~

~~(E) After setting aside the amounts described in divisions 65091  
(A) to (D) of this section, the department shall use the remainder 65092  
of the appropriation in connection with the felony delinquent care 65093  
and custody program described in section 5139.43 of the Revised 65094  
Code, except that, for fiscal year 2002 and fiscal year 2003 and 65095  
only for those two fiscal years, the total number of beds 65096  
available to all counties via public safety beds and county 65097  
allocations shall not be less than the total beds used by all the 65098  
counties during fiscal year 2000 funded by care and custody 65099  
chargebacks (Line Item 401) and as public safety beds. 65100~~

~~(F) If the department's appropriation for a fiscal year is~~ 65101  
~~subsequently revised by law or its expenditures ordered to be~~ 65102  
~~reduced by executive order under section 126.05 of the Revised~~ 65103  
~~Code, the department may adjust the amounts described in divisions~~ 65104  
~~(A) to (E) of this section in a manner consistent with the~~ 65105  
~~revision or reduction. The line item appropriation for the care~~ 65106  
~~and custody of felony delinquents shall provide funding for~~ 65107  
~~operational costs for the following:~~ 65108

(1) Institutions and the diagnosis, care, or treatment of 65109  
felony delinquents at facilities pursuant to contracts entered 65110  
into under section 5139.08 of the Revised Code; 65111

(2) Community corrections facilities constructed, 65112  
reconstructed, improved, or financed as described in section 65113  
5139.36 of the Revised Code for the purpose of providing 65114  
alternative placement and services for felony delinquents who have 65115  
been diverted from care and custody in institutions; 65116

(3) County juvenile courts that administer programs and 65117  
services for prevention, early intervention, diversion, treatment, 65118  
and rehabilitation services and programs that are provided for 65119  
alleged or adjudicated unruly or delinquent children or for 65120  
children who are at risk of becoming unruly or delinquent 65121  
children; 65122

(4) Administrative expenses the department incurs in 65123  
connection with the felony delinquent care and custody programs 65124  
described in section 5139.43 of the Revised Code. 65125

(B) From the appropriated line item for the care and custody 65126  
of felony delinquents, the department, with the advice of the 65127  
RECLAIM advisory committee established under section 5139.44 of 65128  
the Revised Code, shall allocate annual operational funds for 65129  
county juvenile programs, institutional care and custody, 65130  
community corrections facilities care and custody, and 65131

administrative expenses incurred by the department associated with 65132  
felony delinquent care and custody programs. The department, with 65133  
the advice of the RECLAIM advisory committee, shall adjust these 65134  
allocations, when modifications to this line item are made by 65135  
legislative or executive action. 65136

(C) The department shall divide county juvenile program 65137  
allocations among county juvenile courts that administer programs 65138  
and services for prevention, early intervention, diversion, 65139  
treatment, and rehabilitation that are provided for alleged or 65140  
adjudicated unruly or delinquent children or for children who are 65141  
at risk of becoming unruly or delinquent children. The department 65142  
shall base funding on the county's previous year's ratio of the 65143  
department's institutional and community correctional facilities 65144  
commitments to that county's four year average of felony 65145  
adjudications, divided by statewide ratios of commitments to 65146  
felony adjudications, as specified in the following formula: 65147

(1) The department shall give to each county a proportional 65148  
allocation of commitment credits. The proportional allocation of 65149  
commitment credits shall be calculated by the following 65150  
procedures: 65151

(a) The department shall determine for each county and for 65152  
the state a four year average of felony adjudications. 65153

(b) The department shall determine for each county and for 65154  
the state the number of charged bed days, for both the department 65155  
and community correctional facilities, from the previous year. 65156

(c) The department shall divide the statewide total number of 65157  
charged bed days by the statewide total number of felony 65158  
adjudications, which quotient shall then be multiplied by a factor 65159  
determined by the department. 65160

(d) The department shall calculate the county's allocation of 65161  
credits by multiplying the number of adjudications for each court 65162

by the result determined pursuant to division (C)(1)(c) of this section. 65163  
65164

(2) The department shall subtract from the allocation determined pursuant to division (C)(1) of this section a credit for every chargeable bed day a youth stays in a department institution and two-thirds of credit for every chargeable bed day a youth stays in a community correctional facility. At the end of the year, the department shall divide the amount of remaining credits of that county's allocation by the total number of remaining credits to all counties, to determine the county's percentage, which shall then be applied to the total county allocation to determine the county's payment for the fiscal year. 65165  
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(3) The department shall pay counties three times during the fiscal year to allow for credit reporting and audit adjustments, and modifications to the appropriated line item for the care and custody of felony delinquents, as described in this section. The department shall pay fifty per cent of the payment by the fifteenth of July of each fiscal year, twenty-five per cent by the fifteenth of January of that fiscal year, and twenty-five per cent of the payment by the fifteenth of June of that fiscal year. 65175  
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(D) In fiscal year 2004, the payment of county juvenile programs shall be based on the following procedure: 65183  
65184

(1) The department shall divide the funding earned by each court in fiscal year 2003 by the aggregate funding of all courts, resulting in a percentage. 65185  
65186  
65187

(2) The department shall apply the percentage determined under division (D)(1) of this section to the total county juvenile program allocation for fiscal year 2004 to determine each court's total payment. 65188  
65189  
65190  
65191

(3) The department shall make payments in accordance with the schedule established in division (C)(3) of this section. 65192  
65193

~~Sec. 5139.43. (A) The department of youth services shall operate a felony delinquent care and custody program with the remainder of the appropriation described in division (E) of section 5139.41 of the Revised Code. The program that shall be operated in accordance with the formula developed pursuant to sections section 5139.41 and 5139.42 of the Revised Code, subject to the conditions specified in this section, and in conjunction with the contingency program described in section 5139.45 of the Revised Code.~~

~~(B)(1) The department of youth services annually shall allocate to each county a portion of the remainder of the appropriation described in division (E) of section 5139.41 of the Revised Code. The portion to be allocated to each county shall be determined by multiplying the county's percentage determined under division (E) of section 5139.42 of the Revised Code by the amount of that remainder. The department shall divide the portion to be allocated to each county by twelve or, if in a particular fiscal year the felony delinquent care and custody program is in effect in a county less than twelve months, by the number of months the program is in effect in that county to determine the monthly allocation to that county.~~

~~(2)(a) Except as provided in divisions (B)(2)(b) and (E) of this section, the department shall reduce the monthly allocation for each fiscal year to each county as determined under division (B)(1) of this section by both of the following:~~

~~(i) Seventy five per cent of the amount determined by multiplying the per diem cost for the care and custody of felony delinquents, as determined pursuant to division (D) of section 5139.42 of the Revised Code, by the number of felony delinquents who have been adjudicated delinquent children and, except as otherwise provided in divisions (B)(2)(a) and (3) of this section,~~

~~who are in the care and custody of an institution pursuant to a 65225  
commitment, recommitment, or revocation of a release by the 65226  
juvenile court of that county; 65227~~

~~(ii) Fifty per cent of the amount determined by multiplying 65228  
the per diem cost for the care and custody of felony delinquents, 65229  
as determined pursuant to division (D) of section 5139.42 of the 65230  
Revised Code, by the number of felony delinquents who have been 65231  
adjudicated delinquent children and, except as otherwise provided 65232  
in division (B)(3) of this section, who are in the care and 65233  
custody of a community corrections facility pursuant to a 65234  
placement by the department with the consent of the juvenile court 65235  
of that county as described in division (E) of section 5139.36 of 65236  
the Revised Code. 65237~~

~~Public safety beds shall not be included in the number of 65238  
felony delinquents who have been adjudicated delinquent children 65239  
by a juvenile court in making the seventy five per cent reduction 65240  
described in division (B)(2)(a)(i) of this section. The department 65241  
shall bear the care and custody costs associated with public 65242  
safety beds. 65243~~

~~(b) If a county has exhausted its current and future monthly 65244  
allocations for the current fiscal year as determined under 65245  
division (B)(1) of this section, the department shall bear the 65246  
remainder of the amounts calculated under divisions (B)(2)(a)(i) 65247  
and (ii) of this section for the care and custody of felony 65248  
delinquents who are in the care and custody of an institution 65249  
pursuant to a commitment, recommitment, or revocation of a release 65250  
or in the care and custody of a community corrections facility by 65251  
debiting, in accordance with division (C)(2) of section 5139.45 of 65252  
the Revised Code, the amount of the appropriation for care and 65253  
custody of felony delinquents that was set aside for the 65254  
contingency program pursuant to division (A) of section 5139.41 of 65255  
the Revised Code. 65256~~

~~(3)(a) Subject to divisions (B)(2)(b) and (4) and (C)(3)(b) and (c) of this section and subject to the special provisions of division (B)(3)(b) of this section pertaining to monthly allocations under divisions (B)(1) and (2)(a) of this section for the month of June, after the application of division (B)(2)(a) of this section and on or before the fifteenth day of the following month, the department shall disburse to the juvenile court of each county the remainder of the monthly allocation of that county as determined pursuant to divisions (B)(1) and (2)(a) of this section.~~

~~(b)(i) For the monthly allocation for the month of June of each fiscal year, the department shall estimate for each county the number of felony delinquents described in divisions (B)(2)(a)(i) and (ii) of this section rather than use the actual number of those felony delinquents, shall use the estimated number of those felony delinquents in making the seventy five per cent and fifty per cent reductions described in those divisions, and shall encumber the remainder of the estimated monthly allocation of each county for the month of June, as determined pursuant to divisions (B)(1), (2)(a), and (3)(b)(i) of this section, for disbursement in the month of July of the next fiscal year in accordance with division (B)(3)(b)(ii) of this section. If the total of the seventy five per cent and fifty per cent reductions described in division (B)(2)(a) of this section exceeds the estimated monthly allocation of a county for the month of June as so determined, the department may cover the amount of the excess by debiting, in accordance with division (C)(2) of section 5139.45 of the Revised Code, the amount of the appropriation for care and custody of felony delinquents that was set aside for the contingency program pursuant to division (A) of section 5139.41 of the Revised Code.~~

~~(ii) In the month of July of each new fiscal year, the~~

~~department shall reconcile for each county the estimated 65289  
reductions that occurred pursuant to divisions (B)(2)(a) and 65290  
(3)(b)(i) of this section and the reductions that should have 65291  
occurred pursuant to division (B)(2)(a) of this section by using 65292  
the actual number of felony delinquents described in divisions 65293  
(B)(2)(a)(i) and (ii) of this section for the month of June of the 65294  
prior fiscal year. After that reconciliation occurs, subject to 65295  
divisions (B)(2)(b) and (4) and (C)(3)(b) and (c) of this section, 65296  
the department shall disburse to each county the remainder of its 65297  
monthly allocation for the month of June of the prior fiscal year 65298  
as adjusted pursuant to the reconciliation and division 65299  
(B)(3)(b)(ii) of this section. 65300~~

~~In connection with the adjustments in the monthly allocations 65301  
for the month of June of the prior fiscal year, if the encumbered 65302  
monthly allocations of one or more counties for that month exceed 65303  
or are less than the monthly allocations for that month to which 65304  
those counties are entitled under divisions (B)(1) and (2)(a) of 65305  
this section by using the actual number of felony delinquents 65306  
described in divisions (B)(2)(a)(i) and (ii) of this section 65307  
rather than the estimated number of those felony delinquents, the 65308  
department may make the necessary adjustments in the monthly 65309  
allocations of those counties for the month of June of the prior 65310  
fiscal year within the total of the moneys for monthly allocations 65311  
for that month that were encumbered for all of the counties. If 65312  
that total amount is insufficient to make the requisite monthly 65313  
allocations for that month to all counties in accordance with 65314  
divisions (B)(1) and (2)(a) of this section, the department shall 65315  
cover the insufficiency by debiting, in accordance with division 65316  
(C)(2) of section 5139.45 of the Revised Code, the amount of the 65317  
appropriation for care and custody of felony delinquents that was 65318  
set aside for the contingency program pursuant to division (A) of 65319  
section 5139.41 of the Revised Code. 65320~~

~~(4) Notwithstanding the general disbursement requirements of division (B)(3)(a) and (b)(ii) of this section, if a juvenile court fails to comply with division (C)(3)(d) of this section and the department is not able to reconcile fiscal accounting as a consequence of that failure, the department is not required to make any disbursement in accordance with division (B)(3)(a) or (b)(ii) of this section to the juvenile court until it complies with division (C)(3)(d) of this section.~~

~~(C)(1)~~ Each juvenile court shall use the moneys disbursed to it by the department of youth services pursuant to division (B) of ~~this~~ section 5139.41 of the Revised Code in accordance with the applicable provisions of division ~~(C)(B)~~(2) of this section and shall transmit the moneys to the county treasurer for deposit in accordance with this division. The county treasurer shall create in the county treasury a fund that shall be known as the felony delinquent care and custody fund and shall deposit in that fund the moneys disbursed to the juvenile court pursuant to division (B) of ~~this~~ section 5139.41 of the Revised Code. The county treasurer also shall deposit into that fund the state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code. The moneys disbursed to the juvenile court pursuant to division (B) of ~~this~~ section 5139.41 of the Revised Code and deposited pursuant to this division in the felony delinquent care and custody fund shall not be commingled with any other county funds except state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code; shall not be used for any capital construction projects; upon an order of the juvenile court and subject to appropriation by the board of county commissioners, shall be disbursed to the juvenile court for use in accordance with the applicable provisions of division ~~(C)(B)~~(2) of this section; shall not revert to the county general fund at the end of any fiscal year; and shall carry over in the felony delinquent care and custody fund from the end of any fiscal year to the next

fiscal year. The moneys disbursed to the juvenile court pursuant 65354  
to division (B) of ~~this~~ section 5139.41 of the Revised Code and 65355  
deposited pursuant to this division in the felony delinquent care 65356  
and custody fund shall be in addition to, and shall not be used to 65357  
reduce, any usual annual increase in county funding that the 65358  
juvenile court is eligible to receive or the current level of 65359  
county funding of the juvenile court and of any programs or 65360  
services for delinquent children, unruly children, or juvenile 65361  
traffic offenders. 65362

(2)(a) A county and the juvenile court that serves the county 65363  
shall use the moneys in its felony delinquent care and custody 65364  
fund in accordance with rules that the department of youth 65365  
services adopts pursuant to division ~~(E)~~(D) of section 5139.04 of 65366  
the Revised Code and as follows: 65367

(i) The moneys in the fund that represent state subsidy funds 65368  
granted to the county pursuant to section 5139.34 of the Revised 65369  
Code shall be used to aid in the support of prevention, early 65370  
intervention, diversion, treatment, and rehabilitation programs 65371  
that are provided for alleged or adjudicated unruly children or 65372  
delinquent children or for children who are at risk of becoming 65373  
unruly children or delinquent children. The county shall not use 65374  
for capital improvements more than fifteen per cent of the moneys 65375  
in the fund that represent the applicable annual grant of those 65376  
state subsidy funds. 65377

(ii) The moneys in the fund that were disbursed to the 65378  
juvenile court pursuant to division (B) of ~~this~~ section 5139.41 of 65379  
the Revised Code and deposited pursuant to division ~~(C)~~(B)(1) of 65380  
this section in the fund shall be used to provide programs and 65381  
services for the training, treatment, or rehabilitation of felony 65382  
delinquents that are alternatives to their commitment to the 65383  
department, including, but not limited to, community residential 65384  
programs, day treatment centers, services within the home, and 65385

electronic monitoring, and shall be used in connection with 65386  
training, treatment, rehabilitation, early intervention, or other 65387  
programs or services for any delinquent child, unruly child, or 65388  
juvenile traffic offender who is under the jurisdiction of the 65389  
juvenile court. ~~For purposes of division (C)(2)(a)(ii) of this~~ 65390  
~~section, a delinquent child includes a child who is so adjudicated~~ 65391  
~~for the commission of an act that if committed by an adult would~~ 65392  
~~be a misdemeanor or felony.~~ 65393

~~If, during the previous state fiscal year, the county did not~~ 65394  
~~exceed in any month its monthly allocation as determined pursuant~~ 65395  
~~to division (B)(1) of this section in connection with felony~~ 65396  
~~delinquents described in divisions (B)(2)(a)(i) and (ii) of this~~ 65397  
~~section, the moneys in the fund that were disbursed to the~~ 65398  
~~juvenile court pursuant to division (B) of this section and~~ 65399  
~~deposited pursuant to division (C)(1) of this section in the The~~ 65400  
fund also may be used for prevention, early intervention, 65401  
diversion, treatment, and rehabilitation programs that are 65402  
provided for alleged or adjudicated unruly children, delinquent 65403  
children, or juvenile traffic offenders or for children who are at 65404  
risk of becoming unruly children, delinquent children, or juvenile 65405  
traffic offenders. Consistent with division ~~(C)~~(B)(1) of this 65406  
section, a county and the juvenile court of a county shall not use 65407  
any of those moneys for capital construction projects. 65408

(iii) The county and the juvenile court that serves the 65409  
county may not use moneys in the fund for the provision of care 65410  
and services for children, including, but not limited to, care and 65411  
services in a detention facility, in another facility, or in 65412  
out-of-home placement, unless the minimum standards that apply to 65413  
the care and services and that the department prescribes in rules 65414  
adopted pursuant to division ~~(E)~~(D) of section 5139.04 of the 65415  
Revised Code have been satisfied. 65416

(b) Each juvenile court shall comply with division 65417

~~(C)(B)(3)(d) of this section as implemented by the department. If a juvenile court fails to comply with that division and the department is not able to reconcile fiscal accounting as a consequence of the failure, the provisions of division (B)(4) of this section shall apply.~~

(3) In accordance with rules adopted by the department pursuant to division ~~(E)(D)~~ of section 5139.04 of the Revised Code, each juvenile court and the county served by that juvenile court shall do all of the following that apply:

(a) The juvenile court shall prepare an annual grant agreement and application for funding that satisfies the requirements of this section and section 5139.34 of the Revised Code and that pertains to the use, upon an order of the juvenile court and subject to appropriation by the board of county commissioners, of the moneys in its felony delinquent care and custody fund for specified programs, care, and services as described in division ~~(C)(B)(2)(a)~~ of this section, shall submit that agreement and application to the county family and children first council, the regional family and children first council, or the local intersystem services to children cluster as described in sections 121.37 and 121.38 of the Revised Code, whichever is applicable, and shall file that agreement and application with the department for its approval. The annual grant agreement and application for funding shall include a method of ensuring equal access for minority youth to the programs, care, and services specified in it.

The department may approve an annual grant agreement and application for funding only if the juvenile court involved has complied with the preparation, submission, and filing requirements described in division ~~(C)(B)(3)(a)~~ of this section. If the juvenile court complies with those requirements and the department approves that agreement and application, the juvenile court and

the county served by the juvenile court may expend the state 65450  
subsidy funds granted to the county pursuant to section 5139.34 of 65451  
the Revised Code only in accordance with division ~~(C)~~(B)(2)(a) of 65452  
this section, the rules pertaining to state subsidy funds that the 65453  
department adopts pursuant to division ~~(E)~~(D) of section 5139.04 65454  
of the Revised Code, and the approved agreement and application. 65455

(b) By the thirty-first day of August of each year, the 65456  
juvenile court shall file with the department a report that 65457  
contains all of the statistical and other information for each 65458  
month of the prior state fiscal year ~~that will permit the~~ 65459  
~~department to prepare the report described in division (D) of this~~ 65460  
~~section and the annual report described in division (H) of section~~ 65461  
~~5139.04 of the Revised Code.~~ If the juvenile court fails to file 65462  
the report required by division ~~(C)~~(B)(3)(b) of this section by 65463  
the thirty-first day of August of any year, the department shall 65464  
not disburse any payment of state subsidy funds to which the 65465  
county otherwise is entitled pursuant to section 5139.34 of the 65466  
Revised Code and shall not disburse pursuant to division (B)~~(3)(a)~~ 65467  
~~or (b)(ii) of this section the remainder of 5139.41 of the Revised~~ 65468  
Code the applicable ~~monthly~~ allocation ~~of the county~~ until the 65469  
juvenile court fully complies with division ~~(C)~~(B)(3)(b) of this 65470  
section. 65471

(c) If the department requires the juvenile court to prepare 65472  
monthly statistical reports ~~for use under section 5139.42 of the~~ 65473  
~~Revised Code~~ and to submit the reports on forms provided by the 65474  
department, the juvenile court shall file those reports with the 65475  
department on the forms so provided. If the juvenile court fails 65476  
to prepare and submit those monthly statistical reports within the 65477  
department's timelines, the department shall not disburse any 65478  
payment of state subsidy funds to which the county otherwise is 65479  
entitled pursuant to section 5139.34 of the Revised Code and shall 65480  
not disburse pursuant to division (B)~~(3)(a)~~ ~~or (b)(ii) of this~~ 65481

section ~~the remainder of~~ 5139.41 of the Revised Code the 65482  
applicable ~~monthly~~ allocation ~~of the county~~ until the juvenile 65483  
court fully complies with division ~~(C)~~(B)(3)(c) of this section. 65484  
If the juvenile court fails to prepare and submit those monthly 65485  
statistical reports within one hundred eighty days of the date the 65486  
department establishes for their submission, the department shall 65487  
not disburse any payment of state subsidy funds to which the 65488  
county otherwise is entitled pursuant to section 5139.34 of the 65489  
Revised Code and shall not disburse pursuant to division (B)~~(3)~~~~(a)~~ 65490  
~~or (b)(ii)~~ of ~~this section the remainder of~~ 5139.41 of the Revised 65491  
Code the applicable ~~monthly~~ allocation ~~of the county~~, and the 65492  
state subsidy funds and the remainder of the applicable ~~monthly~~ 65493  
allocation shall revert to the department. If a juvenile court 65494  
states in a monthly statistical report that the juvenile court 65495  
adjudicated within a state fiscal year five hundred or more 65496  
children to be delinquent children for committing acts that would 65497  
be felonies if committed by adults and if the department 65498  
determines that the data in the report may be inaccurate, the 65499  
juvenile court shall have an independent auditor or other 65500  
qualified entity certify the accuracy of the data on a date 65501  
determined by the department. 65502

(d) If the department requires the juvenile court and the 65503  
county to participate in a fiscal monitoring program or another 65504  
monitoring program that is conducted by the department to ensure 65505  
compliance by the juvenile court and the county with division 65506  
~~(C)~~(B) of this section, the juvenile court and the county shall 65507  
participate in the program and fully comply with any guidelines 65508  
for the performance of audits adopted by the department pursuant 65509  
to that program and all requests made by the department pursuant 65510  
to that program for information necessary to reconcile fiscal 65511  
accounting. If an audit that is performed pursuant to a fiscal 65512  
monitoring program or another monitoring program described in this 65513  
division determines that the juvenile court or the county used 65514

moneys in the county's felony delinquent care and custody fund for 65515  
expenses that are not authorized under division ~~(C)~~(B) of this 65516  
section, within forty-five days after the department notifies the 65517  
county of the unauthorized expenditures, the county either shall 65518  
repay the amount of the unauthorized expenditures from the county 65519  
general revenue fund to the state's general revenue fund or shall 65520  
file a written appeal with the department. If an appeal is timely 65521  
filed, the director of the department shall render a decision on 65522  
the appeal and shall notify the appellant county or its juvenile 65523  
court of that decision within forty-five days after the date that 65524  
the appeal is filed. If the director denies an appeal, the 65525  
county's fiscal agent shall repay the amount of the unauthorized 65526  
expenditures from the county general revenue fund to the state's 65527  
general revenue fund within thirty days after receiving the 65528  
director's notification of the appeal decision. If the county 65529  
fails to make the repayment within that thirty-day period and if 65530  
the unauthorized expenditures pertain to moneys allocated under 65531  
sections 5139.41 to ~~5139.45~~ 5139.43 of the Revised Code, the 65532  
department shall deduct the amount of the unauthorized 65533  
expenditures from the next ~~monthly~~ allocation of those moneys to 65534  
the county in accordance with this section or from the allocations 65535  
that otherwise would be made under those sections to the county 65536  
during the next state fiscal year in accordance with this section 65537  
and shall return that deducted amount to the state's general 65538  
revenue fund. If the county fails to make the repayment within 65539  
that thirty-day period and if the unauthorized expenditures 65540  
pertain to moneys granted pursuant to section 5139.34 of the 65541  
Revised Code, the department shall deduct the amount of the 65542  
unauthorized expenditures from the next annual grant to the county 65543  
pursuant to that section and shall return ~~that~~ that deducted 65544  
amount to the state's general revenue fund. 65545

~~(D) On or prior to the first day of December of each year,~~ 65546  
~~the department of youth services shall submit to the joint~~ 65547

~~legislative committee on juvenile corrections overcrowding a~~ 65548  
~~report that pertains to the operation of sections 5139.34 and~~ 65549  
~~5139.41 to 5139.45 of the Revised Code during the immediately~~ 65550  
~~preceding state fiscal year and that includes, but is not limited~~ 65551  
~~to, the following:~~ 65552

~~(1) A description of the programs, care, and services that~~ 65553  
~~were financed under those sections in each county;~~ 65554

~~(2) The number of felony delinquents, other delinquent~~ 65555  
~~children, unruly children, and juvenile traffic offenders served~~ 65556  
~~by the programs, care, and services in each county;~~ 65557

~~(3) The total number of children adjudicated in each juvenile~~ 65558  
~~court as felony delinquents;~~ 65559

~~(4) The total number of felony delinquents who were committed~~ 65560  
~~by the juvenile court of each county to the department and who~~ 65561  
~~were in the care and custody of an institution or a community~~ 65562  
~~corrections facility;~~ 65563

~~(5) A breakdown of the felony delinquents described in~~ 65564  
~~division (D)(4) of this section on the basis of the types and~~ 65565  
~~degrees of felonies committed, the ages of the felony delinquents~~ 65566  
~~at the time they committed the felonies, and the sex and race of~~ 65567  
~~the felony delinquents.~~ 65568

~~(E)(C)~~ The determination of which county a reduction of the 65569  
~~monthly~~ care and custody allocation will be charged against for a 65570  
particular youth shall be made as outlined below for all youths 65571  
who do not qualify as public safety beds. The determination of 65572  
which county a reduction of the ~~monthly~~ care and custody 65573  
allocation will be charged against shall be made as follows until 65574  
each youth is released: 65575

(1) In the event of a commitment, the reduction shall be 65576  
charged against the committing county. 65577

(2) In the event of a recommitment, the reduction shall be charged against the original committing county until the expiration of the minimum period of institutionalization under the original order of commitment or until the date on which the youth is admitted to the department of youth services pursuant to the order of recommitment, whichever is later. Reductions of the ~~monthly~~ allocation shall be charged against the county that recommitted the youth after the minimum expiration date of the original commitment.

(3) In the event of a revocation of a release on parole, the reduction shall be charged against the county that revokes the youth's parole.

(D) A juvenile court is not precluded by its allocation amount for the care and custody of felony delinquents from committing a felony delinquent to the department of youth services for care and custody in an institution or a community corrections facility when the juvenile court determines that the commitment is appropriate.

Sec. 5139.44. (A)(1) There is hereby created the RECLAIM advisory committee that shall be composed of the following nine members:

(a) Two members shall be juvenile court judges appointed by the Ohio association of juvenile and family court judges.

(b) One member shall be the director of youth services or the director's designee.

(c) One member shall be the director of budget and management or the director's designee.

(d) One member shall be a member of a senate committee dealing with finance or criminal justice issues appointed by the president of the senate.

(e) One member shall be a member of a committee of the house of representatives dealing with finance or criminal justice issues appointed by the speaker of the house of representatives. 65608  
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(f) One member shall be a member of a board of county commissioners appointed by the county commissioners association of Ohio. 65611  
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(g) Two members shall be juvenile court administrators appointed by the Ohio association of juvenile and family court judges. 65614  
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(2) The members of the committee shall be appointed or designated within thirty days after the effective date of this section, and the director of youth services shall be notified of the names of the members. 65617  
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(3) Members described in divisions (A)(1)(a), (f), and (g) of this section shall serve for terms of two years and shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members described in divisions (A)(1)(b) and (c) of this section shall serve as long as they hold the office described in that division. Members described in divisions (A)(1)(d) and (e) of this section shall serve for the duration of the session of the general assembly during which they were appointed, provided they continue to hold the office described in that division. The members described in divisions (A)(1)(a), (d), (e), (f), and (g) may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. 65621  
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(4) Membership on the committee does not constitute the 65640  
holding of an incompatible public office or employment in 65641  
violation of any statutory or common law prohibition pertaining to 65642  
the simultaneous holding of more than one public office or 65643  
employment. Members of the committee are not disqualified from 65644  
holding by reason of that membership and do not forfeit because of 65645  
that membership their public office or employment that qualifies 65646  
them for membership on the committee notwithstanding any contrary 65647  
disqualification or forfeiture requirement under existing Revised 65648  
Code sections. 65649

(B) The director of youth services shall serve as an interim 65650  
chair of the RECLAIM advisory committee until the first meeting of 65651  
the committee. Upon receipt of the names of the members of the 65652  
committee, the director shall schedule the initial meeting of the 65653  
committee that shall take place at an appropriate location in 65654  
Columbus and occur not later than sixty days after the effective 65655  
date of this section. The director shall notify the members of the 65656  
committee of the time, date, and place of the meeting. At the 65657  
initial meeting, the committee shall organize itself by selecting 65658  
from among its members a chair, vice-chair, and secretary. The 65659  
committee shall meet at least once each quarter of the calendar 65660  
year but may meet more frequently at the call of the chair. 65661

(C) In addition to its functions with respect to the RECLAIM 65662  
program described in section 5139.41 of the Revised Code, the 65663  
RECLAIM advisory committee periodically shall do all of the 65664  
following: 65665

(1) Evaluate the operation of the RECLAIM program by the 65666  
department of youth services, evaluate the implementation of the 65667  
RECLAIM program by the counties, and evaluate the efficiency of 65668  
the formula described in section 5139.41 of the Revised Code. In 65669  
conducting these evaluations, the committee shall consider the 65670  
public policy that RECLAIM funds are to be expended to provide the 65671

most appropriate programs and services for felony delinquents and other youthful offenders. 65672  
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(2) Advise the department of youth services, the office of budget and management, and the general assembly on the following changes that the committee believes should be made: 65674  
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(a) Changes to sections of the Revised Code that pertain to the RECLAIM program, specifically the formula specified in section 5139.41 of the Revised Code; 65677  
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(b) Changes in the funding level for the RECLAIM program, specifically the amounts distributed under the formula for county allocations, community correctional facilities, and juvenile correctional facility budgets. 65680  
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**Sec. 5139.87.** (A) The department of youth services shall serve as the state agent for the administration of all federal juvenile justice grants awarded to the state. 65684  
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(B) There are hereby created in the state treasury the federal juvenile justice programs funds. A separate fund shall be established each federal fiscal year. All federal grants and other moneys received for federal juvenile programs shall be deposited into the funds. All receipts deposited into the funds shall be used for federal juvenile programs. All investment earnings on the cash balance in a federal juvenile program fund shall be credited to that fund for the appropriate federal fiscal year. 65687  
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(C) All rules, orders, and determinations of the office of criminal justice services regarding the administration of federal juvenile justice grants that are in effect on the effective date of this amendment shall continue in effect as rules, orders, and determinations of the department of youth services. 65695  
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**Sec. 5153.122.** (A) Each caseworker hired by a public children services agency shall complete at least ninety hours of in-service 65700  
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training during the first year of the caseworker's continuous 65702  
employment, except that the director of the public children 65703  
services agency may waive the training requirement for a school of 65704  
social work graduate who participated in the university 65705  
partnership program described in division (D) of section 5101.141 65706  
of the Revised Code. The training shall consist of courses in 65707  
recognizing and preventing child abuse and neglect, assessing 65708  
risks, interviewing persons, investigating cases, intervening, 65709  
providing services to children and their families, and other 65710  
topics relevant to child abuse and neglect. After the first year 65711  
of continuous employment, each caseworker annually shall complete 65712  
thirty-six hours of training in areas relevant to the caseworker's 65713  
assigned duties. 65714

(B) Each supervisor hired by a public children services 65715  
agency shall complete at least sixty hours of in-service training 65716  
during the first year of the supervisor's continuous employment in 65717  
that position. After the first year of continuous employment as a 65718  
supervisor, the supervisor annually shall complete thirty hours of 65719  
training in areas relevant to the supervisor's assigned duties. 65720

(C) The director of job and family services shall adopt rules 65721  
in accordance with Chapter 119. of the Revised Code as necessary 65722  
to implement the training requirements of this section. 65723

**Sec. 5153.16.** (A) Except as provided in section 2151.422 of 65724  
the Revised Code, in accordance with rules of the department of 65725  
job and family services, and on behalf of children in the county 65726  
whom the public children services agency considers to be in need 65727  
of public care or protective services, the public children 65728  
services agency shall do all of the following: 65729

(1) Make an investigation concerning any child alleged to be 65730  
an abused, neglected, or dependent child; 65731

(2) Enter into agreements with the parent, guardian, or other 65732

person having legal custody of any child, or with the department 65733  
of job and family services, department of mental health, 65734  
department of mental retardation and developmental disabilities, 65735  
other department, any certified organization within or outside the 65736  
county, or any agency or institution outside the state, having 65737  
legal custody of any child, with respect to the custody, care, or 65738  
placement of any child, or with respect to any matter, in the 65739  
interests of the child, provided the permanent custody of a child 65740  
shall not be transferred by a parent to the public children 65741  
services agency without the consent of the juvenile court; 65742

(3) Accept custody of children committed to the public 65743  
children services agency by a court exercising juvenile 65744  
jurisdiction; 65745

(4) Provide such care as the public children services agency 65746  
considers to be in the best interests of any child adjudicated to 65747  
be an abused, neglected, or dependent child the agency finds to be 65748  
in need of public care or service; 65749

(5) Provide social services to any unmarried girl adjudicated 65750  
to be an abused, neglected, or dependent child who is pregnant 65751  
with or has been delivered of a child; 65752

(6) Make available to the bureau for children with medical 65753  
handicaps of the department of health at its request any 65754  
information concerning a crippled child found to be in need of 65755  
treatment under sections 3701.021 to 3701.028 of the Revised Code 65756  
who is receiving services from the public children services 65757  
agency; 65758

(7) Provide temporary emergency care for any child considered 65759  
by the public children services agency to be in need of such care, 65760  
without agreement or commitment; 65761

(8) Find certified foster homes, within or outside the 65762  
county, for the care of children, including handicapped children 65763

from other counties attending special schools in the county; 65764

(9) Subject to the approval of the board of county 65765  
commissioners and the state department of job and family services, 65766  
establish and operate a training school or enter into an agreement 65767  
with any municipal corporation or other political subdivision of 65768  
the county respecting the operation, acquisition, or maintenance 65769  
of any children's home, training school, or other institution for 65770  
the care of children maintained by such municipal corporation or 65771  
political subdivision; 65772

(10) Acquire and operate a county children's home, establish, 65773  
maintain, and operate a receiving home for the temporary care of 65774  
children, or procure certified foster homes for this purpose; 65775

(11) Enter into an agreement with the trustees of any 65776  
district children's home, respecting the operation of the district 65777  
children's home in cooperation with the other county boards in the 65778  
district; 65779

(12) Cooperate with, make its services available to, and act 65780  
as the agent of persons, courts, the department of job and family 65781  
services, the department of health, and other organizations within 65782  
and outside the state, in matters relating to the welfare of 65783  
children, except that the public children services agency shall 65784  
not be required to provide supervision of or other services 65785  
related to the exercise of parenting time rights granted pursuant 65786  
to section 3109.051 or 3109.12 of the Revised Code or 65787  
companionship or visitation rights granted pursuant to section 65788  
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 65789  
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 65790  
a common pleas court, pursuant to division (E)(6) of section 65791  
3113.31 of the Revised Code, requires the provision of supervision 65792  
or other services related to the exercise of the parenting time 65793  
rights or companionship or visitation rights; 65794

(13) Make investigations at the request of any superintendent 65795  
of schools in the county or the principal of any school concerning 65796  
the application of any child adjudicated to be an abused, 65797  
neglected, or dependent child for release from school, where such 65798  
service is not provided through a school attendance department; 65799

(14) Administer funds provided under Title IV-E of the 65800  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 65801  
amended, in accordance with rules adopted under section 5101.141 65802  
of the Revised Code; 65803

(15) In addition to administering Title IV-E adoption 65804  
assistance funds, enter into agreements to make adoption 65805  
assistance payments under section 5153.163 of the Revised Code; 65806

(16) Implement a system of risk assessment, in accordance 65807  
with rules adopted by the director of job and family services, to 65808  
assist the public children services agency in determining the risk 65809  
of abuse or neglect to a child; 65810

(17) Enter into a plan of cooperation with the board of 65811  
county commissioners under section 307.983 of the Revised Code and 65812  
comply with ~~the partnership~~ each fiscal agreement the board enters 65813  
into under section 307.98 of the Revised Code that include family 65814  
services duties of public children services agencies and contracts 65815  
the board enters into under sections 307.981 and 307.982 of the 65816  
Revised Code that affect the public children services agency; 65817

(18) Make reasonable efforts to prevent the removal of an 65818  
alleged or adjudicated abused, neglected, or dependent child from 65819  
the child's home, eliminate the continued removal of the child 65820  
from the child's home, or make it possible for the child to return 65821  
home safely, except that reasonable efforts of that nature are not 65822  
required when a court has made a determination under division 65823  
(A)(2) of section 2151.419 of the Revised Code; 65824

(19) Make reasonable efforts to place the child in a timely 65825

manner in accordance with the permanency plan approved under 65826  
division (E) of section 2151.417 of the Revised Code and to 65827  
complete whatever steps are necessary to finalize the permanent 65828  
placement of the child; 65829

(20) Administer a Title IV-A program identified under 65830  
division (A)(3)(c) or (d) of section 5101.80 of the Revised Code 65831  
that the department of job and family services provides for the 65832  
public children services agency to administer under the 65833  
department's supervision pursuant to section 5101.801 of the 65834  
Revised Code; 65835

(21) Provide independent living services pursuant to sections 65836  
2151.81 to 2151.84 of the Revised Code. 65837

(B) The public children services agency shall use the system 65838  
implemented pursuant to division (B)(16) of this section in 65839  
connection with an investigation undertaken pursuant to division 65840  
(F)(1) of section 2151.421 of the Revised Code and may use the 65841  
system at any other time the agency is involved with any child 65842  
when the agency determines that risk assessment is necessary. 65843

(C) Except as provided in section 2151.422 of the Revised 65844  
Code, in accordance with rules of the director of job and family 65845  
services, and on behalf of children in the county whom the public 65846  
children services agency considers to be in need of public care or 65847  
protective services, the public children services agency may do 65848  
the following: 65849

(1) Provide or find, with other child serving systems, 65850  
specialized foster care for the care of children in a specialized 65851  
foster home, as defined in section 5103.02 of the Revised Code, 65852  
certified under section 5103.03 of the Revised Code; 65853

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 65854  
this section, contract with the following for the purpose of 65855  
assisting the agency with its duties: 65856

(i) County departments of job and family services;	65857
(ii) Boards of alcohol, drug addiction, and mental health services;	65858 65859
(iii) County boards of mental retardation and developmental disabilities;	65860 65861
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	65862 65863
(v) Private and government providers of services;	65864
(vi) Managed care organizations and prepaid health plans.	65865
(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	65866 65867 65868 65869 65870
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	65871 65872 65873 65874 65875 65876 65877 65878
<b>Sec. 5153.163.</b> (A) As used in this section, "adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.	65879 65880 65881
(B)(1) <del>¶ Before a child's adoption is finalized, a public children services agency considers a child with special needs residing in the county served by the agency to be in need of public care or protective services and all of the following apply, the agency shall enter into an agreement with the child's adoptive</del>	65882 65883 65884 65885 65886

parent ~~before the child is adopted~~ under which the agency shall 65887  
make state adoption maintenance subsidy payments as needed on 65888  
behalf of the child when all of the following apply: 65889

(a) The child is a child with special needs. 65890

(b) The child was placed in the adoptive home by a public 65891  
children services agency or a private child placing agency and may 65892  
legally be adopted. 65893

(c) The adoptive parent has the capability of providing the 65894  
permanent family relationships needed by the child ~~in all areas 65895  
except financial need as determined by the agency;.~~ 65896

~~(b)~~(d) The needs of the child are beyond the economic 65897  
resources of the adoptive parent ~~as determined by the agency;.~~ 65898

~~(c)~~ (e) Acceptance of 65899  
the child as a member of the adoptive parent's family would not be 65900  
in the child's best interest without payments on the child's 65901  
behalf under this section. 65902

~~(2) Payments to an adoptive parent under division (B) of this 65903  
section shall include medical, surgical, psychiatric, 65904  
psychological, and counseling expenses, and may include 65905  
maintenance costs if necessary and other costs incidental to the 65906  
care of the child. No payment of maintenance costs shall be made 65907  
under division (B) of this section on behalf of a child if either 65908  
of the following apply:~~ 65909

~~(a)~~(f) The gross income of the adoptive parent's family 65910  
~~exceeds~~ does not exceed one hundred twenty per cent of the median 65911  
income of a family of the same size, including the child, as most 65912  
recently determined for this state by the secretary of health and 65913  
human services under Title XX of the "Social Security Act," 88 65914  
Stat. 2337, 42 U.S.C.A. 1397, as amended;.

~~(b)~~(g) The child is not eligible for adoption assistance 65916

payments ~~for maintenance costs~~ under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended. 65917  
65918

(2) State adoption maintenance subsidy payment agreements 65919  
must be made by either the public children services agency that 65920  
has permanent custody of the child or the public children services 65921  
agency of the county in which the private child placing agency 65922  
that has permanent custody of the child is located. 65923

(3) State adoption maintenance subsidy payments shall be made 65924  
in accordance with the agreement between the public children 65925  
services agency and the adoptive parent and are subject to an 65926  
annual redetermination of need. 65927

(4) Payments under this division (B) of this section may 65928  
begin either before or after issuance of the final adoption 65929  
decree, except that payments made before issuance of the final 65930  
adoption decree may be made only while the child is living in the 65931  
adoptive parent's home. Preadoption payments may be made for not 65932  
more than twelve months, unless the final adoption decree is not 65933  
issued within that time because of a delay in court proceedings. 65934  
Payments that begin before issuance of the final adoption decree 65935  
may continue after its issuance. 65936

(C)(1) If, after the child's adoption is finalized, a public 65937  
children services agency considers a child residing in the county 65938  
served by the agency to be in need of public care or protective 65939  
services ~~and both of the following apply~~, the agency may, ~~and~~ to 65940  
the extent state funds are appropriated for this purpose ~~shall~~, 65941  
enter into an agreement with the child's adoptive parent ~~after the~~ 65942  
~~child is adopted~~ under which the agency shall make post adoption 65943  
special services subsidy payments on behalf of the child as needed 65944  
when both of the following apply: 65945

~~(1)~~(a) The child has a physical or developmental handicap or 65946  
mental or emotional condition that either: 65947

~~(a)(i)~~ Existed before the adoption petition was filed; or 65948

~~(b)(ii)~~ Developed after the adoption petition was filed and 65949  
can be directly attributed to factors in the child's preadoption 65950  
background, medical history, or biological family's background or 65951  
medical history. 65952

~~(2)(b)~~ The agency determines the expenses necessitated by the 65953  
child's handicap or condition are beyond the adoptive parent's 65954  
economic resources. 65955

~~Payments to an adoptive parent~~ (2) Services for which a 65956  
public children services agency may make post adoption special 65957  
services subsidy payments on behalf of a child under this division 65958  
shall include medical, surgical, psychiatric, psychological, and 65959  
counseling ~~expenses~~ services, including residential treatment. 65960

(3) The department of job and family services shall establish 65961  
clinical standards to evaluate a child's physical or developmental 65962  
handicap or mental or emotional condition and assess the child's 65963  
need for services. 65964

(4) The total dollar value of post adoption special services 65965  
subsidy payments made on a child's behalf shall not exceed ten 65966  
thousand dollars in any fiscal year, unless the department 65967  
determines that extraordinary circumstances exist that necessitate 65968  
further funding of services for the child. Under such 65969  
extraordinary circumstances, the value of the payments made on the 65970  
child's behalf shall not exceed fifteen thousand dollars in any 65971  
fiscal year. 65972

(5) The adoptive parent or parents of a child who receives 65973  
post adoption special services subsidy payments shall pay at least 65974  
five per cent of the total cost of all services provided to the 65975  
child; except that a public children services agency may waive 65976  
this requirement if the gross annual income of the child's 65977  
adoptive family is not more than two hundred per cent of the 65978

federal poverty guideline. 65979

(6) A public children services agency may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose. 65980  
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(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically handicapped person twenty-one years of age or older. ~~Payments under those divisions shall be made in accordance with the terms of the agreement between the public children services agency and the adoptive parent, subject to an annual redetermination of need. The agency may use sources of funding in addition to any state funds appropriated for the purposes of those divisions.~~ 65984  
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(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following: 65995  
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65998

(1) The application process for ~~payments~~ all forms of assistance provided under this section; 65999  
66000

(2) The method to determine the ~~amounts and kinds~~ amount of assistance payable under division (B) of this section; 66001  
66002

(3) The definition of "child with special needs" for this section; 66003  
66004

(4) The process whereby a child's continuing need for services provided under division (B) of this section is annually redetermined; 66005  
66006  
66007

(5) The method of determining the amount, duration, and scope 66008

of services provided to a child under division (C) of this 66009  
section; 66010

(6) Any other rule, requirement, or procedure the department 66011  
considers appropriate for the implementation of this section. 66012

~~The rules shall allow for payments for children placed by~~ 66013  
~~nonpublic agencies.~~ 66014

~~(E)(F) The state adoption special services subsidy program~~ 66015  
~~ceases to exist on July 1, 2004, except that, subject to the~~ 66016  
~~findings of the annual redetermination process established under~~ 66017  
~~division (E) of this section and the child's individual need for~~ 66018  
~~services, a public children services agency may continue to~~ 66019  
~~provide state adoption special services subsidy payments on behalf~~ 66020  
~~of a child for whom payments were being made prior to July 1,~~ 66021  
~~2004.~~ 66022

(G) No public children services agency shall, pursuant to 66023  
either section 2151.353 or 5103.15 of the Revised Code, place or 66024  
maintain a child with special needs who is in the permanent 66025  
custody of an institution or association certified by the 66026  
department of job and family services under section 5103.03 of the 66027  
Revised Code in a setting other than with a person seeking to 66028  
adopt the child, unless the agency has determined and redetermined 66029  
at intervals of not more than six months the impossibility of 66030  
adoption by a person listed pursuant to division (B), (C), or (D) 66031  
of section 5103.154 of the Revised Code, including the 66032  
impossibility of entering into a payment agreement with such a 66033  
person. The agency so maintaining such a child shall report its 66034  
reasons for doing so to the department of job and family services. 66035  
~~No agency that fails to so determine, redetermine, and report~~ 66036  
~~shall receive more than fifty per cent of the state funds to which~~ 66037  
~~it would otherwise be eligible for that part of the fiscal year~~ 66038  
~~following placement under section 5101.14 of the Revised Code.~~ 66039

The department may take any action permitted under section 5101.24 of the Revised Code for an agency's failure to determine, redetermine, and report on a child's status. 66040  
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66042

**Sec. 5153.60.** (A) The department of job and family services shall establish a statewide program that provides the all of the following: 66043  
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(1) The training section 5153.122 of the Revised Code requires public children services agency caseworkers and supervisors to complete. ~~The program may also provide the;~~ 66046  
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(2) The preplacement and continuing training described in sections 5103.034, 5103.039, 5103.0310, and 5103.0311 of the Revised Code that foster caregivers are required by sections 5103.031, 5103.032, and 5103.033 of the Revised Code to obtain-  
~~The;~~ 66049  
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(3) The education programs for adoption assessors required by section 3107.014 of the Revised Code. 66054  
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(B) The program established pursuant to division (A) of this section shall be called the "Ohio child welfare training program." 66056  
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**Sec. 5153.69.** The training program steering committee shall monitor and evaluate the Ohio child welfare training program to ensure the following: 66058  
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66060

(A) That the Ohio child welfare training program is a competency-based training system that satisfies the training requirements for public children services agency caseworkers and supervisors under section 5153.122 of the Revised Code; 66061  
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(B) That, ~~if~~ the Ohio child welfare training program provides preplacement or continuing training for foster caregivers, it as required by section 5153.60 of the Revised Code that meets the ~~same~~ requirements ~~that~~ preplacement training programs and 66065  
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continuing training programs must meet pursuant to section 66069  
5103.038 of the Revised Code to obtain approval by the department 66070  
of job and family services, except that the Ohio child welfare 66071  
training program is not required to obtain department approval. 66072

**Sec. 5153.72.** Prior to the beginning of the fiscal biennium 66073  
that first follows ~~the effective date of this section~~ October 5, 66074  
2000, the public children services agencies of Athens, Cuyahoga, 66075  
Franklin, Greene, Guernsey, Hamilton, Lucas, and Summit counties 66076  
shall each establish and maintain a regional training center. At 66077  
any time after the beginning of that biennium, the department of 66078  
job and family services, on the recommendation of the training 66079  
program steering committee, may direct a public children services 66080  
agency to establish and maintain a training center to replace the 66081  
center established by an agency under this section. There may be 66082  
no more and no less than eight centers in existence at any time. 66083  
The department may make a grant to a public children services 66084  
agency that establishes and maintains a regional training center 66085  
under this section for the purpose of wholly or partially 66086  
subsidizing the operation of the center. 66087

**Sec. 5153.78.** (A) As used in this section: 66088

(1) "Title IV-B" means Title IV-B of the "Social Security Act 66089  
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 66090

(2) "Title IV-E" means Title IV-E of the "Social Security 66091  
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 66092

(3) "Title XX" has the same meaning as in section 5101.46 of 66093  
the Revised Code. 66094

(B) For purposes of adequately funding the Ohio child welfare 66095  
training program, the department of job and family services may 66096  
use any of the following: 66097

(1) The federal financial participation funds withheld 66098

pursuant to division ~~(D)~~ (E) of section 5101.141 of the Revised Code in an amount determined by the department; 66099  
66100

(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs; 66101  
66102

(3) Other available state or federal funds. 66103

**Sec. 5310.15.** On filing an application for registration, the applicant shall pay to the clerk of the probate court or the clerk of the court of common pleas ten dollars, which is full payment for all clerk's fees and charges in such proceeding on behalf of the applicant. Any defendant, except a guardian ad litem, on entering ~~his~~ an appearance by filing a pleading of any kind, shall pay to the clerk five dollars, which is full payment for all clerk's fees on behalf of such defendant. When any number of defendants enter their appearance at the same time in one pleading by filing a pleading of any kind, one fee shall be paid. 66104  
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Every required publication in a newspaper shall be paid for by the party on whose application the order of publication is made, in addition to the fees prescribed in the first paragraph of this section. The party at whose request, or on whose behalf, any notice is issued, shall pay for the service of such notice except when such notice is sent by mail by the clerk or the county recorder. 66114  
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Examiners of titles shall receive for examining title or original reference, and making report on all matters arising under the application, including final certificate as to all necessary parties being made and properly brought before the probate court or the court of common pleas, and as to the proceedings being regular and legal, one half of one per cent of the appraised tax value, the fee in no case to be less than seventy-five or more than two hundred fifty dollars, for each separate and distinct parcel of land included in the application although made up of 66121  
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more than one tract. 66130

Upon a reference to an examiner of titles or to any other 66131  
person upon a hearing to take evidence and make report to the 66132  
court, the fee of the referee shall be fixed by the court at not 66133  
more than fifteen dollars per day for the time actually employed. 66134

For a certificate of an examiner of titles that all necessary 66135  
parties are before the court, and the proceedings are regular and 66136  
legal in a suit for partition, foreclosure of mortgage, 66137  
marshalling of liens, or other suit or proceeding affecting the 66138  
title of any interest in, or lien or charge upon registered lands, 66139  
the fees shall be fixed by the court, and shall not be more than 66140  
twenty-five dollars for each separate and distinct parcel of land 66141  
included in the petition or application although such parcel is 66142  
made up of more than one tract. 66143

Guardians for the suit in original registration shall receive 66144  
three dollars when there is no contest in which the guardian 66145  
participates. In other cases such guardians shall receive such 66146  
fees as the court fixes, but not more than twenty-five dollars. 66147

For certifying pending suits, judgments, liens, attachments, 66148  
executions, or levies, the officers certifying them to the 66149  
recorder shall receive a fee of twenty-five cents to be paid by 66150  
the party interested and taxed in the costs of the case. 66151

For serving summons, notice, or other paper provided for in 66152  
sections 5309.02 to 5310.21 of the Revised Code, the sheriff or 66153  
other officer shall receive the same fees as in other similar 66154  
cases. 66155

The recorder shall receive the following fees, to include 66156  
base fees for services and housing trust fund fees pursuant to 66157  
section 317.36 of the Revised Code: 66158

(A) For original registration of title, issuing duplicate 66159  
certificate, entering memorials and memorandums, as directed by 66160

the decree, and indexing it, a base fee of thirty dollars and a housing trust fund fee of thirty dollars; 66161  
66162

(B) For examining and registering each transfer of registered 66163  
land, including the filing of all papers therewith, entering 66164  
memorials, issuing new duplicate certificate of title and indexing 66165  
it, a base fee of thirty dollars and a housing trust fund fee of 66166  
thirty dollars for the first distinct body or parcel of land 66167  
contained in such certificate, and a base fee of two dollars and a 66168  
housing trust fund fee of two dollars for each additional distinct 66169  
body or parcel of land contained in such certificate; 66170

(C) For filing, examining, and entering a memorial of each 66171  
mortgage or lease, upon registered land, and indexing it, for each 66172  
separately registered parcel, a base fee of ten dollars and a 66173  
housing trust fund fee of ten dollars; 66174

(D) For filing, examining, and entering a memorial of each 66175  
lien, charge, or demand upon registered land, and indexing it, for 66176  
each separately registered parcel of land, a base fee of five 66177  
dollars and a housing trust fund fee of five dollars; 66178

(E) For cancellation of any memorial or memorandum, a base 66179  
fee of five dollars and a housing trust fund fee of five dollars; 66180  
for entry of change of address, or notice of dower, for each 66181  
separately registered parcel, a base fee of five dollars and a 66182  
housing trust fund fee of five dollars; 66183

(F) For each certified copy of a registered certificate, or 66184  
issuing a mortgagee's duplicate certificate, or issuing a new 66185  
owner's duplicate certificate to replace one which has been lost 66186  
or destroyed, a base fee of fifteen dollars and a housing trust 66187  
fund fee of fifteen dollars; 66188

(G) For filing, examining, and entering a memorial of each 66189  
release, assignment, or waiver of priority of a mortgage, lease, 66190  
lien, charge, or demand upon registered land and indexing it, for 66191

each separately registered parcel, a base fee of five dollars and 66192  
a housing trust fund fee of five dollars; 66193

(H) For filing, examining, and entering a memorial of each 66194  
official certificate of pending suit, judgment, lien, attachment, 66195  
execution, or levy, upon registered land and indexing it, for each 66196  
separately registered parcel, a base fee of five dollars and a 66197  
housing trust fund fee of five dollars; 66198

(I) For continuing an owner's duplicate certificate, or 66199  
mortgagee's duplicate certificate and entering and certifying 66200  
memorials and notations thereon, a base fee of five dollars and a 66201  
housing trust fund fee of five dollars; 66202

(J) For certificate as to taxes and special assessments, for 66203  
each separately registered parcel, a base fee of ten dollars and a 66204  
housing trust fund fee of ten dollars; 66205

(K) For filing, recording, and indexing any papers or 66206  
instruments other than those provided in this section, any 66207  
certified copy of record, or of any instrument on file in ~~his~~ the 66208  
recorder's office, the same fees allowed by law for like services; 66209

(L) For issuing subpoenas and notices and swearing witnesses, 66210  
the same fees allowed the clerk for like services. 66211

Costs as provided in this section may be taxed and by the 66212  
court ordered to be paid by the parties in such manner as is just. 66213

**Sec. 5502.01.** (A) The department of public safety shall 66214  
administer and enforce the laws relating to the registration, 66215  
licensing, sale, and operation of motor vehicles and the laws 66216  
pertaining to the licensing of drivers of motor vehicles. 66217

The department shall compile, analyze, and publish statistics 66218  
relative to motor vehicle accidents and the causes of them, 66219  
prepare and conduct educational programs for the purpose of 66220  
promoting safety in the operation of motor vehicles on the 66221

highways, and conduct research and studies for the purpose of 66222  
promoting safety on the highways of this state. 66223

(B) The department shall administer the laws and rules 66224  
relative to trauma and emergency medical services specified in 66225  
Chapter 4765. of the Revised Code. 66226

(C) The department shall administer and enforce the laws 66227  
contained in Chapters 4301. and 4303. of the Revised Code and 66228  
enforce the rules and orders of the liquor control commission 66229  
pertaining to retail liquor permit holders. 66230

(D) The department shall administer the laws governing the 66231  
state emergency management agency and shall enforce all additional 66232  
duties and responsibilities as prescribed in the Revised Code 66233  
related to emergency management services. 66234

(E) The department shall conduct investigations pursuant to 66235  
Chapter 5101. of the Revised Code in support of the duty of the 66236  
department of job and family services to administer food stamp 66237  
programs throughout this state. The department of public safety 66238  
shall conduct investigations necessary to protect the state's 66239  
property rights and interests in the food stamp program. 66240

(F) The department of public safety shall enforce compliance 66241  
with orders and rules of the public utilities commission and 66242  
applicable laws in accordance with Chapters 4919., 4921., and 66243  
4923. of the Revised Code regarding commercial motor vehicle 66244  
transportation safety, economic, and hazardous materials 66245  
requirements. 66246

(G) Notwithstanding Chapter 4117. of the Revised Code, the 66247  
department of public safety may establish requirements for its 66248  
enforcement personnel, including its enforcement agents described 66249  
in section 5502.14 of the Revised Code, that include standards of 66250  
conduct, work rules and procedures, and criteria for eligibility 66251  
as law enforcement personnel. 66252

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

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

**Sec. 5502.03.** (A) There is hereby created in the department of public safety a division of homeland security. It is the intent of the general assembly that the creation of the division of homeland security of the department of public safety by this amendment does not result in an increase of funding appropriated to the department.

(B)(1) The division shall coordinate all homeland security activities of all state agencies and shall be the liaison between state agencies and local entities for the purposes of communicating homeland security funding and policy initiatives.

(2) The division shall be in charge of the systems operations of the multi-agency radio communications system (MARCS) in accordance with any rules that the director of public safety may adopt. The director shall appoint a steering committee to advise the director in the operation of the MARCS, comprised of persons who represent the users of that system. The director or the director's designee shall chair the committee.

(C) The director of public safety shall appoint an executive director, who shall be head of the division of homeland security

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

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

**Sec. 5502.13.** The department of public safety shall maintain an investigative unit in order to conduct investigations and other enforcement activity authorized by Chapters 4301., 4303., 5101., 5107., ~~and 5108., and 5115.~~ and sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30, ~~and 5115.03~~ of the Revised Code. The director of public safety shall appoint the employees of the unit who are necessary, designate the activities to be performed by those employees, and prescribe their titles and duties.

**Sec. 5513.01.** (A) All purchases of machinery, materials, supplies, or other articles that the director of transportation makes shall be in the manner provided in this section. In all cases except those in which the director provides written authorization for purchases by district deputy directors of transportation, all such purchases shall be made at the central office of the department of transportation in Columbus. Before making any purchase at that office, the director, as provided in this section, shall give notice to bidders of the director's

intention to purchase. Where the expenditure does not exceed the 66315  
amount applicable to the purchase of supplies specified in 66316  
division (B)(1) of section 125.05 of the Revised Code, as adjusted 66317  
pursuant to division (D) of that section, the director shall give 66318  
such notice as the director considers proper, or the director may 66319  
make the purchase without notice. Where the expenditure exceeds 66320  
the amount applicable to the purchase of supplies specified in 66321  
division (B)(1) of section 125.05 of the Revised Code, as adjusted 66322  
pursuant to division (D) of that section, the director shall give 66323  
notice by posting for not less than ten days a written, typed, or 66324  
printed invitation to bidders on a bulletin board, which shall be 66325  
located in a place in the offices assigned to the department and 66326  
open to the public during business hours. Producers or 66327  
distributors of any product may notify the director, in writing, 66328  
of the class of articles for the furnishing of which they desire 66329  
to bid and their post-office addresses, in which case copies of 66330  
all invitations to bidders relating to the purchase of such 66331  
articles shall be mailed to such persons by the director by 66332  
regular first class mail at least ten days prior to the time fixed 66333  
for taking bids. The director also may mail copies of all 66334  
invitations to bidders to news agencies or other agencies or 66335  
organizations distributing information of this character. Requests 66336  
for invitations shall not be valid nor require action by the 66337  
director unless renewed, either annually or after such shorter 66338  
period as the director may prescribe by a general rule. The 66339  
invitation to bidders shall contain a brief statement of the 66340  
general character of the article that it is intended to purchase, 66341  
the approximate quantity desired, and a statement of the time and 66342  
place where bids will be received, and may relate to and describe 66343  
as many different articles as the director thinks proper, it being 66344  
the intent and purpose of this section to authorize the inclusion 66345  
in a single invitation of as many different articles as the 66346  
director desires to invite bids upon at any given time. 66347

Invitations issued during each calendar year shall be given 66348  
consecutive numbers, and the number assigned to each invitation 66349  
shall appear on all copies ~~thereof~~ of it. In all cases where 66350  
notice is required by this section, sealed bids shall be taken, on 66351  
forms prescribed and furnished by the director, and modification 66352  
of bids after they have been opened shall not be permitted. 66353

(B) The director may permit any political subdivision and any 66354  
state university or college to participate in contracts into which 66355  
the director has entered for the purchase of machinery, materials, 66356  
supplies, or other articles. Any political subdivision or state 66357  
university or college desiring to participate in such purchase 66358  
contracts shall file with the director a certified copy of the 66359  
ordinance or resolution of its legislative authority, board of 66360  
trustees, or other governing board requesting authorization to 66361  
participate in such contracts and agreeing to be bound by ~~such~~ the 66362  
terms and conditions ~~as~~ the director prescribes. Purchases made by 66363  
political subdivisions or state universities or colleges under 66364  
this division are exempt from any competitive bidding required by 66365  
law for the purchase of machinery, materials, supplies, or other 66366  
articles. 66367

(C) As used in this section: 66368

(1) "Political subdivision" means any county, township, 66369  
municipal corporation, conservancy district, township park 66370  
district, park district created under Chapter 1545. of the Revised 66371  
Code, port authority, regional transit authority, regional airport 66372  
authority, regional water and sewer district, or county transit 66373  
board. 66374

(2) "State university or college" has the same meaning as in 66375  
division (A)(1) of section 3345.32 of the Revised Code. 66376

**Sec. 5515.07.** (A) The director of transportation, in 66377  
accordance with Chapter 119. of the Revised Code, shall adopt 66378

rules consistent with the safety of the traveling public and 66379  
consistent with the national policy to govern the use and control 66380  
of rest areas within the limits of the right-of-way of interstate 66381  
highways and other state highways and in other areas within the 66382  
limits of the right-of-way of interstate highways. 66383

(B) Except as provided in division (C) of this section, no 66384  
person shall engage in selling or offering for sale or exhibiting 66385  
for purposes of sale, goods, products, merchandise, or services 66386  
within the bounds of rest areas within the limits of the 66387  
right-of-way of interstate highways and other state highways, or 66388  
in other areas within the limits of the right-of-way of interstate 66389  
highways, unless the director issues a permit in accordance with 66390  
section 5515.01 of the Revised Code. Notwithstanding any rules 66391  
adopted by the director to the contrary or any other policy 66392  
changes proposed by the director, each district deputy director of 66393  
the department of transportation shall continue to implement any 66394  
program allowing organizations to dispense free coffee or similar 66395  
items after obtaining a permit that operated within the district 66396  
prior to January 1, 1997. Each district deputy director shall 66397  
operate such program within the district in the same manner as the 66398  
program was operated prior to that date. 66399

(C) In accordance with rules adopted under division (A) of 66400  
this section, the director may cause vending machines to be placed 66401  
within each rest area that is able to accommodate the machines. 66402  
The vending machines shall dispense food, drink, and other 66403  
appropriate articles. 66404

(D) This section does not apply to the sale of goods, 66405  
products, merchandise, or services required for the emergency 66406  
repair of motor vehicles or emergency medical treatment, or to the 66407  
department of transportation as provided in section 5515.08 of the 66408  
Revised Code. 66409

Sec. 5515.08. (A) The department of transportation may 66410  
contract to sell commercial advertising space within or on the 66411  
outside surfaces of any building located within a roadside rest 66412  
area under its jurisdiction in exchange for cash payment. Money 66413  
the department receives under this section shall be deposited in 66414  
the state treasury to the credit of the roadside rest area 66415  
improvement fund, which is hereby created. The department shall 66416  
use the money in the fund only to improve roadside rest areas in 66417  
accordance with section 5529.06 of the Revised Code. 66418

(B) Advertising placed under this section shall comply with 66419  
all of the following: 66420

(1) It shall not be libelous or obscene and shall not promote 66421  
any illegal product or service. 66422

(2) It shall not promote illegal discrimination on the basis 66423  
of the race, religion, national origin, handicap, age, or ancestry 66424  
of any person. 66425

(3) It shall not support or oppose any candidate for 66426  
political office or any political cause, issue, or organization. 66427

(4) It shall comply with any controlling federal or state 66428  
regulations or restrictions. 66429

(5) To the extent physically and technically practical, it 66430  
shall state that the advertisement is a paid commercial 66431  
advertisement and that the state does not endorse the product or 66432  
service promoted by the advertisement or make any representation 66433  
about the accuracy of the advertisement or the quality or 66434  
performance of the product or service promoted by the 66435  
advertisement. 66436

(6) It shall conform to all applicable rules adopted by the 66437  
director of transportation under division (E) of this section. 66438

(C) Contracts entered into under this section shall be 66439

awarded only to the qualified bidder who submits the highest 66440  
responsive bid or according to uniformly applied rate classes. 66441

(D) No person, except an advertiser alleging a breach of 66442  
contract or the improper awarding of a contract, has a cause of 66443  
action against the state with respect to any contract or 66444  
advertising authorized by this section. Under no circumstances is 66445  
the state liable for consequential or noneconomic damages with 66446  
respect to any contract or advertising authorized under this 66447  
section. 66448

(E) The director, in accordance with Chapter 119. of the 66449  
Revised Code, shall adopt rules to implement this section. The 66450  
rules shall be consistent with the policy of protecting the safety 66451  
of the traveling public and consistent with the national policy 66452  
governing the use and control of such roadside rest areas. The 66453  
rules shall regulate the awarding of contracts and may regulate 66454  
the content, display, and other aspects of the commercial 66455  
advertising authorized by this section. 66456

**Sec. 5549.21.** The board of township trustees may purchase or 66457  
lease such machinery and tools as are necessary for use in 66458  
constructing, reconstructing, maintaining, and repairing roads and 66459  
culverts within the township, and shall provide suitable places 66460  
for housing and storing machinery and tools owned by the township. 66461  
It may purchase such material and employ such labor as is 66462  
necessary for carrying into effect this section, or it may 66463  
authorize the purchase or employment of such material and labor by 66464  
one of its number, or by the township highway superintendent, at a 66465  
price to be fixed by the board. All payments on account of 66466  
machinery, tools, material, and labor shall be made from the 66467  
township road fund. Except as otherwise provided in sections 66468  
505.08, 505.101, and 5513.01 of the Revised Code, all purchases of 66469  
materials, machinery, and tools shall, ~~where~~ if the amount 66470

involved exceeds ~~fifteen~~ twenty-five thousand dollars, be made 66471  
from the lowest responsible bidder after advertisement, as 66472  
provided in section 5575.01 of the Revised Code. ~~Where~~ 66473

If, in compliance with section 505.10 of the Revised Code, 66474  
the board wishes to sell machinery, equipment, or tools owned by 66475  
the township to the person from whom it is to purchase other 66476  
machinery, equipment, or tools, the board may offer, ~~where~~ if the 66477  
amount of the purchase alone involved does not exceed ~~fifteen~~ 66478  
twenty-five thousand dollars, to sell such machinery, equipment, 66479  
or tools and have the amount credited by the vendor against the 66480  
purchase of the other machinery, equipment, or tools. ~~Where~~ If the 66481  
purchase price of the other machinery, equipment, or tools alone 66482  
exceeds ~~fifteen~~ twenty-five thousand dollars, the board may give 66483  
notice to the competitive bidders of its willingness to accept 66484  
offers for the purchase of the old machinery, equipment, or tools, 66485  
and ~~such~~ those offers shall be subtracted from the selling price 66486  
of the other machinery, equipment, or tools as bid, in determining 66487  
the lowest responsible bidder. Notice of the willingness of the 66488  
board to accept offers for the purchase of the old machinery, 66489  
equipment, or tools shall be made as a part of the advertisement 66490  
for bids. 66491

**Sec. 5703.052.** (A) There is hereby created in the state 66492  
treasury the tax refund fund, from which refunds shall be paid for 66493  
taxes illegally or erroneously assessed or collected, or for any 66494  
other reason overpaid, that are levied by Chapter 4301., 4305., 66495  
5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 66496  
5749., or 5753., and sections 3737.71, 3905.35, 3905.36, 4303.33, 66497  
5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the 66498  
Revised Code. Refunds for fees illegally or erroneously assessed 66499  
or collected, or for any other reason overpaid, that are levied by 66500  
sections 3734.90 to 3734.9014 of the Revised Code also shall be 66501  
paid from the fund. However, refunds for taxes levied under 66502

section 5739.101 of the Revised Code shall not be paid from the 66503  
tax refund fund, but shall be paid as provided in section 5739.104 66504  
of the Revised Code. 66505

(B)(1) Upon certification by the tax commissioner to the 66506  
treasurer of state of a tax refund, ~~or~~ fee refund, ~~or tax credit~~ 66507  
~~due~~, or by the superintendent of insurance of a domestic or 66508  
foreign insurance tax refund, the treasurer of state ~~may~~ shall 66509  
place the amount certified to the credit of the fund. The 66510  
certified amount transferred shall be derived from current 66511  
receipts of the same tax or the fee ~~for~~ from which the refund 66512  
arose ~~or, in the case of a tax credit refund, from the current~~ 66513  
~~receipts of the taxes levied by sections 5739.02 and 5741.02 of~~ 66514  
~~the Revised Code. If~~ 66515

~~If the tax refund arises from a tax payable to the general~~ 66516  
~~revenue fund, and current receipts from that source~~ the tax or fee 66517  
from which the refund arose are inadequate to make the transfer of 66518  
the amount so certified, the treasurer of state ~~may~~ shall transfer 66519  
such certified amount from current receipts of the sales tax 66520  
levied by section 5739.02 of the Revised Code. 66521

(2) When the treasurer of state provides for the payment of a 66522  
refund of a tax or fee from the current receipts of the sales tax, 66523  
and the refund is for a tax or fee that is not levied by the 66524  
state, the tax commissioner shall recover the amount of that 66525  
refund from the next distribution of that tax or fee that 66526  
otherwise would be made to the taxing jurisdiction. If the amount 66527  
to be recovered would exceed twenty-five per cent of the next 66528  
distribution of that tax or fee, the commissioner may spread the 66529  
recovery over more than one future distribution, taking into 66530  
account the amount to be recovered and the amount of the 66531  
anticipated future distributions. In no event may the commissioner 66532  
spread the recovery over a period to exceed twenty-four months. 66533

Sec. 5703.56. (A) As used in this section: 66534

(1) "Sham transaction" means a transaction or series of transactions without economic substance because there is no business purpose or expectation of profit other than obtaining tax benefits. 66535  
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(2) "Tax" includes any tax or fee administered by the tax commissioner. 66539  
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(3) "Taxpayer" includes any entity subject to a tax. 66541

(4) "Controlled group" means two or more persons related in such a way that one person directly or indirectly owns or controls the business operation of another member of the group. In the case of persons with stock or other equity, one person owns or controls another if it directly or indirectly owns more than fifty per cent of the other person's common stock with voting rights or other equity with voting rights. 66542  
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(B) The tax commissioner may disregard any sham transaction in ascertaining any taxpayer's tax liability. Except as otherwise provided in the Revised Code, with respect to transactions between members of a controlled group, the taxpayer shall bear the burden of establishing by a preponderance of the evidence that a transaction or series of transactions between the taxpayer and one or more members of the controlled group was not a sham transaction. Except as otherwise provided in the Revised Code, for all other taxpayers, the tax commissioner shall bear the burden of establishing by a preponderance of the evidence that a transaction or series of transactions was a sham transaction. 66549  
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(C) In administering any tax, the tax commissioner may apply the doctrines of "economic reality," "substance over form," and "step transaction." 66560  
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(D) If the commissioner disregards a sham transaction under 66563

division (B) of this section, the applicable limitation period for 66564  
assessing the tax, together with applicable penalties, charges, 66565  
and interest, shall be extended for a period equal to the 66566  
applicable limitation period. Nothing in this division shall be 66567  
construed as extending an applicable limitation period for 66568  
claiming any refund of a tax. 66569

(E) The tax commissioner may, in accordance with Chapter 119. 66570  
of the Revised Code, adopt rules that are necessary to administer 66571  
this section, including rules establishing criteria for 66572  
identifying sham transactions. 66573

Sec. 5703.57. (A) As used in this section, "Ohio business 66574  
gateway" has the same meaning as in section 718.051 of the Revised 66575  
Code. 66576

(B) There is hereby created the Ohio business gateway 66577  
steering committee to direct the continuing development of the 66578  
Ohio business gateway and to oversee its operations. The committee 66579  
shall provide general oversight regarding operation of the Ohio 66580  
business gateway and shall recommend to the department of 66581  
administrative services enhancements that will improve the Ohio 66582  
business gateway. The committee shall consider all banking, 66583  
technological, administrative, and other issues associated with 66584  
the Ohio business gateway and shall make recommendations regarding 66585  
the type of reporting forms or other tax documents to be filed 66586  
through the Ohio business gateway. 66587

(C) The committee shall consist of: 66588

(1) The following members, appointed by the governor with the 66589  
advice and consent of the senate: 66590

(a) Not more than two representatives of the business 66591  
community; 66592

(b) Not more than three representatives of municipal tax 66593

<u>administrators; and</u>	66594
<u>(c) Not more than two tax practitioners.</u>	66595
<u>(2) The following ex officio members:</u>	66596
<u>(a) The director or other highest officer of each state</u>	66597
<u>agency that has tax reporting forms or other tax documents filed</u>	66598
<u>with it through the Ohio business gateway or the director's</u>	66599
<u>designee;</u>	66600
<u>(b) The secretary of state or the secretary of state's</u>	66601
<u>designee;</u>	66602
<u>(c) The treasurer of state or the treasurer of state's</u>	66603
<u>designee;</u>	66604
<u>(d) The director of budget and management or the director's</u>	66605
<u>designee;</u>	66606
<u>(e) The director of administrative services or the director's</u>	66607
<u>designee; and</u>	66608
<u>(f) The tax commissioner or the tax commissioner's designee.</u>	66609
<u>An appointed member shall serve until the member resigns or</u>	66610
<u>is removed by the governor. Vacancies shall be filled in the same</u>	66611
<u>manner as original appointments.</u>	66612
<u>(D) A vacancy on the committee does not impair the right of</u>	66613
<u>the other members to exercise all the functions of the committee.</u>	66614
<u>The presence of a majority of the members of the committee</u>	66615
<u>constitutes a quorum for the conduct of business of the committee.</u>	66616
<u>The concurrence of at least a majority of the members of the</u>	66617
<u>committee is necessary for any action to be taken by the</u>	66618
<u>committee. On request, each member of the committee shall be</u>	66619
<u>reimbursed for the actual and necessary expenses incurred in the</u>	66620
<u>discharge of the member's duties.</u>	66621
<u>(E) The committee is a part of the department of taxation for</u>	66622
<u>administrative purposes.</u>	66623

(F) Each year, the governor shall select a member of the committee to serve as chairperson. The chairperson shall appoint an official or employee of the department of taxation to act as the committee's secretary. The secretary shall keep minutes of the committee's meetings and a journal of all meetings, proceedings, findings, and determinations of the committee. 66624  
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(G) The committee shall hire professional, technical, and clerical staff needed to support its activities. 66630  
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(H) The committee shall meet as often as necessary to perform its duties. 66632  
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Sec. 5703.80. There is hereby created in the state treasury the property tax administration fund. All money to the credit of the fund shall be used to defray the costs incurred by the department of taxation in administering the taxation of property and the equalization of real property valuation. 66634  
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Each fiscal year between the first and fifteenth days of July, the tax commissioner shall compute the following amounts for the property in each taxing district in each county, and certify to the director of budget and management the sum of those amounts for all taxing districts in all counties: 66639  
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(A) Three-tenths of one per cent of the total amount by which taxes charged against real property on the general tax list of real and public utility property were reduced under section 319.302 of the Revised Code for the preceding tax year; 66644  
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(B) Fifteen-hundredths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year; 66648  
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(C) Seventy-five hundredths of one per cent of the total amount of taxes charged and payable against tangible personal 66652  
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property on the general tax list of personal property of the 66654  
preceding tax year and for which returns were filed with the tax 66655  
commissioner under section 5711.13 of the Revised Code. 66656

After receiving the tax commissioner's certification, the 66657  
director of budget and management shall transfer from the general 66658  
revenue fund to the property tax administration fund one-fourth of 66659  
the amount certified on or before each of the following days: the 66660  
first days of August, November, February, and May. 66661

On or before the thirtieth day of June of the fiscal year, 66662  
the tax commissioner shall certify to the director of budget and 66663  
management the sum of the amounts by which the amounts computed 66664  
for a taxing district under divisions (A), (B), and (C) of this 66665  
section exceeded the distributions to the taxing district under 66666  
division (F) of section 321.24 of the Revised Code, and the 66667  
director shall transfer that sum from the property tax 66668  
administration fund to the general revenue fund. 66669

**Sec. 5705.39.** The total appropriations from each fund shall 66670  
not exceed the total of the estimated revenue available for 66671  
expenditure therefrom, as certified by the budget commission, or 66672  
in case of appeal, by the board of tax appeals. No appropriation 66673  
measure shall become effective until the county auditor files with 66674  
the appropriating authority ~~and in the case of a school district,~~ 66675  
~~also files with the superintendent of public instruction,~~ a 66676  
certificate that the total appropriations from each fund, taken 66677  
together with all other outstanding appropriations, do not exceed 66678  
such official estimate or amended official estimate. When the 66679  
appropriation does not exceed such official estimate, the county 66680  
auditor shall give such certificate forthwith upon receiving from 66681  
the appropriating authority a certified copy of the appropriation 66682  
measure, ~~a copy of which he shall deliver to the superintendent of~~ 66683  
~~public instruction in the case of a school district.~~ 66684

Appropriations shall be made from each fund only for the purposes 66685  
for which such fund is established. 66686

**Sec. 5705.41.** No subdivision or taxing unit shall: 66687

(A) Make any appropriation of money except as provided in 66688  
Chapter 5705. of the Revised Code; provided, that the 66689  
authorization of a bond issue shall be deemed to be an 66690  
appropriation of the proceeds of the bond issue for the purpose 66691  
for which such bonds were issued, but no expenditure shall be made 66692  
from any bond fund until first authorized by the taxing authority; 66693

(B) Make any expenditure of money unless it has been 66694  
appropriated as provided in such chapter; 66695

(C) Make any expenditure of money except by a proper warrant 66696  
drawn against an appropriate fund; 66697

(D)(1) Except as otherwise provided in division (D)(2) of 66698  
this section and section 5705.44 of the Revised Code, make any 66699  
contract or give any order involving the expenditure of money 66700  
unless there is attached thereto a certificate of the fiscal 66701  
officer of the subdivision that the amount required to meet the 66702  
obligation or, in the case of a continuing contract to be 66703  
performed in whole or in part in an ensuing fiscal year, the 66704  
amount required to meet the obligation in the fiscal year in which 66705  
the contract is made, has been lawfully appropriated for such 66706  
purpose and is in the treasury or in process of collection to the 66707  
credit of an appropriate fund free from any previous encumbrances. 66708  
This certificate need be signed only by the subdivision's fiscal 66709  
officer. Every such contract made without such a certificate shall 66710  
be void, and no warrant shall be issued in payment of any amount 66711  
due thereon. If no certificate is furnished as required, upon 66712  
receipt by the taxing authority of the subdivision or taxing unit 66713  
of a certificate of the fiscal officer stating that there was at 66714  
the time of the making of such contract or order and at the time 66715

of the execution of such certificate a sufficient sum appropriated 66716  
for the purpose of such contract and in the treasury or in process 66717  
of collection to the credit of an appropriate fund free from any 66718  
previous encumbrances, such taxing authority may authorize the 66719  
drawing of a warrant in payment of amounts due upon such contract, 66720  
but such resolution or ordinance shall be passed within thirty 66721  
days after the taxing authority receives such certificate; 66722  
provided that, if the amount involved is less than one hundred 66723  
dollars in the case of counties or three thousand dollars in the 66724  
case of all other subdivisions or taxing units, the fiscal officer 66725  
may authorize it to be paid without such affirmation of the taxing 66726  
authority of the subdivision or taxing unit, if such expenditure 66727  
is otherwise valid. 66728

(2) Annually, the board of county commissioners may adopt a 66729  
resolution exempting for the current fiscal year county purchases 66730  
of seven hundred fifty dollars or less from the requirement of 66731  
division (D)(1) of this section that a certificate be attached to 66732  
any contract or order involving the expenditure of money. The 66733  
resolution shall state the dollar amount that is exempted from the 66734  
certificate requirement and whether the exemption applies to all 66735  
purchases, to one or more specific classes of purchases, or to the 66736  
purchase of one or more specific items. Prior to the adoption of 66737  
the resolution, the board shall give written notice to the county 66738  
auditor that it intends to adopt the resolution. The notice shall 66739  
state the dollar amount that is proposed to be exempted and 66740  
whether the exemption would apply to all purchases, to one or more 66741  
specific classes of purchases, or to the purchase of one or more 66742  
specific items. The county auditor may review and comment on the 66743  
proposal, and shall send any comments to the board within fifteen 66744  
days after receiving the notice. The board shall wait at least 66745  
fifteen days after giving the notice to the auditor before 66746  
adopting the resolution. A person authorized to make a county 66747  
purchase in a county that has adopted such a resolution shall 66748

prepare and file with the county auditor, within three business 66749  
days after incurring an obligation not requiring a certificate, a 66750  
written document specifying the purpose and amount of the 66751  
expenditure, the date of the purchase, the name of the vendor, and 66752  
such additional information as the auditor of state may prescribe. 66753

(3) Upon certification by the auditor or other chief fiscal 66754  
officer that a certain sum of money, not in excess of ~~five~~ 66755  
~~thousand dollars~~ an amount established by resolution or ordinance 66756  
adopted by a majority of the members of the legislative authority 66757  
of the subdivision or taxing unit, has been lawfully appropriated, 66758  
authorized, or directed for a certain purpose and is in the 66759  
treasury or in the process of collection to the credit of a 66760  
specific line-item appropriation account in a certain fund free 66761  
from previous and then outstanding obligations or certifications, 66762  
then for such purpose and from such line-item appropriation 66763  
account in such fund, over a period ~~not exceeding three months and~~ 66764  
not extending beyond the end of the fiscal year, expenditures may 66765  
be made, orders for payment issued, and contracts or obligations 66766  
calling for or requiring the payment of money made and assumed; 66767  
provided, that the aggregate sum of money included in and called 66768  
for by such expenditures, orders, contracts, and obligations shall 66769  
not exceed the sum so certified. Such a certification need be 66770  
signed only by the fiscal officer of the subdivision or the taxing 66771  
district and may, but need not, be limited to a specific vendor. 66772  
An itemized statement of obligations incurred and expenditures 66773  
made under such certificate shall be rendered to the auditor or 66774  
other chief fiscal officer before another such certificate may be 66775  
issued, and not more than one such certificate shall be 66776  
outstanding at a time. 66777

In addition to providing the certification for expenditures 66778  
~~of five thousand dollars or less~~ as ~~provided~~ specified in this 66779  
division, a subdivision also may make expenditures, issue orders 66780

for payment, and make contracts or obligations calling for or 66781  
requiring the payment of money made and assumed for specified 66782  
permitted purposes from a specific line-item appropriation account 66783  
in a specified fund for a sum of money upon the certification by 66784  
the fiscal officer of the subdivision that this sum of money has 66785  
been lawfully appropriated, authorized, or directed for a 66786  
permitted purpose and is in the treasury or in the process of 66787  
collection to the credit of the specific line-item appropriation 66788  
account in the specified fund free from previous and 66789  
then-outstanding obligations or certifications; provided that the 66790  
aggregate sum of money included in and called for by the 66791  
expenditures, orders, and obligations shall not exceed the 66792  
certified sum. The purposes for which a subdivision may lawfully 66793  
appropriate, authorize, or issue such a certificate are the 66794  
services of an accountant, architect, attorney at law, physician, 66795  
professional engineer, construction project manager, consultant, 66796  
surveyor, or appraiser by or on behalf of the subdivision or 66797  
contracting authority; fuel oil, gasoline, food items, roadway 66798  
materials, and utilities; and any purchases exempt from 66799  
competitive bidding under section 125.04 of the Revised Code and 66800  
any other specific expenditure that is a recurring and reasonably 66801  
predictable operating expense. Such a certification shall not 66802  
extend beyond the end of the fiscal year or, in the case of a 66803  
board of county commissioners that has established a quarterly 66804  
spending plan under section 5705.392 of the Revised Code, beyond 66805  
the quarter to which the plan applies. Such a certificate shall be 66806  
signed by the fiscal officer and may, but need not, be limited to 66807  
a specific vendor. An itemized statement of obligations incurred 66808  
and expenditures made under such a certificate shall be rendered 66809  
to the fiscal officer for each certificate issued. More than one 66810  
such certificate may be outstanding at any time. 66811

In any case in which a contract is entered into upon a per 66812  
unit basis, the head of the department, board, or commission for 66813

the benefit of which the contract is made shall make an estimate 66814  
of the total amount to become due upon such contract, which 66815  
estimate shall be certified in writing to the fiscal officer of 66816  
the subdivision. Such a contract may be entered into if the 66817  
appropriation covers such estimate, or so much thereof as may be 66818  
due during the current year. In such a case the certificate of the 66819  
fiscal officer based upon the estimate shall be a sufficient 66820  
compliance with the law requiring a certificate. 66821

Any certificate of the fiscal officer attached to a contract 66822  
shall be binding upon the political subdivision as to the facts 66823  
set forth therein. Upon request of any person receiving an order 66824  
or entering into a contract with any political subdivision, the 66825  
certificate of the fiscal officer shall be attached to such order 66826  
or contract. "Contract" as used in this section excludes current 66827  
payrolls of regular employees and officers. 66828

Taxes and other revenue in process of collection, or the 66829  
proceeds to be derived from authorized bonds, notes, or 66830  
certificates of indebtedness sold and in process of delivery, 66831  
shall for the purpose of this section be deemed in the treasury or 66832  
in process of collection and in the appropriate fund. This section 66833  
applies neither to the investment of sinking funds by the trustees 66834  
of such funds, nor to investments made under sections 731.56 to 66835  
731.59 of the Revised Code. 66836

No district authority shall, in transacting its own affairs, 66837  
do any of the things prohibited to a subdivision by this section, 66838  
but the appropriation referred to shall become the appropriation 66839  
by the district authority, and the fiscal officer referred to 66840  
shall mean the fiscal officer of the district authority. 66841

**Sec. 5709.20.** As used in sections 5709.20 to 5709.27 of the 66842  
Revised Code: 66843

(A) "Air contaminant" means particulate matter, dust, fumes, 66844

gas, mist, smoke, vapor, or odorous substances, or any combination thereof. 66845  
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(B) "Air pollution control facility" means any property 66847  
designed, constructed, or installed for the primary purpose of 66848  
eliminating or reducing the emission of, or ground level 66849  
concentration of, air contaminants ~~which~~ generated at an 66850  
industrial or commercial plant or site that renders air harmful or 66851  
inimical to the public health or to property within this state, or 66852  
such property installed on or after November 1, 1993, at a 66853  
petroleum refinery for the primary purpose of eliminating or 66854  
reducing substances within fuel that otherwise would create the 66855  
emission of air contaminants upon the combustion of fuel. 66856

(C) "Energy conversion" means the conversion of fuel or power 66857  
usage and consumption from natural gas to an alternate fuel or 66858  
power source other than propane, butane, naphtha, or fuel oil; or 66859  
the conversion of fuel or power usage and consumption from fuel 66860  
oil to an alternate fuel or power source other than natural gas, 66861  
propane, butane, or naphtha. 66862

(D) "Energy conversion facility" means any additional 66863  
property or equipment designed, constructed, or installed after 66864  
December 31, 1974, for use at an industrial or commercial plant or 66865  
site for the primary purpose of energy conversion. 66866

(E) "Exempt facility" means any of the facilities defined in 66867  
division (B), (D), (F), (I), (K), or (L) of this section for which 66868  
an exempt facility certificate is issued pursuant to section 66869  
5709.21 or for which a certificate remains valid under section 66870  
5709.201 of the Revised Code. 66871

(F) "Noise pollution control facility" means any property 66872  
designed, constructed, or installed ~~in or on~~ for use at an 66873  
industrial or commercial plant or site for the primary purpose of 66874  
eliminating or reducing, at that plant or site, the emission of 66875

sound which is harmful or inimical to persons or property, or 66876  
materially reduces the quality of the environment, as shall be 66877  
determined by the director of environmental protection within such 66878  
standards for noise pollution control facilities and standards for 66879  
environmental noise necessary to protect public health and welfare 66880  
as may be promulgated by the United States environmental 66881  
protection agency. In the absence of such United States 66882  
environmental protection agency standards, the determination shall 66883  
be made in accordance with generally accepted current standards of 66884  
good engineering practice in environmental noise control. 66885

Facilities (G) "Solid waste" means such unwanted residual 66886  
solid or semi-solid material as results from industrial 66887  
operations, including those of public utility companies, and 66888  
commercial, distribution, research, agricultural, and community 66889  
operations, including garbage, combustible or noncombustible, 66890  
street dirt, and debris. 66891

(H) "Solid waste energy conversion" means the conversion of 66892  
solid waste into energy and the utilization of such energy for 66893  
some useful purpose. 66894

(I) "Solid waste energy conversion facility" means any 66895  
property or equipment designed, constructed, or installed after 66896  
December 31, 1974, for use at an industrial or a commercial plant 66897  
or site for the primary purpose of solid waste energy conversion. 66898

(J) "Thermal efficiency improvement" means the recovery and 66899  
use of waste heat or waste steam produced incidental to electric 66900  
power generation, industrial process heat generation, lighting, 66901  
refrigeration, or space heating. 66902

(K) "Thermal efficiency improvement facility" means any 66903  
property or equipment designed, constructed, or installed after 66904  
December 31, 1974, for use at an industrial or a commercial plant 66905  
or site for the primary purpose of thermal efficiency improvement. 66906

(L) "Industrial water pollution control facility" means any property designed, constructed, or installed for the primary purpose of collecting or conducting industrial waste to a point of disposal or treatment; reducing, controlling, or eliminating water pollution caused by industrial waste; or reducing, controlling, or eliminating the discharge into a disposal system of industrial waste or what would be industrial waste if discharged into the waters of this state. This division applies only to property related to an industrial water pollution control facility placed into operation or initially capable of operation after December 31, 1965, and installed pursuant to the approval of the environmental protection agency or any other governmental agency having authority to approve the installation of industrial water pollution control facilities. The definitions in section 6111.01 of the Revised Code, as applicable, apply to the terms used in this division.

(M) Property designed, constructed, installed, used, or placed in operation ~~solely primarily~~ for the safety, health, protection, or benefit, or any combination thereof, of personnel, ~~or by~~ of a business ~~solely for its, or primarily for a business's~~ own benefit, ~~are not pollution control facilities~~ is not an "exempt facility."

**Sec. 5709.201.** (A) Except as provided in divisions (C)(4)(a) and (c) of section 5709.22 and division (F) of section 5709.25 of the Revised Code, a certificate issued under section 5709.21, 5709.31, 5709.46, or 6111.31 of the Revised Code that was valid and in effect on the effective date of this section shall continue in effect subject to the law as it existed before that effective date. Division (C)(4)(b) of section 5709.22 of the Revised Code does not apply to any certificate issued by the tax commissioner before July 1, 2003.

(B) Any applications pending on the effective date of this section for which a certificate had not been issued on or before that effective date under section 6111.31 of the Revised Code shall be transferred to the tax commissioner for further administering. Sections 5709.20 to 5709.27 of the Revised Code apply to such pending applications, excluding the requirement of section 5709.212 of the Revised Code that applicants must pay the fee. 66938  
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(C) For applications pending on the effective date of this section, division (D) of section 5709.25 of the Revised Code allowing the commissioner to assess any additional tax notwithstanding any other time limitations imposed by law on the denied portion of the applicant's claim applies only to tax periods that would otherwise be open to assessment on that effective date. 66946  
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**Sec. 5709.21. (A) As used in this section:** 66953

(1) "Exclusive property" means real and personal property that is installed, used, and necessary for the operation of an exempt facility, and that is not auxiliary property unless the auxiliary property exempt cost equals or exceeds eighty-five per cent of the total cost of the property. 66954  
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(2) "Auxiliary property" means personal property installed, used, and necessary for the operation of an exempt facility that is also used in other operations of the business other than an exempt facility purpose described in section 5709.20 of the Revised Code. "Auxiliary property" does not include property with an auxiliary property exempt cost that is less than or equal to fifteen per cent of the total cost of such property. 66959  
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(3) "Auxiliary property exempt cost" means the cost of auxiliary property calculated as follows: 66966  
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(a) If the auxiliary property is used for an exempt facility purpose for discrete periods of time, the exempt cost shall be determined by the ratio of time the auxiliary property is in use in such exempt capacity to the total time it is in use. Division (A)(3)(a) of this section does not apply if the property is concurrently used for an exempt facility purpose and a nonexempt facility purpose. 66968  
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(b) The applicant has the burden of proving the exempt cost of all auxiliary property not described in division (A)(3)(a) of this section. 66975  
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(c) Any cost related to an expansion of the commercial or industrial site that is not related to the operation of the exempt facility shall not be included as an auxiliary exempt cost under division (A)(3) of this section. 66978  
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(B) Application for an ~~air or noise pollution control~~ exempt facility certificate shall be filed with the tax commissioner in such manner and in such form as ~~may be~~ prescribed by ~~regulations issued by the~~ tax commissioner ~~and~~. The application shall contain plans and specifications of the ~~structure or structures~~ property, including all materials incorporated ~~and~~ or to be incorporated therein ~~and their associated costs~~, and a descriptive list of all equipment acquired or to be acquired by the applicant for the ~~purpose of air or noise pollution control~~ exempt facility and its associated cost. If the commissioner, ~~after obtaining the opinion of the director of environmental protection,~~ finds that the ~~proposed facility~~ property was designed primarily ~~for the control of air or noise pollution as defined in section 5709.20 of the Revised Code,~~ as an exempt facility and is suitable and reasonably adequate for such purpose and is intended for such purpose, ~~he~~ the commissioner shall enter a finding and issue a certificate to that effect. ~~Said certificate shall permit tax exemption pursuant to section 5709.25 of the Revised Code only for that portion of such~~ 66982  
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~~pollution control facility or that part used exclusively for air 67000  
or noise pollution control. The effective date of said the 67001  
certificate shall be the date of the making of the application was 67002  
made for such certificate or the date of the construction of the 67003  
facility, whichever is earlier; provided, that if such application 67004  
relates to facilities placed in operation or capable of operation 67005  
prior to October 2, 1969, the effective date of the certificate 67006  
shall be the date of the application. 67007~~

Nothing in this section shall be construed to extend the time 67008  
period to file, to keep the time period to file open, or supersede 67009  
the requirement of filing a tax refund or other tax reduction 67010  
request in the manner and within the time prescribed by law. 67011

(C)(1) Except as provided in division (C)(2) of this section, 67012  
the certificate shall permit tax exemption pursuant to section 67013  
5709.25 of the Revised Code only for that portion of such exempt 67014  
facility that is exclusive property used for a purpose enumerated 67015  
in section 5709.20 of the Revised Code. 67016

(2) Auxiliary property shall be permitted a partial tax 67017  
exemption under section 5709.25 of the Revised Code, but only to 67018  
the extent allowed pursuant to division (A)(3) of this section. 67019

(D) The tax commissioner may allow an applicant to file one 67020  
application that applies to more than one exempt facility that are 67021  
the same or substantially similar, so long as such facilities are 67022  
located within the same county. 67023

**Sec. 5709.211.** (A) Before issuing an exempt facility 67024  
certificate pursuant to section 5709.21 of the Revised Code, the 67025  
tax commissioner shall provide a copy of a properly completed 67026  
application to, and obtain the opinion of, the director of 67027  
environmental protection in the case of an exempt facility 67028  
described in division (B), (F), or (L) of section 5709.20 of the 67029  
Revised Code, or provide a copy of the application to, and obtain 67030

the opinion of, the director of development in the case of an 67031  
application for an exempt facility described in division (D), (I), 67032  
or (K) of section 5709.20 of the Revised Code. The opinion shall 67033  
provide the commissioner with a recommendation of whether the 67034  
property is primarily designed, constructed, installed, and used 67035  
as an exempt facility. The applicant shall provide additional 67036  
information upon request by the tax commissioner, the director of 67037  
environmental protection, or the director of development, and 67038  
allow them to inspect the property listed in the application for 67039  
the purposes of sections 5709.20 to 5709.27 of the Revised Code. 67040  
The tax commissioner shall provide to the applicant a copy of the 67041  
opinion issued by either the director of environmental protection 67042  
or the director of the department of development. 67043

(B) The opinions of the director of the environmental 67044  
protection agency and the director of development under division 67045  
(A) of this section or division (C)(4) of section 5709.22 of the 67046  
Revised Code are not final actions or orders subject to appeal. 67047

**Sec. 5709.212.** (A) With every application for an exempt 67048  
facility certificate filed pursuant to section 5709.21 of the 67049  
Revised Code, the applicant shall pay a fee equal to one-half of 67050  
one per cent of the total exempt facility project cost, not to 67051  
exceed two thousand dollars. One-half of the fee received with 67052  
applications for exempt facility certificates shall be credited to 67053  
the exempt facility administrative fund, which is hereby created 67054  
in the state treasury, for appropriation to the department of 67055  
taxation for use in administering sections 5709.20 to 5709.27 of 67056  
the Revised Code. If the director of environmental protection is 67057  
required to provide the opinion for an application, one-half of 67058  
the fee shall be credited to the clean air fund created in section 67059  
3704.035 of the Revised Code for use in administering section 67060  
5709.211 of the Revised Code, unless the application is for an 67061

industrial water pollution control facility. If the application is 67062  
for an industrial water pollution control facility, one-half of 67063  
the fee shall be credited to the surface water protection fund 67064  
created in section 6111.038 of the Revised Code for use in 67065  
administering section 5709.211 of the Revised Code. If the 67066  
director of development is required to provide the opinion for an 67067  
application, one-half of the fee for each exempt facility 67068  
application shall be credited to the exempt facility inspection 67069  
fund, which is hereby created in the state treasury, for 67070  
appropriation to the department of development for use in 67071  
administering section 5709.211 of the Revised Code. 67072

An applicant is not entitled to any tax exemption under 67073  
section 5709.25 of the Revised Code until the fee required by this 67074  
section is paid. The fee required by this section is not 67075  
refundable, and is due with the application for an exempt facility 67076  
certificate even if an exempt facility certificate ultimately is 67077  
not issued or is withdrawn. Any application submitted without 67078  
payment of the fee shall be deemed incomplete until the fee is 67079  
paid. 67080

(B) The application fee imposed under division (A) of this 67081  
section for a jointly owned facility shall be equal to one-half of 67082  
one per cent of the total exempt facility project cost, not to 67083  
exceed two thousand dollars for each facility that is the subject 67084  
of the application. 67085

~~**Sec. 5709.22.** Before issuing any certificate the tax~~ 67086  
~~commissioner shall give notice in writing by mail to the auditor~~ 67087  
~~of the county in which such facilities are located, and shall~~ 67088  
~~afford to the applicant and to the auditor an opportunity for a~~ 67089  
~~hearing. On like notice to the applicant and opportunity for a~~ 67090  
~~hearing, the commissioner shall on his (A) After receiving an~~ 67091  
~~opinion from the director of environmental protection or the~~ 67092

director of development, the tax commissioner shall promptly 67093  
ascertain if an application filed under section 5709.21 of the 67094  
Revised Code shall be allowed or disallowed in whole or in part. 67095  
The commissioner shall give written notice of the proposed finding 67096  
to the applicant and the county auditor of the county in which the 67097  
facility described in the application is located. Within sixty 67098  
days after sending written notice of the proposed finding, the 67099  
applicant or the county auditor may file a request for 67100  
reconsideration, in writing, to the commissioner and may request 67101  
that the commissioner conduct a hearing on the application. If no 67102  
request for reconsideration is filed, the commissioner's proposed 67103  
findings shall be final and, if applicable, the commissioner shall 67104  
issue an exempt facility certificate, which shall not be subject 67105  
to appeal pursuant to section 5717.02 of the Revised Code. 67106

(B) If a reconsideration of the tax commissioner's proposed 67107  
finding is requested by the applicant or the county auditor, the 67108  
commissioner shall notify the applicant and the auditor of the 67109  
time and place of the hearing, which the commissioner may continue 67110  
from time to time as the commissioner finds necessary. The 67111  
commissioner also shall notify the environmental protection agency 67112  
or department of development, as applicable, of the hearing. The 67113  
environmental protection agency or the department of development 67114  
shall participate in the hearing if requested in writing by the 67115  
commissioner, the applicant, or the county auditor. After 67116  
conducting the hearing, the commissioner shall issue a final 67117  
determination, with a copy of it served on the applicant and 67118  
applicable county auditors in the manner prescribed by section 67119  
5703.37 of the Revised Code. The final determination is subject to 67120  
appeal pursuant to section 5717.02 of the Revised Code. Once all 67121  
appeals are exhausted, the commissioner shall issue, if 67122  
applicable, the exempt facility certificate based on the outcome 67123  
of the appeal. 67124

(C) The tax commissioner, on the commissioner's own 67125  
initiative or on complaint by the county auditor of ~~the~~ any county 67126  
in which ~~any~~ property to which ~~such air or noise pollution control~~ 67127  
the exempt facility certificate relates is located, shall revoke 67128  
~~such air or noise pollution control certificate whenever any of~~ 67129  
~~the following appears~~ the certificate, or modify it by restricting 67130  
its operation, if it appears to the commissioner that any of the 67131  
following has occurred: 67132

~~(A)(1)~~ (1) The certificate was obtained by fraud or 67133  
misrepresentation; 67134

~~(B)(2)~~ (2) The holder of the certificate has failed substantially 67135  
to proceed with the construction, reconstruction, installation, or 67136  
acquisition of ~~air or noise pollution control facilities~~ an exempt 67137  
facility; 67138

~~(C)(3)~~ (3) The ~~structure or equipment or both~~ property to which 67139  
the certificate relates has ceased to be used ~~for the primary~~ 67140  
~~purpose of pollution control and is being used for a different~~ 67141  
~~purpose.~~ 67142

~~Provided, that where the circumstances so require, the~~ 67143  
~~commissioner in lieu of revoking such certificate may modify the~~ 67144  
~~same by restricting its operations~~ as an exempt facility; 67145

(4) The tax commissioner issued the certificate in error. As 67146  
used in this section, "error" means any of the following: 67147

(a) A clerical or mathematical mistake; 67148

(b) When the commissioner agrees with an opinion from the 67149  
director of environmental protection or the director of 67150  
development that a certificate should not have been issued; 67151

(c) When the tax commissioner determines that the issuance of 67152  
the certificate may have been improper as the result of a final 67153  
adjudication by the board of tax appeals, or by a court with 67154

jurisdiction on appeal from that board, that is adverse to the 67155  
original exempt status of the facility, regardless of whether the 67156  
holder of the certificate was a party to such adjudication. 67157

(D) If the revocation or modification of a certificate under 67158  
division (C)(4) of this section is an action found to be frivolous 67159  
for the purposes of section 5703.54 of the Revised Code the 67160  
certificate holder may claim damages as provided under division 67161  
(B) of that section. 67162

~~On the mailing of notice of the action of the commissioner~~ 67163  
~~revoking or modifying an air or noise pollution control~~ 67164  
~~certificate as provided in section 5709.23 of the Revised Code,~~ 67165  
~~such~~ (E) Upon service of notice certificate to the holder of an 67166  
exempt facility certificate, in the manner provided in section 67167  
5703.37 of the Revised Code, of the tax commissioner's revocation 67168  
or modification of the certificate under division (C) of this 67169  
section, the certificate shall cease to be in force or shall 67170  
remain in force only as modified, as the case may require. The 67171  
notice is subject to appeal under section 5717.02 of the Revised 67172  
Code. Once all appeals are exhausted, the commissioner shall issue 67173  
a modified certificate, if applicable, and the holder of the 67174  
certificate shall be allowed to claim a refund within one hundred 67175  
eighty days, notwithstanding any other time limitation provided by 67176  
law of the taxes paid as a result of the certificate being revoked 67177  
or modified. 67178

**Sec. 5709.23.** (A) As soon as is practicable after receiving 67179  
an application for an exempt facility certificate, the tax 67180  
commissioner shall provide a copy of the application and any 67181  
accompanying documentation to the county auditor of the county in 67182  
which the facility is located. The copy shall be accompanied by a 67183  
statement showing an estimate of what the assessed value of the 67184  
facility would be, based on the appropriate assessment percentage, 67185

if the facility were to be taxable, and an estimate of the taxes 67186  
that would be chargeable against the facility computed on the 67187  
basis of the rate of taxation in the taxing district in the year 67188  
in which the application is received. Within sixty days after 67189  
receiving such a statement, the county auditor shall issue a 67190  
notice to the taxing authority of each taxing unit in which the 67191  
facility is or is to be located. The notice shall state that an 67192  
application for an exempt facility certificate has been filed for 67193  
the facility; the estimated assessed value of the facility shown 67194  
on the statement; the annual amount of taxes that would be charged 67195  
and payable on that value at the current rate of taxation in 67196  
effect in the taxing unit; and that, if approved, the application 67197  
entitles the facility to exemption from taxation and the taxing 67198  
unit may be required to refund any taxes on the facility accruing 67199  
after the certificate becomes effective. The tax commissioner 67200  
shall issue an amended statement if, after the original statement 67201  
is issued, the estimate of such assessed value increases or 67202  
decreases by more than ten per cent of the estimated value shown 67203  
on the most recently issued statement or amended statement, and 67204  
the county auditor shall issue an amended notice reflecting such 67205  
change. 67206

(B) Upon request by the county auditor of the county in which 67207  
the exempt facility described in the application is located, the 67208  
tax commissioner shall provide the county auditor with any 67209  
documents submitted with the opinion of the director of 67210  
environmental protection or director of development, including a 67211  
copy of opinion. 67212

(C) Any documents, statements, and notices provided for under 67213  
this section are solely for the purpose of notifying taxing 67214  
authorities of the existence of an exempt facility application and 67215  
the potential for a refund of taxes paid on an exempt facility 67216  
before a tax exemption certificate is issued. Such documents, 67217

statements, and notices do not constitute an assessment that is 67218  
subject to a petition for reassessment nor are such documents, 67219  
statements, and notices appealable under section 5717.02 of the 67220  
Revised Code by any person. 67221

(D) The documents, statements, and notices provided by the 67222  
tax commissioner under this section are subject to all applicable 67223  
confidentiality provisions of law. 67224

Sec. 5709.24. The tax commissioner may adopt rules to 67225  
administer sections 5709.20 to 5709.27 of the Revised Code. 67226

Sec. 5709.25. (A) Whenever an ~~air or noise pollution control~~ 67227  
~~exempt facility~~ certificate is issued ~~on a pollution control~~ 67228  
~~facility~~, the transfer of tangible personal property to the holder 67229  
of the certificate, whether such transfer takes place before or 67230  
after the issuance of the certificate, shall not be considered a 67231  
"sale" of such tangible personal property for the purpose of the 67232  
sales tax, or a "use" for the purpose of the use tax, if the 67233  
tangible personal property is to be or was a material or part to 67234  
be incorporated into an ~~air or noise pollution control~~ exempt 67235  
facility as ~~defined in section 5709.20 of the Revised Code.~~ 67236

(B) For the period subsequent to the effective date of an ~~air~~ 67237  
~~or noise pollution control~~ exempt facility certificate and 67238  
continuing for so long as the certificate is in force, no 67239  
~~pollution control~~ exempt facility or certified portion thereof 67240  
shall be considered to be either of the following: 67241

(1) An improvement on the land on which the ~~same~~ exempt 67242  
facility is located for the purpose of real property taxation; 67243

(2) As "used in business" for the purpose of personal 67244  
property taxation; 67245

~~(3) As an asset of any corporation in determining the value~~ 67246  
~~of its issued and outstanding shares or the value of the property~~ 67247

~~owned and used by it in this state for the purpose of the franchise tax.~~ 67248  
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(C)(1) The tax commissioner, upon receiving a properly completed application for an exempt facility certificate, may allow the applicant to claim the exemption provided by this section before the commissioner issues the certificate. The applicant is entitled to the exemption unless the commissioner notifies the applicant otherwise by serving notice upon the applicant in the manner prescribed by section 5703.37 of the Revised Code. 67250  
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(2) A taxpayer whose tangible personal property is subject to taxation under Chapter 5727. of the Revised Code shall notify the commissioner in writing of any property the applicant does not want the commissioner to exclude from assessment. The notice shall be provided before the date the commissioner issues the preliminary assessment under section 5727.23 of the Revised Code. 67258  
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(D)(1) Notwithstanding any other time limitations imposed by law, the commissioner may assess any additional tax or may assess any additional taxable property, including any applicable interest, on the denied portion of the applicant's claim for an exempt facility that the applicant claimed prior to the exempt facility certificate being issued or the application being denied. No assessment shall be made pursuant to this division after one hundred eighty days from the date the commissioner mails the exempt facility certificate or notice of the denial of the exempt facility certificate pursuant to section 5709.22 of the Revised Code. Nothing in this section shall prohibit an assessment that otherwise may be timely made by law. 67264  
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(2) Assessments issued pursuant to division (D)(1) of this section shall be issued as amended preliminary assessment certificates under section 5711.31 of the Revised Code for personal property tax, as amended preliminary assessment 67276  
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certificates under section 5727.23 of the Revised Code for public utility tax, and as assessments under section 5733.11 of the Revised Code for corporation franchise tax, section 5739.13 of the Revised Code for sales tax, and section 5741.11 of the Revised Code for use tax, and are subject to the same appeal requirements as defined in those sections. 67280  
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(3) Nothing in division (D) of this section allows the tax commissioner, after the expiration of the time limitation, to issue an assessment referenced in division (D)(2) of this section that increases any tax beyond the amount claimed by the applicant as an exempt facility. 67286  
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(4) If an assessment is issued for only the denied portion of the application for an exempt facility, the only issue the applicant is permitted to raise on appeal of the assessment referenced in division (D)(2) of this section is that of the taxable property or transaction constituting the denied portion of the applicant's claim for an exempt facility. 67291  
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(E) Except as otherwise provided in this division, no exemption for additional property shall be claimed under this section after an exempt facility certificate has been issued for that facility unless the applicant files a new application under section 5709.21 of the Revised Code. The tax commissioner shall waive the requirement to file a new application under section 5709.21 of the Revised Code if the cost of the additional property, net of retirements for similar property, does not exceed five hundred thousand dollars during any calendar year. The fee imposed under section 5709.212 of the Revised Code for applications filed as a result of this division shall be five hundred dollars. 67297  
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(F) If, as the result of a revaluation due to sale or bankruptcy or any other reason, the book value of property that is the subject of an exempt facility certificate is changed from the 67309  
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book value at the time of the original issuance of the 67312  
certificate, the amount of exemption available to the owner is 67313  
limited to the percentage resulting from the ratio of the 67314  
historical cost of the property that is the subject of the exempt 67315  
facility certificate to the historic cost of all tangible personal 67316  
property and real property of the owner located at the same 67317  
location as the property subject to the exempt facility 67318  
certificate. If the result of using this ratio is greater than the 67319  
original cost, then acceptable reasons for allowing such greater 67320  
cost must be established with supporting documentation in order to 67321  
qualify for the exemption above the original cost. 67322

(G) After two years from the date the tax commissioner 67323  
receives an application, the applicant may request in writing that 67324  
the tax commissioner take final action on the pending application. 67325  
Within ten days after receiving such a request, the tax 67326  
commissioner shall issue a proposed finding, under section 5709.22 67327  
of the Revised Code, if the application is allowed in whole or in 67328  
part. Otherwise, the tax commissioner shall issue a final 67329  
determination denying the issuance of the certificate, which is a 67330  
final determination appealable under section 5717.02 of the 67331  
Revised Code. 67332

**Sec. 5709.26.** When an air or noise pollution control exempt 67333  
facility certificate is revoked because obtained by fraud or 67334  
misrepresentation or modified for the reason stated in division 67335  
(C)(1) of section 5709.22 of the Revised Code, all taxes which 67336  
that would have been payable had no certificate been issued shall 67337  
be assessed with maximum penalties and interest prescribed by law 67338  
applicable thereto dating to when the exemption was first allowed. 67339  
Notwithstanding any other time limitations imposed by law, if the 67340  
certificate is revoked or modified under division (C)(2), (3), or 67341  
(4) of section 5709.22 of the Revised Code, all taxes that would 67342  
have been payable had no certificate existed as of the first day 67343

of January of the calendar year in which the certificate was 67344  
revoked or modified are subject to assessment. 67345

**Sec. 5709.27.** In the event of the sale, lease, or other 67346  
transfer of an ~~air or noise pollution control~~ exempt facility, not 67347  
involving a different location or use, the holder of ~~an air or~~ 67348  
~~noise pollution control~~ the exempt facility certificate ~~for such~~ 67349  
~~facility may shall~~ transfer the certificate by written instrument 67350  
to the person who, except for the transfer of the certificate, 67351  
would be obligated to pay taxes on ~~such~~ the facility. The 67352  
transferee shall become the holder of the certificate and shall 67353  
have all the rights to exemption from taxes ~~which were~~ granted to 67354  
the former holder or holders, effective as of the date of transfer 67355  
of the facility or the date of transfer of the certificate, 67356  
whichever is earlier. The transferee shall promptly give written 67357  
notice of the effective date of the transfer, together with a copy 67358  
of the instrument of transfer, to the tax commissioner and the 67359  
county auditor of the county in which the facility is located. 67360  
Upon request, the commissioner may provide the transferee with any 67361  
information the commissioner possesses related to the issuance of 67362  
the exempt facility certificate. 67363

**Sec. 5709.61.** As used in sections 5709.61 to 5709.69 of the 67364  
Revised Code: 67365

(A) "Enterprise zone" or "zone" means any of the following: 67366

(1) An area with a single continuous boundary designated in 67367  
the manner set forth in section 5709.62 or 5709.63 of the Revised 67368  
Code and certified by the director of development as having a 67369  
population of at least four thousand according to the best and 67370  
most recent data available to the director and having at least two 67371  
of the following characteristics: 67372

(a) It is located in a municipal corporation defined by the 67373

United States office of management and budget as a central city of 67374  
a metropolitan statistical area or in a city designated as an 67375  
urban cluster in a rural statistical area; 67376

(b) It is located in a county designated as being in the 67377  
"Appalachian region" under the "Appalachian Regional Development 67378  
Act of 1965," 79 Stat. 5, 40 App. U.S.C.A. 403, as amended; 67379

(c) Its average rate of unemployment, during the most recent 67380  
twelve-month period for which data are available, is equal to at 67381  
least one hundred twenty-five per cent of the average rate of 67382  
unemployment for the state of Ohio for the same period; 67383

(d) There is a prevalence of commercial or industrial 67384  
structures in the area that are vacant or demolished, or are 67385  
vacant and the taxes charged thereon are delinquent, and 67386  
certification of the area as an enterprise zone would likely 67387  
result in the reduction of the rate of vacant or demolished 67388  
structures or the rate of tax delinquency in the area; 67389

(e) The population of all census tracts in the area, 67390  
according to the federal census of 1990, decreased by at least ten 67391  
per cent between the years 1970 and 1990; 67392

(f) At least fifty-one per cent of the residents of the area 67393  
have incomes of less than eighty per cent of the median income of 67394  
residents of the municipal corporation or municipal corporations 67395  
in which the area is located, as determined in the same manner 67396  
specified under section 119(b) of the "Housing and Community 67397  
Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as 67398  
amended; 67399

(g) The area contains structures previously used for 67400  
industrial purposes, but currently not so used due to age, 67401  
obsolescence, deterioration, relocation of the former occupant's 67402  
operations, or cessation of operations resulting from unfavorable 67403  
economic conditions either generally or in a specific economic 67404

sector; 67405

(h) It is located within one or more adjacent city, local, or 67406  
exempted village school districts, the income-weighted tax 67407  
capacity of each of which is less than seventy per cent of the 67408  
average of the income-weighted tax capacity of all city, local, or 67409  
exempted village school districts in the state according to the 67410  
most recent data available to the director from the department of 67411  
taxation. 67412

The director of development shall adopt rules in accordance 67413  
with Chapter 119. of the Revised Code establishing conditions 67414  
constituting the characteristics described in divisions (A)(1)(d), 67415  
(g), and (h) of this section. 67416

If an area could not be certified as an enterprise zone 67417  
unless it satisfied division (A)(1)(g) of this section, the 67418  
legislative authority may enter into agreements in that zone under 67419  
section 5709.62, 5709.63, or 5709.632 of the Revised Code only if 67420  
such agreements result in the development of the facilities 67421  
described in that division, the parcel of land on which such 67422  
facilities are situated, or adjacent parcels. The director of 67423  
development annually shall review all agreements in such zones to 67424  
determine whether the agreements have resulted in such 67425  
development; if the director determines that the agreements have 67426  
not resulted in such development, the director immediately shall 67427  
revoke certification of the zone and notify the legislative 67428  
authority of such revocation. Any agreements entered into prior to 67429  
revocation under this paragraph shall continue in effect for the 67430  
period provided in the agreement. 67431

(2) An area with a single continuous boundary designated in 67432  
the manner set forth in section 5709.63 of the Revised Code and 67433  
certified by the director of development as: 67434

(a) Being located within a county that contains a population 67435

of three hundred thousand or less; 67436

(b) Having a population of at least one thousand according to 67437  
the best and most recent data available to the director; 67438

(c) Having at least two of the characteristics described in 67439  
divisions (A)(1)(b) to (h) of this section. 67440

(3) An area with a single continuous boundary designated in 67441  
the manner set forth under division (A)(1) of section 5709.632 of 67442  
the Revised Code and certified by the director of development as 67443  
having a population of at least four thousand, or under division 67444  
(A)(2) of that section and certified as having a population of at 67445  
least one thousand, according to the best and most recent data 67446  
available to the director. 67447

(B) "Enterprise" means any form of business organization 67448  
including, but not limited to, any partnership, sole 67449  
proprietorship, or corporation, including an S corporation as 67450  
defined in section 1361 of the Internal Revenue Code and any 67451  
corporation that is majority work-owned either directly through 67452  
the ownership of stock or indirectly through participation in an 67453  
employee stock ownership plan. 67454

(C) "Facility" means an enterprise's place of business in a 67455  
zone, including land, buildings, machinery, equipment, and other 67456  
materials, except inventory, used in business. "Facility" includes 67457  
land, buildings, machinery, production and station equipment, 67458  
other equipment, and other materials, except inventory, used in 67459  
business to generate electricity, provided that, for purposes of 67460  
sections 5709.61 to 5709.69 of the Revised Code, the value of the 67461  
property at such a facility shall be reduced by the value, if any, 67462  
that is not apportioned under section 5727.15 of the Revised Code 67463  
to the taxing district in which the facility is physically 67464  
located. In the case of such a facility that is physically located 67465  
in two adjacent taxing districts, the property located in each 67466

taxing district constitutes a separate facility. 67467

"Facility" does not include any portion of an enterprise's 67468  
place of business used primarily for making retail sales, unless 67469  
the place of business is located in an impacted city as defined in 67470  
section 1728.01 of the Revised Code. 67471

(D) "Vacant facility" means a facility that has been vacant 67472  
for at least ninety days immediately preceding the date on which 67473  
an agreement is entered into under section 5709.62 or 5709.63 of 67474  
the Revised Code. 67475

(E) "Expand" means to make expenditures to add land, 67476  
buildings, machinery, equipment, or other materials, except 67477  
inventory, to a facility that equal at least ten per cent of the 67478  
market value of the facility prior to such expenditures, as 67479  
determined for the purposes of local property taxation. 67480

(F) "Renovate" means to make expenditures to alter or repair 67481  
a facility that equal at least fifty per cent of the market value 67482  
of the facility prior to such expenditures, as determined for the 67483  
purposes of local property taxation. 67484

(G) "Occupy" means to make expenditures to alter or repair a 67485  
vacant facility equal to at least twenty per cent of the market 67486  
value of the facility prior to such expenditures, as determined 67487  
for the purposes of local property taxation. 67488

(H) "Project site" means all or any part of a facility that 67489  
is newly constructed, expanded, renovated, or occupied by an 67490  
enterprise. 67491

(I) "Project" means any undertaking by an enterprise to 67492  
establish a facility or to improve a project site by expansion, 67493  
renovation, or occupancy. 67494

(J) "Position" means the position of one full-time employee 67495  
performing a particular set of tasks and duties. 67496

(K) "Full-time employee" means an individual who is employed 67497  
for consideration by an enterprise for at least thirty-five hours 67498  
a week, or who renders any other standard of service generally 67499  
accepted by custom or specified by contract as full-time 67500  
employment. 67501

(L) "New employee" means a full-time employee first employed 67502  
by an enterprise at a facility that is a project site after the 67503  
enterprise enters an agreement under section 5709.62 or 5709.63 of 67504  
the Revised Code. "New employee" does not include an employee if, 67505  
immediately prior to being employed by the enterprise, the 67506  
employee was employed by an enterprise that is a related member or 67507  
predecessor enterprise of that enterprise. 67508

(M) "Unemployed person" means any person who is totally 67509  
unemployed in this state, as that term is defined in division (M) 67510  
of section 4141.01 of the Revised Code, for at least ten 67511  
consecutive weeks immediately preceding that person's employment 67512  
at a facility that is a project site, or who is so unemployed for 67513  
at least twenty-six of the fifty-two weeks immediately preceding 67514  
that person's employment at such a facility. 67515

(N) "JTPA eligible employee" means any individual who is 67516  
eligible for employment or training under the "Job Training 67517  
Partnership Act," 96 Stat. 1324 (1982), 29 U.S.C. 1501, as 67518  
amended. 67519

(O) "First used in business" means that the property referred 67520  
to has not been used in business in this state by the enterprise 67521  
that owns it, or by an enterprise that is a related member or 67522  
predecessor enterprise of such an enterprise, other than as 67523  
inventory, prior to being used in business at a facility as the 67524  
result of a project. 67525

(P) "Training program" means any noncredit training program 67526  
or course of study that is offered by any state college or 67527

university; university branch district; community college; 67528  
technical college; nonprofit college or university certified under 67529  
section 1713.02 of the Revised Code; school district; joint 67530  
vocational school district; school registered and authorized to 67531  
offer programs under section 3332.05 of the Revised Code; an 67532  
entity administering any federal, state, or local adult education 67533  
and training program; or any enterprise; and that meets all of the 67534  
following requirements: 67535

(1) It is approved by the director of development; 67536

(2) It is established or operated to satisfy the need of a 67537  
particular industry or enterprise for skilled or semi-skilled 67538  
employees; 67539

(3) An individual is required to complete the course or 67540  
program before filling a position at a project site. 67541

(Q) "Development" means to engage in the process of clearing 67542  
and grading land, making, installing, or constructing water 67543  
distribution systems, sewers, sewage collection systems, steam, 67544  
gas, and electric lines, roads, curbs, gutters, sidewalks, storm 67545  
drainage facilities, and construction of other facilities or 67546  
buildings equal to at least fifty per cent of the market value of 67547  
the facility prior to the expenditures, as determined for the 67548  
purposes of local property taxation. 67549

(R) "Large manufacturing facility" means a single Ohio 67550  
facility that employed an average of at least one thousand 67551  
individuals during the five calendar years preceding an agreement 67552  
authorized under division (C)(3) of section 5709.62 or division 67553  
(B)(2) of section 5709.63 of the Revised Code. For purposes of 67554  
this division, both of the following apply: 67555

(1) A single Ohio manufacturing facility employed an average 67556  
of at least one thousand individuals during the five calendar 67557  
years preceding entering into such an agreement if one-fifth of 67558

the sum of the number of employees employed on the highest 67559  
employment day during each of the five calendar years equals or 67560  
exceeds one thousand. 67561

(2) The highest employment day is the day or days during a 67562  
calendar year on which the number of employees employed at a 67563  
single Ohio manufacturing facility was greater than on any other 67564  
day during the calendar year. 67565

(S) "Business cycle" means the cycle of business activity 67566  
usually regarded as passing through alternating stages of 67567  
prosperity and depression. 67568

(T) "Making retail sales" means the effecting of 67569  
point-of-final-purchase transactions at a facility open to the 67570  
consuming public, wherein one party is obligated to pay the price 67571  
and the other party is obligated to provide a service or to 67572  
transfer title to or possession of the item sold. 67573

(U) "Environmentally contaminated" means that hazardous 67574  
substances exist at a facility under conditions that have caused 67575  
or would cause the facility to be identified as contaminated by 67576  
the state or federal environmental protection agency. These may 67577  
include facilities located at sites identified in the master sites 67578  
list or similar database maintained by the state environmental 67579  
protection agency if the sites have been investigated by the 67580  
agency and found to be contaminated. 67581

(V) "Remediate" means to make expenditures to clean up an 67582  
environmentally contaminated facility so that it is no longer 67583  
environmentally contaminated that equal at least ten per cent of 67584  
the real property market value of the facility prior to such 67585  
expenditures as determined for the purposes of property taxation. 67586

(W) "Related member" has the same meaning as defined in 67587  
section 5733.042 of the Revised Code without regard to division 67588  
(B) of that section, except that it is used with respect to an 67589

enterprise rather than a taxpayer. 67590

(X) "Predecessor enterprise" means an enterprise from which 67591  
the assets or equity of another enterprise has been transferred, 67592  
which transfer resulted in the full or partial nonrecognition of 67593  
gain or loss, or resulted in a carryover basis, both as determined 67594  
by rule adopted by the tax commissioner. 67595

(Y) "Successor enterprise" means an enterprise to which the 67596  
assets or equity of another enterprise has been transferred, which 67597  
transfer resulted in the full or partial nonrecognition of gain or 67598  
loss, or resulted in a carryover basis, both as determined by rule 67599  
adopted by the tax commissioner. 67600

**Sec. 5709.62.** (A) In any municipal corporation that is 67601  
defined by the United States office of management and budget as a 67602  
central city of a metropolitan statistical area, or in a city 67603  
designated as an urban cluster in a rural statistical area, the 67604  
legislative authority of the municipal corporation may designate 67605  
one or more areas within its municipal corporation as proposed 67606  
enterprise zones. Upon designating an area, the legislative 67607  
authority shall petition the director of development for 67608  
certification of the area as having the characteristics set forth 67609  
in division (A)(1) of section 5709.61 of the Revised Code as 67610  
amended by Substitute Senate Bill No. 19 of the 120th general 67611  
assembly. Except as otherwise provided in division (E) of this 67612  
section, on and after July 1, 1994, legislative authorities shall 67613  
not enter into agreements under this section unless the 67614  
legislative authority has petitioned the director and the director 67615  
has certified the zone under this section as amended by that act; 67616  
however, all agreements entered into under this section as it 67617  
existed prior to July 1, 1994, and the incentives granted under 67618  
those agreements shall remain in effect for the period agreed to 67619  
under those agreements. Within sixty days after receiving such a 67620

petition, the director shall determine whether the area has the 67621  
characteristics set forth in division (A)(1) of section 5709.61 of 67622  
the Revised Code, and shall forward the findings to the 67623  
legislative authority of the municipal corporation. If the 67624  
director certifies the area as having those characteristics, and 67625  
thereby certifies it as a zone, the legislative authority may 67626  
enter into an agreement with an enterprise under division (C) of 67627  
this section. 67628

(B) Any enterprise that wishes to enter into an agreement 67629  
with a municipal corporation under division (C) of this section 67630  
shall submit a proposal to the legislative authority of the 67631  
municipal corporation on a form prescribed by the director of 67632  
development, together with the application fee established under 67633  
section 5709.68 of the Revised Code. The form shall require the 67634  
following information: 67635

(1) An estimate of the number of new employees whom the 67636  
enterprise intends to hire, or of the number of employees whom the 67637  
enterprise intends to retain, within the zone at a facility that 67638  
is a project site, and an estimate of the amount of payroll of the 67639  
enterprise attributable to these employees; 67640

(2) An estimate of the amount to be invested by the 67641  
enterprise to establish, expand, renovate, or occupy a facility, 67642  
including investment in new buildings, additions or improvements 67643  
to existing buildings, machinery, equipment, furniture, fixtures, 67644  
and inventory; 67645

(3) A listing of the enterprise's current investment, if any, 67646  
in a facility as of the date of the proposal's submission. 67647

The enterprise shall review and update the listings required 67648  
under this division to reflect material changes, and any agreement 67649  
entered into under division (C) of this section shall set forth 67650  
final estimates and listings as of the time the agreement is 67651

entered into. The legislative authority may, on a separate form 67652  
and at any time, require any additional information necessary to 67653  
determine whether an enterprise is in compliance with an agreement 67654  
and to collect the information required to be reported under 67655  
section 5709.68 of the Revised Code. 67656

(C) Upon receipt and investigation of a proposal under 67657  
division (B) of this section, if the legislative authority finds 67658  
that the enterprise submitting the proposal is qualified by 67659  
financial responsibility and business experience to create and 67660  
preserve employment opportunities in the zone and improve the 67661  
economic climate of the municipal corporation, the legislative 67662  
authority, on or before ~~June 30, 2004~~ October 15, 2009, may do one 67663  
of the following: 67664

(1) Enter into an agreement with the enterprise under which 67665  
the enterprise agrees to establish, expand, renovate, or occupy a 67666  
facility and hire new employees, or preserve employment 67667  
opportunities for existing employees, in return for one or more of 67668  
the following incentives: 67669

(a) Exemption for a specified number of years, not to exceed 67670  
ten, of a specified portion, up to seventy-five per cent, of the 67671  
assessed value of tangible personal property first used in 67672  
business at the project site as a result of the agreement. An 67673  
exemption granted pursuant to this division applies to inventory 67674  
required to be listed pursuant to sections 5711.15 and 5711.16 of 67675  
the Revised Code, except that, in the instance of an expansion or 67676  
other situations in which an enterprise was in business at the 67677  
facility prior to the establishment of the zone, the inventory 67678  
that is exempt is that amount or value of inventory in excess of 67679  
the amount or value of inventory required to be listed in the 67680  
personal property tax return of the enterprise in the return for 67681  
the tax year in which the agreement is entered into. 67682

(b) Exemption for a specified number of years, not to exceed 67683

ten, of a specified portion, up to seventy-five per cent, of the 67684  
increase in the assessed valuation of real property constituting 67685  
the project site subsequent to formal approval of the agreement by 67686  
the legislative authority; 67687

(c) Provision for a specified number of years, not to exceed 67688  
ten, of any optional services or assistance that the municipal 67689  
corporation is authorized to provide with regard to the project 67690  
site. 67691

(2) Enter into an agreement under which the enterprise agrees 67692  
to remediate an environmentally contaminated facility, to spend an 67693  
amount equal to at least two hundred fifty per cent of the true 67694  
value in money of the real property of the facility prior to 67695  
remediation as determined for the purposes of property taxation to 67696  
establish, expand, renovate, or occupy the remediated facility, 67697  
and to hire new employees or preserve employment opportunities for 67698  
existing employees at the remediated facility, in return for one 67699  
or more of the following incentives: 67700

(a) Exemption for a specified number of years, not to exceed 67701  
ten, of a specified portion, not to exceed fifty per cent, of the 67702  
assessed valuation of the real property of the facility prior to 67703  
remediation; 67704

(b) Exemption for a specified number of years, not to exceed 67705  
ten, of a specified portion, not to exceed one hundred per cent, 67706  
of the increase in the assessed valuation of the real property of 67707  
the facility during or after remediation; 67708

(c) The incentive under division (C)(1)(a) of this section, 67709  
except that the percentage of the assessed value of such property 67710  
exempted from taxation shall not exceed one hundred per cent; 67711

(d) The incentive under division (C)(1)(c) of this section. 67712

(3) Enter into an agreement with an enterprise that plans to 67713  
purchase and operate a large manufacturing facility that has 67714

ceased operation or announced its intention to cease operation, in 67715  
return for exemption for a specified number of years, not to 67716  
exceed ten, of a specified portion, up to one hundred per cent, of 67717  
the assessed value of tangible personal property used in business 67718  
at the project site as a result of the agreement, or of the 67719  
assessed valuation of real property constituting the project site, 67720  
or both. 67721

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 67722  
section, the portion of the assessed value of tangible personal 67723  
property or of the increase in the assessed valuation of real 67724  
property exempted from taxation under those divisions may exceed 67725  
seventy-five per cent in any year for which that portion is 67726  
exempted if the average percentage exempted for all years in which 67727  
the agreement is in effect does not exceed sixty per cent, or if 67728  
the board of education of the city, local, or exempted village 67729  
school district within the territory of which the property is or 67730  
will be located approves a percentage in excess of seventy-five 67731  
per cent. For the purpose of obtaining such approval, the 67732  
legislative authority shall deliver to the board of education a 67733  
notice not later than forty-five days prior to approving the 67734  
agreement, excluding Saturdays, Sundays, and legal holidays as 67735  
defined in section 1.14 of the Revised Code. The notice shall 67736  
state the percentage to be exempted, an estimate of the true value 67737  
of the property to be exempted, and the number of years the 67738  
property is to be exempted. The board of education, by resolution 67739  
adopted by a majority of the board, shall approve or disapprove 67740  
the agreement and certify a copy of the resolution to the 67741  
legislative authority not later than fourteen days prior to the 67742  
date stipulated by the legislative authority as the date upon 67743  
which approval of the agreement is to be formally considered by 67744  
the legislative authority. The board of education may include in 67745  
the resolution conditions under which the board would approve the 67746  
agreement, including the execution of an agreement to compensate 67747

the school district under division (B) of section 5709.82 of the Revised Code. The legislative authority may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's approval of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such approval as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(2) The legislative authority shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(E) This division applies to zones certified by the director of development under this section prior to July 22, 1994.

On or before ~~June 30, 2004~~ October 15, 2009, the legislative authority that designated a zone to which this division applies may enter into an agreement with an enterprise if the legislative authority makes the finding required under that division and

determines that the enterprise satisfies one of the criteria 67780  
described in divisions (E)(1) to (5) of this section: 67781

(1) The enterprise currently has no operations in this state 67782  
and, subject to approval of the agreement, intends to establish 67783  
operations in the zone; 67784

(2) The enterprise currently has operations in this state 67785  
and, subject to approval of the agreement, intends to establish 67786  
operations at a new location in the zone that would not result in 67787  
a reduction in the number of employee positions at any of the 67788  
enterprise's other locations in this state; 67789

(3) The enterprise, subject to approval of the agreement, 67790  
intends to relocate operations, currently located in another 67791  
state, to the zone; 67792

(4) The enterprise, subject to approval of the agreement, 67793  
intends to expand operations at an existing site in the zone that 67794  
the enterprise currently operates; 67795

(5) The enterprise, subject to approval of the agreement, 67796  
intends to relocate operations, currently located in this state, 67797  
to the zone, and the director of development has issued a waiver 67798  
for the enterprise under division (B) of section 5709.633 of the 67799  
Revised Code. 67800

The agreement shall require the enterprise to agree to 67801  
establish, expand, renovate, or occupy a facility in the zone and 67802  
hire new employees, or preserve employment opportunities for 67803  
existing employees, in return for one or more of the incentives 67804  
described in division (C) of this section. 67805

(F) All agreements entered into under this section shall be 67806  
in the form prescribed under section 5709.631 of the Revised Code. 67807  
After an agreement is entered into under this division, if the 67808  
legislative authority revokes its designation of a zone, or if the 67809  
director of development revokes the zone's certification, any 67810

entitlements granted under the agreement shall continue for the 67811  
number of years specified in the agreement. 67812

(G) Except as otherwise provided in this division, an 67813  
agreement entered into under this section shall require that the 67814  
enterprise pay an annual fee equal to the greater of one per cent 67815  
of the dollar value of incentives offered under the agreement or 67816  
five hundred dollars; provided, however, that if the value of the 67817  
incentives exceeds two hundred fifty thousand dollars, the fee 67818  
shall not exceed two thousand five hundred dollars. The fee shall 67819  
be payable to the legislative authority once per year for each 67820  
year the agreement is effective on the days and in the form 67821  
specified in the agreement. Fees paid shall be deposited in a 67822  
special fund created for such purpose by the legislative authority 67823  
and shall be used by the legislative authority exclusively for the 67824  
purpose of complying with section 5709.68 of the Revised Code and 67825  
by the tax incentive review council created under section 5709.85 67826  
of the Revised Code exclusively for the purposes of performing the 67827  
duties prescribed under that section. The legislative authority 67828  
may waive or reduce the amount of the fee charged against an 67829  
enterprise, but such a waiver or reduction does not affect the 67830  
obligations of the legislative authority or the tax incentive 67831  
review council to comply with section 5709.68 or 5709.85 of the 67832  
Revised Code. 67833

(H) When an agreement is entered into pursuant to this 67834  
section, the legislative authority authorizing the agreement shall 67835  
forward a copy of the agreement to the director of development and 67836  
to the tax commissioner within fifteen days after the agreement is 67837  
entered into. If any agreement includes terms not provided for in 67838  
section 5709.631 of the Revised Code affecting the revenue of a 67839  
city, local, or exempted village school district or causing 67840  
revenue to be foregone by the district, including any compensation 67841  
to be paid to the school district pursuant to section 5709.82 of 67842

the Revised Code, those terms also shall be forwarded in writing 67843  
to the director of development along with the copy of the 67844  
agreement forwarded under this division. 67845

(I) After an agreement is entered into, the enterprise shall 67846  
file with each personal property tax return required to be filed, 67847  
or annual report required to be filed under section 5727.08 of the 67848  
Revised Code, while the agreement is in effect, an informational 67849  
return, on a form prescribed by the tax commissioner for that 67850  
purpose, setting forth separately the property, and related costs 67851  
and values, exempted from taxation under the agreement. 67852

(J) Enterprises may agree to give preference to residents of 67853  
the zone within which the agreement applies relative to residents 67854  
of this state who do not reside in the zone when hiring new 67855  
employees under the agreement. 67856

(K) An agreement entered into under this section may include 67857  
a provision requiring the enterprise to create one or more 67858  
temporary internship positions for students enrolled in a course 67859  
of study at a school or other educational institution in the 67860  
vicinity, and to create a scholarship or provide another form of 67861  
educational financial assistance for students holding such a 67862  
position in exchange for the student's commitment to work for the 67863  
enterprise at the completion of the internship. 67864

**Sec. 5709.63.** (A) With the consent of the legislative 67865  
authority of each affected municipal corporation or of a board of 67866  
township trustees, a board of county commissioners may, in the 67867  
manner set forth in section 5709.62 of the Revised Code, designate 67868  
one or more areas in one or more municipal corporations or in 67869  
unincorporated areas of the county as proposed enterprise zones. A 67870  
board of county commissioners may designate no more than one area 67871  
within a township, or within adjacent townships, as a proposed 67872  
enterprise zone. The board shall petition the director of 67873

development for certification of the area as having the 67874  
characteristics set forth in division (A)(1) or (2) of section 67875  
5709.61 of the Revised Code as amended by Substitute Senate Bill 67876  
No. 19 of the 120th general assembly. Except as otherwise provided 67877  
in division (D) of this section, on and after July 1, 1994, boards 67878  
of county commissioners shall not enter into agreements under this 67879  
section unless the board has petitioned the director and the 67880  
director has certified the zone under this section as amended by 67881  
that act; however, all agreements entered into under this section 67882  
as it existed prior to July 1, 1994, and the incentives granted 67883  
under those agreements shall remain in effect for the period 67884  
agreed to under those agreements. The director shall make the 67885  
determination in the manner provided under section 5709.62 of the 67886  
Revised Code. Any enterprise wishing to enter into an agreement 67887  
with the board under division (B) or (D) of this section shall 67888  
submit a proposal to the board on the form and accompanied by the 67889  
application fee prescribed under division (B) of section 5709.62 67890  
of the Revised Code. The enterprise shall review and update the 67891  
estimates and listings required by the form in the manner required 67892  
under that division. The board may, on a separate form and at any 67893  
time, require any additional information necessary to determine 67894  
whether an enterprise is in compliance with an agreement and to 67895  
collect the information required to be reported under section 67896  
5709.68 of the Revised Code. 67897

(B) If the board of county commissioners finds that an 67898  
enterprise submitting a proposal is qualified by financial 67899  
responsibility and business experience to create and preserve 67900  
employment opportunities in the zone and to improve the economic 67901  
climate of the municipal corporation or municipal corporations or 67902  
the unincorporated areas in which the zone is located and to which 67903  
the proposal applies, the board, on or before ~~June 30, 2004~~ 67904  
October 15, 2009, and with the consent of the legislative 67905  
authority of each affected municipal corporation or of the board 67906

of township trustees may do either of the following: 67907

(1) Enter into an agreement with the enterprise under which 67908  
the enterprise agrees to establish, expand, renovate, or occupy a 67909  
facility in the zone and hire new employees, or preserve 67910  
employment opportunities for existing employees, in return for the 67911  
following incentives: 67912

(a) When the facility is located in a municipal corporation, 67913  
the board may enter into an agreement for one or more of the 67914  
incentives provided in division (C) of section 5709.62 of the 67915  
Revised Code, subject to division (D) of that section; 67916

(b) When the facility is located in an unincorporated area, 67917  
the board may enter into an agreement for one or more of the 67918  
following incentives: 67919

(i) Exemption for a specified number of years, not to exceed 67920  
ten, of a specified portion, up to sixty per cent, of the assessed 67921  
value of tangible personal property first used in business at a 67922  
project site as a result of the agreement. An exemption granted 67923  
pursuant to this division applies to inventory required to be 67924  
listed pursuant to sections 5711.15 and 5711.16 of the Revised 67925  
Code, except, in the instance of an expansion or other situations 67926  
in which an enterprise was in business at the facility prior to 67927  
the establishment of the zone, the inventory that is exempt is 67928  
that amount or value of inventory in excess of the amount or value 67929  
of inventory required to be listed in the personal property tax 67930  
return of the enterprise in the return for the tax year in which 67931  
the agreement is entered into. 67932

(ii) Exemption for a specified number of years, not to exceed 67933  
ten, of a specified portion, up to sixty per cent, of the increase 67934  
in the assessed valuation of real property constituting the 67935  
project site subsequent to formal approval of the agreement by the 67936  
board; 67937

(iii) Provision for a specified number of years, not to exceed ten, of any optional services or assistance the board is authorized to provide with regard to the project site; 67938  
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(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code. 67941  
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(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or has announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed ten, of a specified portion, up to one hundred per cent, of tangible personal property used in business at the project site as a result of the agreement, or of real property constituting the project site, or both. 67943  
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(C)(1) Notwithstanding divisions (B)(1)(b)(i) and (ii) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed sixty per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed fifty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of sixty per cent. For the purpose of obtaining such approval, the board of commissioners shall deliver to the board of education a notice not later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number of years the property is to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement 67951  
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and certify a copy of the resolution to the board of commissioners 67970  
not later than fourteen days prior to the date stipulated by the 67971  
board of commissioners as the date upon which approval of the 67972  
agreement is to be formally considered by the board of 67973  
commissioners. The board of education may include in the 67974  
resolution conditions under which the board would approve the 67975  
agreement, including the execution of an agreement to compensate 67976  
the school district under division (B) of section 5709.82 of the 67977  
Revised Code. The board of county commissioners may approve the 67978  
agreement at any time after the board of education certifies its 67979  
resolution approving the agreement to the board of county 67980  
commissioners, or, if the board of education approves the 67981  
agreement conditionally, at any time after the conditions are 67982  
agreed to by the board of education and the board of county 67983  
commissioners. 67984

If a board of education has adopted a resolution waiving its 67985  
right to approve agreements and the resolution remains in effect, 67986  
approval of an agreement by the board of education is not required 67987  
under division (C) of this section. If a board of education has 67988  
adopted a resolution allowing a board of county commissioners to 67989  
deliver the notice required under this division fewer than 67990  
forty-five business days prior to approval of the agreement by the 67991  
board of county commissioners, the board of county commissioners 67992  
shall deliver the notice to the board of education not later than 67993  
the number of days prior to such approval as prescribed by the 67994  
board of education in its resolution. If a board of education 67995  
adopts a resolution waiving its right to approve agreements or 67996  
shortening the notification period, the board of education shall 67997  
certify a copy of the resolution to the board of county 67998  
commissioners. If the board of education rescinds such a 67999  
resolution, it shall certify notice of the rescission to the board 68000  
of county commissioners. 68001

(2) The board of county commissioners shall comply with 68002  
section 5709.83 of the Revised Code unless the board of education 68003  
has adopted a resolution under that section waiving its right to 68004  
receive such notice. 68005

(D) This division applies to zones certified by the director 68006  
of development under this section prior to July 22, 1994. 68007

On or before ~~June 30, 2004~~ October 15, 2009, and with the 68008  
consent of the legislative authority of each affected municipal 68009  
corporation or board of township trustees of each affected 68010  
township, the board of commissioners that designated a zone to 68011  
which this division applies may enter into an agreement with an 68012  
enterprise if the board makes the finding required under that 68013  
division and determines that the enterprise satisfies one of the 68014  
criteria described in divisions (D)(1) to (5) of this section: 68015

(1) The enterprise currently has no operations in this state 68016  
and, subject to approval of the agreement, intends to establish 68017  
operations in the zone; 68018

(2) The enterprise currently has operations in this state 68019  
and, subject to approval of the agreement, intends to establish 68020  
operations at a new location in the zone that would not result in 68021  
a reduction in the number of employee positions at any of the 68022  
enterprise's other locations in this state; 68023

(3) The enterprise, subject to approval of the agreement, 68024  
intends to relocate operations, currently located in another 68025  
state, to the zone; 68026

(4) The enterprise, subject to approval of the agreement, 68027  
intends to expand operations at an existing site in the zone that 68028  
the enterprise currently operates; 68029

(5) The enterprise, subject to approval of the agreement, 68030  
intends to relocate operations, currently located in this state, 68031  
to the zone, and the director of development has issued a waiver 68032

for the enterprise under division (B) of section 5709.633 of the Revised Code. 68033  
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The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (B) of this section. 68035  
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(E) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the board of county commissioners revokes its designation of the zone, or if the director of development revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement. 68040  
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(F) Except as otherwise provided in this paragraph, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the board of commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the board and shall be used by the board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect the obligations of the board or the tax 68047  
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incentive review council to comply with section 5709.68 or 5709.85 68065  
of the Revised Code, respectively. 68066

(G) With the approval of the legislative authority of a 68067  
municipal corporation or the board of township trustees of a 68068  
township in which a zone is designated under division (A) of this 68069  
section, the board of county commissioners may delegate to that 68070  
legislative authority or board any powers and duties of the board 68071  
to negotiate and administer agreements with regard to that zone 68072  
under this section. 68073

(H) When an agreement is entered into pursuant to this 68074  
section, the legislative authority authorizing the agreement shall 68075  
forward a copy of the agreement to the director of development and 68076  
to the tax commissioner within fifteen days after the agreement is 68077  
entered into. If any agreement includes terms not provided for in 68078  
section 5709.631 of the Revised Code affecting the revenue of a 68079  
city, local, or exempted village school district or causing 68080  
revenue to be foregone by the district, including any compensation 68081  
to be paid to the school district pursuant to section 5709.82 of 68082  
the Revised Code, those terms also shall be forwarded in writing 68083  
to the director of development along with the copy of the 68084  
agreement forwarded under this division. 68085

(I) After an agreement is entered into, the enterprise shall 68086  
file with each personal property tax return required to be filed, 68087  
or annual report that is required to be filed under section 68088  
5727.08 of the Revised Code, while the agreement is in effect, an 68089  
informational return, on a form prescribed by the tax commissioner 68090  
for that purpose, setting forth separately the property, and 68091  
related costs and values, exempted from taxation under the 68092  
agreement. 68093

(J) Enterprises may agree to give preference to residents of 68094  
the zone within which the agreement applies relative to residents 68095  
of this state who do not reside in the zone when hiring new 68096

employees under the agreement. 68097

(K) An agreement entered into under this section may include 68098  
a provision requiring the enterprise to create one or more 68099  
temporary internship positions for students enrolled in a course 68100  
of study at a school or other educational institution in the 68101  
vicinity, and to create a scholarship or provide another form of 68102  
educational financial assistance for students holding such a 68103  
position in exchange for the student's commitment to work for the 68104  
enterprise at the completion of the internship. 68105

**Sec. 5709.632.** (A)(1) The legislative authority of a 68106  
municipal corporation defined by the United States office of 68107  
management and budget as a central city of a metropolitan 68108  
statistical area or designated as an urban cluster in a rural 68109  
statistical area may, in the manner set forth in section 5709.62 68110  
of the Revised Code, designate one or more areas in the municipal 68111  
corporation as a proposed enterprise zone. 68112

(2) With the consent of the legislative authority of each 68113  
affected municipal corporation or of a board of township trustees, 68114  
a board of county commissioners may, in the manner set forth in 68115  
section 5709.62 of the Revised Code, designate one or more areas 68116  
in one or more municipal corporations or in unincorporated areas 68117  
of the county as proposed urban jobs and enterprise zones, except 68118  
that a board of county commissioners may designate no more than 68119  
one area within a township, or within adjacent townships, as a 68120  
proposed urban jobs and enterprise zone. 68121

(3)(a) The legislative authority or board of county 68122  
commissioners may petition the director of development for 68123  
certification of the area as having the characteristics set forth 68124  
in division (A)(3) of section 5709.61 of the Revised Code. Within 68125  
sixty days after receiving such a petition, the director shall 68126  
determine whether the area has the characteristics set forth in 68127

that division and forward the findings to the legislative 68128  
authority or board of county commissioners. If the director 68129  
certifies the area as having those characteristics and thereby 68130  
certifies it as a zone, the legislative authority or board may 68131  
enter into agreements with enterprises under division (B) of this 68132  
section. Any enterprise wishing to enter into an agreement with a 68133  
legislative authority or board of commissioners under this section 68134  
and satisfying one of the criteria described in divisions (B)(1) 68135  
to (5) of this section shall submit a proposal to the legislative 68136  
authority or board on the form prescribed under division (B) of 68137  
section 5709.62 of the Revised Code and shall review and update 68138  
the estimates and listings required by the form in the manner 68139  
required under that division. The legislative authority or board 68140  
may, on a separate form and at any time, require any additional 68141  
information necessary to determine whether an enterprise is in 68142  
compliance with an agreement and to collect the information 68143  
required to be reported under section 5709.68 of the Revised Code. 68144

(b) The legislative authority of a city designated as an 68145  
urban cluster in a rural statistical area that has, pursuant to 68146  
this section, as amended by H.B. 95 of the 125th general assembly, 68147  
designated one or more areas in the city as a proposed enterprise 68148  
zone, shall not enter into an agreement under this section unless 68149  
it has petitioned the director and the director has certified the 68150  
proposed enterprise zone under division (A)(3)(a) of this section. 68151

(B) Prior to entering into an agreement with an enterprise, 68152  
the legislative authority or board of county commissioners shall 68153  
determine whether the enterprise submitting the proposal is 68154  
qualified by financial responsibility and business experience to 68155  
create and preserve employment opportunities in the zone and to 68156  
improve the economic climate of the municipal corporation or 68157  
municipal corporations or the unincorporated areas in which the 68158  
zone is located and to which the proposal applies, and whether the 68159

enterprise satisfies one of the following criteria: 68160

(1) The enterprise currently has no operations in this state 68161  
and, subject to approval of the agreement, intends to establish 68162  
operations in the zone; 68163

(2) The enterprise currently has operations in this state 68164  
and, subject to approval of the agreement, intends to establish 68165  
operations at a new location in the zone that would not result in 68166  
a reduction in the number of employee positions at any of the 68167  
enterprise's other locations in this state; 68168

(3) The enterprise, subject to approval of the agreement, 68169  
intends to relocate operations, currently located in another 68170  
state, to the zone; 68171

(4) The enterprise, subject to approval of the agreement, 68172  
intends to expand operations at an existing site in the zone that 68173  
the enterprise currently operates; 68174

(5) The enterprise, subject to approval of the agreement, 68175  
intends to relocate operations, currently located in this state, 68176  
to the zone, and the director of development has issued a waiver 68177  
for the enterprise under division (B) of section 5709.633 of the 68178  
Revised Code. 68179

(C) If the legislative authority or board determines that the 68180  
enterprise is so qualified and satisfies one of the criteria 68181  
described in divisions (B)(1) to (5) of this section, the 68182  
legislative authority or board may, after complying with section 68183  
5709.83 of the Revised Code and on or before ~~June 30, 2004~~ October  
15, 2009, and, in the case of a board of commissioners, with the 68184  
consent of the legislative authority of each affected municipal 68185  
corporation or of the board of township trustees, enter into an 68186  
agreement with the enterprise under which the enterprise agrees to 68187  
establish, expand, renovate, or occupy a facility in the zone and 68188  
hire new employees, or preserve employment opportunities for 68189  
68190

existing employees, in return for the following incentives: 68191

(1) When the facility is located in a municipal corporation, 68192  
a legislative authority or board of commissioners may enter into 68193  
an agreement for one or more of the incentives provided in 68194  
division (C) of section 5709.62 of the Revised Code, subject to 68195  
division (D) of that section; 68196

(2) When the facility is located in an unincorporated area, a 68197  
board of commissioners may enter into an agreement for one or more 68198  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 68199  
(B)(3) of section 5709.63 of the Revised Code, subject to division 68200  
(C) of that section. 68201

(D) All agreements entered into under this section shall be 68202  
in the form prescribed under section 5709.631 of the Revised Code. 68203  
After an agreement under this section is entered into, if the 68204  
legislative authority or board of county commissioners revokes its 68205  
designation of the zone, or if the director of development revokes 68206  
the zone's certification, any entitlements granted under the 68207  
agreement shall continue for the number of years specified in the 68208  
agreement. 68209

(E) Except as otherwise provided in this division, an 68210  
agreement entered into under this section shall require that the 68211  
enterprise pay an annual fee equal to the greater of one per cent 68212  
of the dollar value of incentives offered under the agreement or 68213  
five hundred dollars; provided, however, that if the value of the 68214  
incentives exceeds two hundred fifty thousand dollars, the fee 68215  
shall not exceed two thousand five hundred dollars. The fee shall 68216  
be payable to the legislative authority or board of commissioners 68217  
once per year for each year the agreement is effective on the days 68218  
and in the form specified in the agreement. Fees paid shall be 68219  
deposited in a special fund created for such purpose by the 68220  
legislative authority or board and shall be used by the 68221  
legislative authority or board exclusively for the purpose of 68222

complying with section 5709.68 of the Revised Code and by the tax 68223  
incentive review council created under section 5709.85 of the 68224  
Revised Code exclusively for the purposes of performing the duties 68225  
prescribed under that section. The legislative authority or board 68226  
may waive or reduce the amount of the fee charged against an 68227  
enterprise, but such waiver or reduction does not affect the 68228  
obligations of the legislative authority or board or the tax 68229  
incentive review council to comply with section 5709.68 or 5709.85 68230  
of the Revised Code, respectively. 68231

(F) With the approval of the legislative authority of a 68232  
municipal corporation or the board of township trustees of a 68233  
township in which a zone is designated under division (A)(2) of 68234  
this section, the board of county commissioners may delegate to 68235  
that legislative authority or board any powers and duties of the 68236  
board to negotiate and administer agreements with regard to that 68237  
zone under this section. 68238

(G) When an agreement is entered into pursuant to this 68239  
section, the legislative authority or board of commissioners 68240  
authorizing the agreement shall forward a copy of the agreement to 68241  
the director of development and to the tax commissioner within 68242  
fifteen days after the agreement is entered into. If any agreement 68243  
includes terms not provided for in section 5709.631 of the Revised 68244  
Code affecting the revenue of a city, local, or exempted village 68245  
school district or causing revenue to be foregone by the district, 68246  
including any compensation to be paid to the school district 68247  
pursuant to section 5709.82 of the Revised Code, those terms also 68248  
shall be forwarded in writing to the director of development along 68249  
with the copy of the agreement forwarded under this division. 68250

(H) After an agreement is entered into, the enterprise shall 68251  
file with each personal property tax return required to be filed 68252  
while the agreement is in effect, an informational return, on a 68253  
form prescribed by the tax commissioner for that purpose, setting 68254

forth separately the property, and related costs and values, 68255  
exempted from taxation under the agreement. 68256

(I) An agreement entered into under this section may include 68257  
a provision requiring the enterprise to create one or more 68258  
temporary internship positions for students enrolled in a course 68259  
of study at a school or other educational institution in the 68260  
vicinity, and to create a scholarship or provide another form of 68261  
educational financial assistance for students holding such a 68262  
position in exchange for the student's commitment to work for the 68263  
enterprise at the completion of the internship. 68264

**Sec. 5709.64.** (A) If an enterprise has been granted an 68265  
incentive for the current calendar year under an agreement entered 68266  
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised 68267  
Code, it may apply, on or before the thirtieth day of April of 68268  
that year, to the director of development, on a form prescribed by 68269  
the director, for a tax incentive qualification certificate. The 68270  
enterprise qualifies for an initial certificate if, on or before 68271  
the last day of the calendar year immediately preceding that in 68272  
which application is made, it satisfies all of the following 68273  
requirements: 68274

(1) The enterprise has established, expanded, renovated, or 68275  
occupied a facility pursuant to the agreement under section 68276  
5709.62, 5709.63, or 5709.632 of the Revised Code. 68277

(2) The enterprise has hired new employees to fill nonretail 68278  
positions at the facility, at least twenty-five per cent of whom 68279  
at the time they were employed were at least one of the following: 68280

(a) Unemployed persons who had resided at least six months in 68281  
the county in which the enterprise's project site is located; 68282

(b) JPTA eligible employees who had resided at least six 68283  
months in the county in which the enterprise's project site is 68284

located; 68285

(c) Participants of the Ohio works first program under 68286  
Chapter 5107. of the Revised Code or the prevention, retention, 68287  
and contingency program under Chapter 5108. of the Revised Code or 68288  
recipients of general assistance under former Chapter 5113. of the 68289  
Revised Code, ~~disability~~ financial assistance under Chapter 5115. 68290  
of the Revised Code, or unemployment compensation benefits who had 68291  
resided at least six months in the county in which the 68292  
enterprise's project site is located; 68293

(d) Handicapped persons, as defined under division (A) of 68294  
section 3304.11 of the Revised Code, who had resided at least six 68295  
months in the county in which the enterprise's project site is 68296  
located; 68297

(e) Residents for at least one year of a zone located in the 68298  
county in which the enterprise's project site is located. 68299

The director of development shall, by rule, establish 68300  
criteria for determining what constitutes a nonretail position at 68301  
a facility. 68302

(3) The average number of positions attributable to the 68303  
enterprise in the municipal corporation during the calendar year 68304  
immediately preceding the calendar year in which application is 68305  
made exceeds the maximum number of positions attributable to the 68306  
enterprise in the municipal corporation during the calendar year 68307  
immediately preceding the first year the enterprise satisfies the 68308  
requirements set forth in divisions (A)(1) and (2) of this 68309  
section. If the enterprise is engaged in a business which, because 68310  
of its seasonal nature, customarily enables the enterprise to 68311  
operate at full capacity only during regularly recurring periods 68312  
of the year, the average number of positions attributable to the 68313  
enterprise in the municipal corporation during each period of the 68314  
calendar year immediately preceding the calendar year in which 68315

application is made must exceed only the maximum number of 68316  
positions attributable to the enterprise in each corresponding 68317  
period of the calendar year immediately preceding the first year 68318  
the enterprise satisfies the requirements of divisions (A)(1) and 68319  
(2) of this section. The director of development shall, by rule, 68320  
prescribe methods for determining whether an enterprise is engaged 68321  
in a seasonal business and for determining the length of the 68322  
corresponding periods to be compared. 68323

(4) The enterprise has not closed or reduced employment at 68324  
any place of business in the state for the primary purpose of 68325  
establishing, expanding, renovating, or occupying a facility. The 68326  
legislative authority of any municipal corporation or the board of 68327  
county commissioners of any county that concludes that an 68328  
enterprise has closed or reduced employment at a place of business 68329  
in that municipal corporation or county for the primary purpose of 68330  
establishing, expanding, renovating, or occupying a facility in a 68331  
zone may appeal to the director to determine whether the 68332  
enterprise has done so. Upon receiving such an appeal, the 68333  
director shall investigate the allegations and make such a 68334  
determination before issuing an initial or renewal tax incentive 68335  
qualification certificate under this section. 68336

Within sixty days after receiving an application under this 68337  
division, the director shall review, investigate, and verify the 68338  
application and determine whether the enterprise qualifies for a 68339  
certificate. The application shall include an affidavit executed 68340  
by the applicant verifying that the enterprise satisfies the 68341  
requirements of division (A)(2) of this section, and shall contain 68342  
such information and documents as the director requires, by rule, 68343  
to ascertain whether the enterprise qualifies for a certificate. 68344  
If the director finds the enterprise qualified, the director shall 68345  
issue a tax incentive qualification certificate, which shall bear 68346  
as its date of issuance the thirtieth day of June of the year of 68347

application, and shall state that the applicant is entitled to 68348  
receive, for the taxable year that includes the certificate's date 68349  
of issuance, the tax incentives provided under section 5709.65 of 68350  
the Revised Code with regard to the facility to which the 68351  
certificate applies. If an enterprise is issued an initial 68352  
certificate, it may apply, on or before the thirtieth day of April 68353  
of each succeeding calendar year for which it has been granted an 68354  
incentive under an agreement entered pursuant to section 5709.62, 68355  
5709.63, or 5709.632 of the Revised Code, for a renewal 68356  
certificate. Subsequent to its initial certification, the 68357  
enterprise qualifies for up to three successive renewal 68358  
certificates if, on or before the last day of the calendar year 68359  
immediately preceding that in which the application is made, it 68360  
satisfies all the requirements of divisions (A)(1) to (4) of this 68361  
section, and neither the zone's designation nor the zone's 68362  
certification has been revoked prior to the fifteenth day of June 68363  
of the year in which the application is made. The application 68364  
shall include an affidavit executed by the applicant verifying 68365  
that the enterprise satisfies the requirements of division (A)(2) 68366  
of this section. An enterprise with ten or more supervisory 68367  
personnel at the facility to which a certificate applies qualifies 68368  
for any subsequent renewal certificates only if it meets all of 68369  
the foregoing requirements and, in addition, at least ten per cent 68370  
of those supervisory personnel are employees who, when first hired 68371  
by the enterprise, satisfied at least one of the criteria 68372  
specified in divisions (A)(2)(a) to (e) of this section. If the 68373  
enterprise qualifies, a renewal certificate shall be issued 68374  
bearing as its date of issuance the thirtieth day of June of the 68375  
year of application. The director shall send copies of the initial 68376  
certificate, and each renewal certificate, by certified mail, to 68377  
the enterprise, the tax commissioner, the board of county 68378  
commissioners, and the chief executive of the municipal 68379  
corporation in which the facility to which the certificate applies 68380

is located. 68381

(B) If the director determines that an enterprise is not 68382  
qualified for an initial or renewal tax incentive qualification 68383  
certificate, the director shall send notice of this determination, 68384  
specifying the reasons for it, by certified mail, to the 68385  
applicant, the tax commissioner, the board of county 68386  
commissioners, and the chief executive of the municipal 68387  
corporation in which the facility to which the certificate would 68388  
have applied is located. Within thirty days after receiving such a 68389  
notice, an enterprise may request, in writing, a hearing before 68390  
the director for the purpose of reviewing the application and the 68391  
reasons for the determination. Within sixty days after receiving a 68392  
request for a hearing, the director shall afford one and, within 68393  
thirty days after the hearing, shall issue a redetermination of 68394  
the enterprise's qualification for a certificate. If the 68395  
enterprise is found to be qualified, the director shall proceed in 68396  
the manner provided under division (A) of this section. If the 68397  
enterprise is found to be unqualified, the director shall send 68398  
notice of this finding, by certified mail, to the applicant, the 68399  
tax commissioner, the board of county commissioners, and the chief 68400  
executive of the municipal corporation in which the facility to 68401  
which the certificate would have applied is located. The 68402  
director's redetermination that an enterprise is unqualified may 68403  
be appealed to the board of tax appeals in the manner provided 68404  
under section 5717.02 of the Revised Code. 68405

**Sec. 5711.02.** Except as otherwise provided by section 5711.13 68406  
of the Revised Code, each year, beginning in tax year 2004, each 68407  
taxpayer having taxable personal property with an aggregate 68408  
taxable value in excess of ten thousand dollars shall make a 68409  
return, ~~annually,~~ to the county auditor of each county in which 68410  
any taxable property, ~~which~~ the taxpayer must return, is required 68411  
by this chapter to be listed ~~and~~. The taxpayer shall truly and 68412

correctly list ~~therein~~ on the return all taxable property so 68413  
required to be listed, including property exempt under division 68414  
(C)(3) of section 5709.01 of the Revised Code. Such returns shall 68415  
be made on the blanks prescribed by the tax commissioner, which 68416  
the county auditor shall supply at ~~his~~ the auditor's office along 68417  
with blanks of the kind required for the county supplemental 68418  
return required by section 5711.131 of the Revised Code ~~for the~~ 68419  
~~use of taxpayers~~. The county auditor shall mail or distribute such 68420  
blanks prior to the fifteenth day of February to all persons known 68421  
to ~~him~~ the auditor to be taxpayers and to all persons to whom the 68422  
commissioner may direct blanks of either type to be mailed or 68423  
distributed, ~~and he~~. The county auditor may place listing and 68424  
county supplemental blanks at convenient places in ~~his~~ the county. 68425  
The failure of a taxpayer to receive or procure blanks shall not 68426  
excuse ~~him~~ the taxpayer from making any return or county 68427  
supplemental return. The individual required to make the return 68428  
shall furnish all statements and documents, give all information 68429  
required, answer all questions asked on the required blanks, and 68430  
subscribe to the truth and correctness of all matters contained 68431  
therein. 68432

**Sec. 5711.13.** A Beginning in tax year 2004, each taxpayer 68433  
having taxable property with an aggregate taxable value in excess 68434  
of ten thousand dollars and required to be listed in more than one 68435  
county shall make a combined return to the tax commissioner 68436  
listing all its taxable property in this state, in conformity with 68437  
sections 5711.01 to 5711.36 of the Revised Code, including 68438  
property exempt under division (C)(3) of section 5709.01 of the 68439  
Revised Code, but ~~it~~ the taxpayer shall not assign ~~its~~ property of 68440  
the kinds mentioned in section 5709.02 of the Revised Code to any 68441  
particular taxing district or county. The tax commissioner shall 68442  
assess the personal property of such taxpayer in the several 68443  
taxing districts in which it is required ~~by~~ to be assessed under 68444

sections 5711.01 to 5711.36 of the Revised Code, ~~to be assessed,~~ 68445  
and shall issue assessment certificates therefor to the proper 68446  
county auditors at the time and in the manner required by section 68447  
5711.25 of the Revised Code. All other property of such taxpayer 68448  
required to be so listed shall be entered on the intangible 68449  
property tax list in the office of the treasurer of state, and 68450  
~~taxed shall be subject to taxation~~ under section 5707.03 of the 68451  
Revised Code. The commissioner shall assess all other property of 68452  
each such taxpayer and, on or before the second Monday of August 68453  
annually, shall certify the total value or amount of each kind 68454  
thereof to the treasurer of state, who shall enter the value or 68455  
amount on the intangible property tax list in ~~his~~ the treasurer of 68456  
state's office in the manner provided in sections 5725.01 to 68457  
5725.26 of the Revised Code. Sections 5711.01 to 5711.36 of the 68458  
Revised Code shall apply to and govern such taxpayer, its proper 68459  
officers and representatives, the commissioner, and the county 68460  
auditor as to all proceedings in the assessment of the property of 68461  
such taxpayer. 68462

**Sec. 5711.22.** (A) Deposits not taxed at the source shall be 68463  
listed and assessed at their amount in dollars on the day they are 68464  
required to be listed. Moneys shall be listed and assessed at the 68465  
amount thereof in dollars on hand on the day that they are 68466  
required to be listed. In listing investments, the amount of the 68467  
income yield of each for the calendar year next preceding the date 68468  
of listing shall, except as otherwise provided in this chapter, be 68469  
stated in dollars and cents and the assessment thereof shall be at 68470  
the amount of such income yield; but any property defined as 68471  
investments in either division (A) or (B) of section 5701.06 of 68472  
the Revised Code that has not been outstanding for the full 68473  
calendar year next preceding the date of listing, except shares of 68474  
stock of like kind as other shares of the same corporation 68475  
outstanding for the full calendar year next preceding the date of 68476

listing, or which has yielded no income during such calendar year 68477  
shall be listed and assessed as unproductive investments, at their 68478  
true value in money on the day that such investments are required 68479  
to be listed. 68480

Credits and other taxable intangibles shall be listed and 68481  
assessed at their true value in money on the day as of which the 68482  
same are required to be listed. 68483

Shares of stock of a bank holding company, as defined in 68484  
Title 12 U.S.C.A., section 1841, that are required to be listed 68485  
for taxation under this division and upon which dividends were 68486  
paid during the year of their issuance, which dividends are 68487  
subject to taxation under the provisions of Chapter 5747. of the 68488  
Revised Code, shall be exempt from the intangibles tax for the 68489  
year immediately succeeding their issuance. If such shares bear 68490  
dividends the first calendar year after their issuance, which 68491  
dividends are subject to taxation under the provisions of Chapter 68492  
5747. of the Revised Code, it shall be deemed that the 68493  
nondelinquent intangible property tax pursuant to division (A) of 68494  
section 5707.04 of the Revised Code was paid on those dividends 68495  
paid that first calendar year after the issuance of the shares. 68496

(B)(1) Boilers, machinery, equipment, and personal property 68497  
the true value of which is determined under division (B) of 68498  
section 5711.21 of the Revised Code shall be listed and assessed 68499  
at an amount equal to the sum of the products determined under 68500  
divisions (B)(1)(a), (b), and (c) of this section. 68501

(a) Multiply the portion of the true value determined under 68502  
division (B)(1) of section 5711.21 of the Revised Code by the 68503  
assessment rate in division (F) of this section; 68504

(b) Multiply the portion of the true value determined under 68505  
division (B)(2) of section 5711.21 of the Revised Code by the 68506  
assessment rate in section 5727.111 of the Revised Code that is 68507

applicable to the production equipment of an electric company; 68508

(c) Multiply the portion of the true value determined under 68509  
division (B)(3) of section 5711.21 of the Revised Code by the 68510  
assessment rate in section 5727.111 of the Revised Code that is 68511  
applicable to the property of an electric company that is not 68512  
production equipment. 68513

(2) Personal property leased to a public utility or 68514  
interexchange telecommunications company as defined in section 68515  
5727.01 of the Revised Code and used directly in the rendition of 68516  
a public utility service as defined in division (P) of section 68517  
5739.01 of the Revised Code shall be listed and assessed at the 68518  
same percentage of true value in money that such property is 68519  
required to be assessed by section 5727.111 of the Revised Code if 68520  
owned by the public utility or interexchange telecommunications 68521  
company. 68522

(C)(1) Merchandise or an agricultural product shipped from 68523  
outside this state and held in this state in a warehouse or a 68524  
place of storage without further manufacturing or processing and 68525  
for storage only and for shipment outside this state, but that is 68526  
taxable because it does not qualify as "not used in business in 68527  
this state" under division (B)(1) or (2) of section 5701.08 of the 68528  
Revised Code, shall be listed and assessed at a rate of 68529  
twenty-five one-hundredths of its true value in money until 68530  
reduced in accordance with the following schedule: 68531

(a) For any year, subtract five one-hundredths from the rate 68532  
at which such property was required to be listed and assessed in 68533  
the preceding year, if the total statewide collection of all real 68534  
and tangible personal property taxes for the second preceding year 68535  
exceeded the total statewide collection of all real and tangible 68536  
personal property taxes for the third preceding year by more than 68537  
the greater of four per cent or the rate of increase from the 68538  
third to the second preceding years in the average consumer price 68539

index (all urban consumers, all items) prepared by the bureau of 68540  
labor statistics of the United States department of labor; 68541

(b) If no reduction in the assessment rate is made for a 68542  
year, the rate is the same as for the preceding year. 68543

(2) Each year until the year the assessment rate equals zero, 68544  
the tax commissioner shall determine the assessment rate required 68545  
under this division and shall notify all county auditors of that 68546  
rate. 68547

(3) Notwithstanding provisions to the contrary in division 68548  
(B) of section 5701.08 of the Revised Code, during and after the 68549  
year for which the assessment rate as calculated under this 68550  
division equals zero, any merchandise or agricultural product 68551  
shipped from outside this state and held in this state in any 68552  
warehouse or place of storage, whether public or private, without 68553  
further manufacturing or processing and for storage only and for 68554  
shipment outside this state to any person for any purpose is not 68555  
used in business in this state for property tax purposes. 68556

(D)(1) Merchandise or an agricultural product owned by a 68557  
qualified out-of-state person shipped from outside this state and 68558  
held in this state in a public warehouse without further 68559  
manufacturing or processing and for temporary storage only and for 68560  
shipment inside this state, but that is taxable because it does 68561  
not qualify as "not used in business in this state" under division 68562  
(B)(1) or (2) of section 5701.08 of the Revised Code, shall be 68563  
listed and assessed at a rate of twenty-five one-hundredths of its 68564  
true value in money until reduced in accordance with the following 68565  
schedule: 68566

(a) For any year, subtract five one-hundredths from the rate 68567  
at which such property was required to be listed and assessed in 68568  
the preceding year, if the total statewide collection of all real 68569  
and tangible personal property taxes for the second preceding year 68570

exceeded the total statewide collection of all real and tangible 68571  
personal property taxes for the third preceding year by more than 68572  
the greater of four per cent or the rate of increase from the 68573  
third to the second preceding years in the average consumer price 68574  
index (all urban consumers, all items) prepared by the bureau of 68575  
labor statistics of the United States department of labor; 68576

(b) If no reduction in the assessment rate is made for a 68577  
year, the rate is the same as for the preceding year. 68578

(2) Each year until the year the assessment rate equals zero, 68579  
the tax commissioner shall determine the assessment rate required 68580  
under this division and shall notify all county auditors of that 68581  
rate. 68582

(3) Notwithstanding provisions to the contrary in division 68583  
(B) of section 5701.08 of the Revised Code, during and after the 68584  
year for which the assessment rate as calculated under this 68585  
division equals zero, any merchandise or agricultural product 68586  
described in division (D)(1) of this section is not used in 68587  
business in this state for property tax purposes. 68588

(4) As used in division (D) of this section: 68589

(a) "Qualified out-of-state person" means a person that does 68590  
not own, lease, or use property, other than merchandise or an 68591  
agricultural product described in this division, in this state, 68592  
and does not have employees, agents, or representatives in this 68593  
state; 68594

(b) "Public warehouse" means a warehouse in this state that 68595  
is not subject to the control of or under the supervision of the 68596  
owner of the merchandise or agricultural product stored in it, or 68597  
staffed by the owner's employees, and from which the property is 68598  
to be shipped inside this state. 68599

(E) Personal property valued pursuant to section 5711.15 of 68600  
the Revised Code and personal property required to be listed on 68601

the average basis by division (A) of section 5711.16 of the Revised Code, except property described in division (C) or (D) of this section, business fixtures, and furniture not held for sale in the course of business, shall be listed and assessed at the rate of twenty-five per cent of its true value in money until reduced to zero in accordance with the following schedule:

(1) Beginning in tax year 2002 and for each of tax years 2003, and 2004, 2005, and 2006, subtract one percentage point from the rate at which the property was required to be listed and assessed in the preceding year, if the total statewide collection of tangible personal property taxes for the second preceding year exceeded the total statewide collection of tangible personal property taxes for the third preceding year. If no reduction in the assessment rate is made for a year, the rate is the same as for the preceding year. ~~For purposes of this division, total statewide collection of tangible personal property taxes excludes taxes collected from public utilities and interexchange telecommunications companies on property that is determined to be taxable pursuant to section 5727.06 of the Revised Code.~~

(2) ~~In tax year 2007, the assessment rate shall be the lesser of twenty four per cent or one percentage point less than the rate at which property was required to be listed and assessed the preceding year. Each tax year thereafter years 2005 and 2006, the assessment rate shall be reduced by one two percentage point until it equals zero per cent not later than tax year 2031 points, if the total statewide collection of tangible personal property taxes for the second preceding year exceeded the total statewide collection of tangible personal property taxes for the third preceding year. If no reduction in the assessment rate is made for a year, the rate is the same as for the preceding year.~~

(3) For tax year 2007 and each tax year thereafter, the assessment rate shall be reduced by two percentage points. During

and after the tax year that the assessment rate equals zero, the 68634  
property described in division (E) of this section shall not be 68635  
listed for taxation. 68636

Each year until the year the assessment rate equals zero, the 68637  
tax commissioner shall determine the assessment rate required 68638  
under this division and shall notify all county auditors of that 68639  
rate. 68640

For purposes of division (E) of this section, "total 68641  
statewide collection of tangible person property taxes" excludes 68642  
taxes collected from public utilities and interexchange 68643  
telecommunications companies on property that is determined to be 68644  
taxable pursuant to section 5727.06 of the Revised Code. 68645

(F) Unless otherwise provided by law, all other personal 68646  
property used in business that has not been legally regarded as an 68647  
improvement on land and considered in arriving at the value of the 68648  
real property assessed for taxation shall be listed and assessed 68649  
at the rate of twenty-five per cent of its true value in money. 68650

**Sec. 5711.27.** No taxpayer shall fail to make a return within 68651  
the time prescribed by law, or as extended pursuant to section 68652  
5711.04 of the Revised Code, nor fail to list in a return or 68653  
disclose on an accompanying balance sheet or in other information 68654  
filed with the return any item of taxable property ~~which he~~ the 68655  
taxpayer is required ~~by~~ to list in the return under sections 68656  
5711.01 to 5711.36 of the Revised Code, ~~to list therein.~~ 68657

~~If any taxpayer does so fail the following shall apply:~~ 68658

~~(A) In the case of a taxpayer who fails to make a timely 68659  
return, the assessor shall add to the taxpayer's assessment as a 68660  
penalty, one half of the taxpayer's taxable value that is exempt 68661  
from taxation under division (C)(3) of section 5709.01 of the 68662  
Revised Code. If the taxpayer's taxable value that is exempt from 68663~~

~~taxation under division (C)(3) of section 5709.01 of the Revised Code is located in more than one taxing district, the penalty assessment shall be applied among taxing districts as if only five thousand dollars, or one half of the taxpayer's taxable valuation, whichever is less, had been exempt from taxation under such division.~~ 68664  
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~~(B) In the case of a taxpayer who fails to make a timely return, or fails to list or disclose any item he the taxpayer is required to return, the assessor shall add to the assessment of each class or item of taxable property which the taxpayer failed to return, list, or disclose and to any amount added under division (A) of this section, a penalty of up to fifty per cent thereof of the assessment; but if such taxpayer makes, within sixty days after the expiration of the time prescribed by such sections, a return or an amended or supplementary return and lists therein or discloses on an accompanying balance sheet or in other information filed with the return all items of taxable property which he the taxpayer is required by such sections to list, and in all cases in which the taxpayer's only default is his the failure to pay the amounts specified in section 5719.02 of the Revised Code within the time therein specified, such penalty shall be five per cent of the assessment, and, if the assessment certificate has been issued, an amended assessment certificate shall be issued and substituted therefor.~~ 68670  
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~~Either or both of the penalties~~ The penalty provided in this section may be abated in whole or in part by the assessor when it is shown that such failure is due to reasonable cause. The penalty assessment shall be entered on the proper tax list and duplicate, and taxes shall be levied thereon the same as on the assessment itself. 68688  
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~~If any taxpayer does so fail with respect to a return required to be filed for tax year 1982 or any prior year, the~~ 68694  
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~~assessor shall add to the assessment of each class or item of 68696  
taxable property which the taxpayer failed to return, list or 68697  
disclose in addition to the penalties provided by law, an 68698  
additional charge at the rate of one half of one per cent per 68699  
month from the date such property should have been returned or 68700  
disclosed until the same is assessed, provided that said 68701  
additional charge shall not be added to an assessment for any 68702  
period of time in excess of ten years previous to the date of the 68703  
assessment. 68704~~

A fiduciary against whom a penalty assessment is made shall 68705  
be personally liable for the amount of taxes levied in respect to 68706  
such penalty assessment and any additional charge, and in case of 68707  
fraud or intent to evade taxes, such fiduciary shall have no right 68708  
of reimbursement against the property held by ~~him~~ the fiduciary as 68709  
such fiduciary nor against the person for whose benefit the same 68710  
is held. 68711

**Sec. 5711.33.** (A)(1) When a county treasurer receives a 68712  
certificate from a county auditor pursuant to division (A) of 68713  
section 5711.32 of the Revised Code charging the treasurer with 68714  
the collection of an amount of taxes due as the result of a 68715  
deficiency assessment, the treasurer shall immediately prepare and 68716  
mail a tax bill to the taxpayer owing such tax. The tax bill shall 68717  
contain the name of the taxpayer; the taxable value, tax rate, and 68718  
taxes charged for each year being assessed; the total amount of 68719  
taxes due; the final date payment may be made without additional 68720  
penalty; and any other information the treasurer considers 68721  
pertinent or necessary. Taxes due and payable as a result of a 68722  
deficiency assessment, less any amount specifically excepted from 68723  
collection under division (B) of section 5711.32 of the Revised 68724  
Code, shall be paid with interest thereon as prescribed by section 68725  
5719.041 of the Revised Code on or before the sixtieth day 68726  
following the date of issuance of the certificate by the county 68727

auditor. The balance of taxes found due and payable after a final 68728  
determination by the tax commissioner or a final judgment of the 68729  
board of tax appeals or any court to which such final judgment may 68730  
be appealed, shall be paid with interest thereon as prescribed by 68731  
section 5719.041 of the Revised Code on or before the sixtieth day 68732  
following the date of certification by the auditor to the 68733  
treasurer pursuant to division (C) of section 5711.32 of the 68734  
Revised Code of such final determination or judgment. Such final 68735  
dates for payment shall be determined and exhibited on the tax 68736  
bill by the treasurer. 68737

(2) If, on or before the sixtieth day following the date of a 68738  
certification of a deficiency assessment under division (A) of 68739  
section 5711.32 of the Revised Code or of a certification of a 68740  
final determination or judgment under division (C) of section 68741  
5711.32 of the Revised Code, the taxpayer pays the full amount of 68742  
taxes and interest due at the time of the receipt of certification 68743  
with respect to that assessment, determination, or judgment, no 68744  
interest shall accrue or be charged with respect to that 68745  
assessment, determination, or judgment for the period that begins 68746  
on the first day of the month in which the certification is made 68747  
and that ends on the last day of the month preceding the month in 68748  
which such sixtieth day occurs. 68749

(B) When the taxes charged, as mentioned in division (A) of 68750  
this section, are not paid within the time prescribed by such 68751  
division, a penalty of ten per cent of the amount due and unpaid 68752  
and interest for the period described in division (A)(2) of this 68753  
section shall accrue at the time the treasurer closes the 68754  
treasurer's office for business on the last day so prescribed, but 68755  
if the taxes are paid within ten days subsequent to the last day 68756  
prescribed, the treasurer shall waive the collection of and the 68757  
auditor shall remit one-half of the penalty. The treasurer shall 68758  
not thereafter accept less than the full amount of taxes and 68759

penalty except as otherwise authorized by law. Such penalty shall 68760  
be distributed in the same manner and at the same time as the tax 68761  
upon which it has accrued. The whole amount collected shall be 68762  
included in the next succeeding settlement of appropriate taxes. 68763

(C) When the taxes charged, as mentioned in division (A) of 68764  
this section, remain unpaid after the final date for payment 68765  
prescribed by such division, such charges shall be deemed to be 68766  
delinquent taxes. The county auditor shall cause such charges, 68767  
including the penalty that has accrued pursuant to this section, 68768  
to be added to the delinquent tax duplicate in accordance with 68769  
section 5719.04 of the Revised Code. 68770

(D) The county auditor, upon consultation with the county 68771  
treasurer, shall remit a penalty imposed under division (B) of 68772  
this section or division (C) of section 5719.03 of the Revised 68773  
Code for the late payment of taxes when: 68774

(1) The taxpayer could not make timely payment of the tax 68775  
because of the negligence or error of the county auditor or county 68776  
treasurer in the performance of a statutory duty relating to the 68777  
levy or collection of such tax. 68778

(2) In cases other than those described in division (D)(1) of 68779  
this section, the taxpayer failed to receive a tax bill or a 68780  
correct tax bill, and the taxpayer made a good faith effort to 68781  
obtain such bill within thirty days after the last day for payment 68782  
of the tax. 68783

(3) The tax was not timely paid because of the death or 68784  
serious injury of the taxpayer, or the taxpayer's confinement in a 68785  
hospital within sixty days preceding the last day for payment of 68786  
the tax if, in any case, the tax was subsequently paid within 68787  
sixty days after the last day for payment of such tax. 68788

(4) The taxpayer demonstrates ~~to the satisfaction of the~~ 68789  
~~auditor~~ that the full payment was properly deposited in the mail 68790

in sufficient time for the envelope to be postmarked by the United States postal service on or before the last day for payment of such tax. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the date of payment of such tax.

(5) In cases other than those described in divisions (D)(1) to (4) of this section, the taxpayer's failure to make timely payment of the tax is due to reasonable cause and not willful neglect.

(E) The taxpayer, upon application within sixty days after the mailing of the county auditor's decision, may request the tax commissioner to review the denial of the remission of a penalty by the county auditor. The application may be filed in person or by certified mail. If the application is filed by certified mail, the date of the United States postmark placed on the sender's receipt by the postal service shall be treated as the date of filing. The commissioner shall consider the application, determine whether the penalty should be remitted, and certify the determination to the taxpayer and to the county treasurer and county auditor, who shall correct the tax list and duplicate accordingly. The commissioner ~~shall~~ may issue orders and instructions for the uniform implementation of this section by all county auditors and county treasurers, and such orders and instructions shall be followed by such officers.

**Sec. 5713.07.** The county auditor, at the time of making the assessment of real property subject to taxation, shall enter in a separate list pertinent descriptions of all burying grounds, public schoolhouses, houses used exclusively for public worship, institutions of purely public charity, real property used exclusively for a home for the aged, as defined in section 5701.13 of the Revised Code, ~~and~~ public buildings and property used

exclusively for any public purpose, and any other property, with 68822  
the lot or tract of land on which such house, institution, ~~or~~ 68823  
public building, or other property is situated, and which ~~are~~ 68824  
~~exempt~~ have been exempted from taxation by either the tax 68825  
commissioner under section 5715.27 of the Revised Code or by the 68826  
housing officer under section 3735.67 of the Revised Code. ~~He~~ The 68827  
auditor shall value such houses, buildings, property, and lots and 68828  
tracts of land at their taxable value in the same manner as ~~he~~ the 68829  
auditor is required to value other real property, designating in 68830  
each case the township, municipal corporation, and number of the 68831  
school district, or the name or designation of the school, 68832  
religious society, or institution to which each house, lot, or 68833  
tract belongs. If such property is held and used for other public 68834  
purposes, ~~he~~ the auditor shall state by whom or how it is held. 68835

**Sec. 5713.08.** (A) The county auditor shall make a list of all 68836  
real and personal property in the auditor's county, including 68837  
money, credits, and investments in bonds, stocks, or otherwise, 68838  
which is exempted from taxation. Such list shall show the name of 68839  
the owner, the value of the property exempted, and a statement in 68840  
brief form of the ground on which such exemption has been granted. 68841  
It shall be corrected annually by adding thereto the items of 68842  
property which have been exempted during the year, and by striking 68843  
therefrom the items which in the opinion of the auditor have lost 68844  
their right of exemption and which have been reentered on the 68845  
taxable list. No additions shall be made to such exempt lists and 68846  
no additional items of property shall be exempted from taxation 68847  
without the consent of the tax commissioner as is provided for in 68848  
section 5715.27 of the Revised Code, ~~but when~~ or without the 68849  
consent of the housing officer under section 3735.67 of the 68850  
Revised Code. When any personal property or endowment fund of an 68851  
institution has once been held by the commissioner to be properly 68852  
exempt from taxation, it is not necessary to obtain the 68853

commissioner's consent to the exemption of additional property or 68854  
investments of the same kind belonging to the same institution, 68855  
but such property shall appear on the abstract filed annually with 68856  
the commissioner. The commissioner may revise at any time the list 68857  
in every county so that no property is improperly or illegally 68858  
exempted from taxation. The auditor shall follow the orders of the 68859  
commissioner given under this section. An abstract of such list 68860  
shall be filed annually with the commissioner, on a form approved 68861  
by the commissioner, and a copy thereof shall be kept on file in 68862  
the office of each auditor for public inspection. 68863

The commissioner shall not consider an application for 68864  
exemption of property unless the application has attached thereto 68865  
a certificate executed by the county treasurer certifying one of 68866  
the following: 68867

(1) That all taxes, assessments, interest, and penalties 68868  
levied and assessed against the property sought to be exempted 68869  
have been paid in full to the date upon which the application for 68870  
exemption is filed, except for such taxes, interest, and penalties 68871  
that may be remitted under division (B) of this section; 68872

(2) That the applicant has entered into a valid delinquent 68873  
tax contract with the county treasurer pursuant to division (A) of 68874  
section 323.31 of the Revised Code to pay all of the delinquent 68875  
taxes, assessments, interest, and penalties charged against the 68876  
property, except for such taxes, interest, and penalties that may 68877  
be remitted under division (B) of this section. If the auditor 68878  
receives notice under section 323.31 of the Revised Code that such 68879  
a written delinquent tax contract has become void, the auditor 68880  
shall strike such property from the list of exempted property and 68881  
reenter such property on the taxable list. If property is removed 68882  
from the exempt list because a written delinquent tax contract has 68883  
become void, current taxes shall first be extended against that 68884  
property on the general tax list and duplicate of real and public 68885

utility property for the tax year in which the auditor receives 68886  
the notice required by division (A) of section 323.31 of the 68887  
Revised Code that the delinquent tax contract has become void or, 68888  
if that notice is not timely made, for the tax year in which falls 68889  
the latest date by which the treasurer is required by such section 68890  
to give such notice. A county auditor shall not remove from any 68891  
tax list and duplicate the amount of any unpaid delinquent taxes, 68892  
assessments, interest, or penalties owed on property that is 68893  
placed on the exempt list pursuant to this division. 68894

(3) That a tax certificate has been issued under section 68895  
5721.32 or 5721.33 of the Revised Code with respect to the 68896  
property that is the subject of the application, and the tax 68897  
certificate is outstanding. 68898

(B) Any taxes, interest, and penalties which have become a 68899  
lien after the property was first used for the exempt purpose, but 68900  
in no case prior to the date of acquisition of the title to the 68901  
property by the applicant, may be remitted by the commissioner, 68902  
except as is provided in division (A) of section 5713.081 of the 68903  
Revised Code. 68904

(C) Real property acquired by the state in fee simple is 68905  
exempt from taxation from the date of acquisition of title or date 68906  
of possession, whichever is the earlier date, provided that all 68907  
taxes, interest, and penalties as provided in the apportionment 68908  
provisions of section 319.20 of the Revised Code have been paid to 68909  
the date of acquisition of title or date of possession by the 68910  
state, whichever is earlier. The proportionate amount of taxes 68911  
that are a lien but not yet determined, assessed, and levied for 68912  
the year in which the property is acquired, shall be remitted by 68913  
the county auditor for the balance of the year from date of 68914  
acquisition of title or date of possession, whichever is earlier. 68915  
This section shall not be construed to authorize the exemption of 68916  
such property from taxation or the remission of taxes, interest, 68917

and penalties thereon until all private use has terminated. 68918

**Sec. 5713.081.** (A) No application for real property tax 68919  
exemption and tax remission shall be filed with, or considered by, 68920  
the tax commissioner in which tax remission is requested for more 68921  
than three tax years, and the commissioner shall not remit more 68922  
than three years' ~~delinquent~~ taxes, penalties, and interest. 68923

(B) All taxes, penalties, and interest, that have been 68924  
delinquent for more than three years, appearing on the general tax 68925  
list and duplicate of real property which have been levied and 68926  
assessed against parcels of real property owned by the state, any 68927  
political subdivision, or any other entity whose ownership of real 68928  
property would constitute public ownership, shall be collected by 68929  
the county auditor of the county where the real property is 68930  
located. Such ~~official~~ auditor shall deduct from each distribution 68931  
made by ~~him~~ the auditor, the amount necessary to pay the tax 68932  
delinquency from any revenues or funds to the credit of the state, 68933  
any political subdivision, or any other entity whose ownership of 68934  
real property would constitute public ownership thereof, passing 68935  
under ~~his~~ the auditor's control, or which come into ~~his~~ the 68936  
auditor's possession, and such deductions shall be made on a 68937  
continuing basis until all delinquent taxes, penalties, and 68938  
interest noted in this section have been paid. 68939

(C) As used in division (B) of this section, "political 68940  
subdivision" includes townships, municipalities, counties, school 68941  
districts, boards of education, all state and municipal 68942  
universities, park boards, and any other entity whose ownership of 68943  
real property would constitute public ownership. 68944

**Sec. 5713.082.** (A) Whenever the county auditor reenters an 68945  
item of property to the tax list as provided in section 5713.08 of 68946  
the Revised Code and there has been no conveyance of the property 68947

between separate entities, the auditor shall send notice by 68948  
certified mail to the owner of the property that it is now subject 68949  
to property taxation as a result of such action. The auditor shall 68950  
send the notice at the same time ~~he~~ the auditor certifies the real 68951  
property tax duplicate to the county treasurer. The notice shall 68952  
describe the property and indicate that the owner may reapply for 68953  
tax exemption by filing an application for exemption as provided 68954  
in section 5715.27 of the Revised Code, and that failure to file 68955  
such an application within the proper time period will result in 68956  
the owner having to pay the taxes even if the property continued 68957  
to be used for an exempt purpose. 68958

(B) If the auditor failed to send the notice required by this 68959  
section, and if the owner of the property subsequently files an 68960  
application for tax exemption for the property for the current tax 68961  
year, the tax commissioner may grant exemption to the property, 68962  
and ~~he~~ the commissioner shall remit all ~~unpaid~~ taxes and penalties 68963  
for each prior year since the property was reentered on the tax 68964  
list notwithstanding the provisions of division (A) of section 68965  
5713.081 of the Revised Code. 68966

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 68967  
5715.01 of the Revised Code: 68968

(A) "Land devoted exclusively to agricultural use" means: 68969

(1) Tracts, lots, or parcels of land totaling not less than 68970  
ten acres that, during the three calendar years prior to the year 68971  
in which application is filed under section 5713.31 of the Revised 68972  
Code, and through the last day of May of such year, were devoted 68973  
exclusively to commercial animal or poultry husbandry, 68974  
aquaculture, apiculture, the production for a commercial purpose 68975  
of timber, field crops, tobacco, fruits, vegetables, nursery 68976  
stock, ornamental trees, sod, or flowers, or the growth of timber 68977  
for a noncommercial purpose, if the land on which the timber is 68978

grown is contiguous to or part of a parcel of land under common 68979  
ownership that is otherwise devoted exclusively to agricultural 68980  
use, or were devoted to and qualified for payments or other 68981  
compensation under a land retirement or conservation program under 68982  
an agreement with an agency of the federal government; 68983

(2) Tracts, lots, or parcels of land totaling less than ten 68984  
acres that, during the three calendar years prior to the year in 68985  
which application is filed under section 5713.31 of the Revised 68986  
Code and through the last day of May of such year, were devoted 68987  
exclusively to commercial animal or poultry husbandry, 68988  
aquaculture, apiculture, the production for a commercial purpose 68989  
of field crops, tobacco, fruits, vegetables, timber, nursery 68990  
stock, ornamental trees, sod, or flowers where such activities 68991  
produced an average yearly gross income of at least twenty-five 68992  
hundred dollars during such three-year period or where there is 68993  
evidence of an anticipated gross income of such amount from such 68994  
activities during the tax year in which application is made, or 68995  
were devoted to and qualified for payments or other compensation 68996  
under a land retirement or conservation program under an agreement 68997  
with an agency of the federal government; 68998

(3) A tract, lot, or parcel of land taxed under sections 68999  
5713.22 to 5713.26 of the Revised Code is not land devoted 69000  
exclusively to agricultural use; 69001

(4) Tracts, lots, or parcels of land, or portions thereof 69002  
~~which~~ that, during the previous three consecutive calendar years 69003  
have been designated as land devoted exclusively to agricultural 69004  
use, but such land has been lying idle or fallow for up to one 69005  
year and no action has occurred to such land that is either 69006  
inconsistent with the return of it to agricultural production or 69007  
converts the land devoted exclusively to agricultural use as 69008  
defined in this section. Such land shall remain designated as land 69009  
devoted exclusively to agricultural use provided that beyond one 69010

year, but less than three years, the landowner proves good cause 69011  
as determined by the board of revision. 69012

"Land devoted exclusively to agricultural use" includes 69013  
tracts, lots, or parcels of land or portions thereof that are used 69014  
for conservation practices, provided that the tracts, lots, or 69015  
parcels of land or portions thereof comprise twenty-five per cent 69016  
or less of the total of the tracts, lots, or parcels of land that 69017  
satisfy the criteria established in division (A)(1), (2), or (4) 69018  
of this section together with the tracts, lots, or parcels of land 69019  
or portions thereof that are used for conservation practices. 69020

(B) "Conversion of land devoted exclusively to agricultural 69021  
use" means any of the following: 69022

(1) The failure of the owner of land devoted exclusively to 69023  
agricultural use during the next preceding calendar year to file a 69024  
renewal application under section 5713.31 of the Revised Code 69025  
without good cause as determined by the board of revision; 69026

(2) The failure of the new owner of such land to file an 69027  
initial application under that section without good cause as 69028  
determined by the board of revision; 69029

(3) The failure of such land or portion thereof to qualify as 69030  
land devoted exclusively to agricultural use for the current 69031  
calendar year as requested by an application filed under such 69032  
section; 69033

(4) The failure of the owner of the land described in 69034  
division (A)(4) of this section to act on such land in a manner 69035  
that is consistent with the return of the land to agricultural 69036  
production after three years. 69037

(C) "Tax savings" means the difference between the dollar 69038  
amount of real property taxes levied in any year on land valued 69039  
and assessed in accordance with its current agricultural use value 69040  
and the dollar amount of real property taxes ~~which~~ that would have 69041

been levied upon such land if it had been valued and assessed for 69042  
such year in accordance with Section 2 of Article XII, Ohio 69043  
Constitution. 69044

(D) "Owner" includes, but is not limited to, any person 69045  
owning a fee simple, fee tail, or life estate, or a buyer on a 69046  
land installment contract. 69047

(E) "Conservation practices" are practices used to abate soil 69048  
erosion as required in the management of the farming operation, 69049  
and include, but are not limited to, the installation, 69050  
construction, development, planting, or use of grass waterways, 69051  
terraces, diversions, filter strips, field borders, windbreaks, 69052  
riparian buffers, wetlands, ponds, and cover crops for that 69053  
purpose. 69054

(F) "Wetlands" has the same meaning as in section 6111.02 of 69055  
the Revised Code. 69056

**Sec. 5715.27.** (A) The Except as provided in section 3735.67 69057  
of the Revised Code, the owner of any property may file an 69058  
application with the tax commissioner, on forms prescribed by the 69059  
commissioner, requesting that such property be exempted from 69060  
taxation and that ~~unpaid~~ taxes and penalties be remitted as 69061  
provided in division (B) of section 5713.08 of the Revised Code. 69062

(B) The board of education of any school district may request 69063  
the tax commissioner to provide it with notification of 69064  
applications for exemption from taxation for property located 69065  
within that district. If so requested, the commissioner shall send 69066  
to the board for the quarters ending on the last day of March, 69067  
June, September, and December of each year, reports that contain 69068  
sufficient information to enable the board to identify each 69069  
property that is the subject of an exemption application, 69070  
including, but not limited to, the name of the property owner or 69071  
applicant, the address of the property, and the auditor's parcel 69072

number. The commissioner shall mail the reports on or about the 69073  
fifteenth day of the month following the end of the quarter. 69074

(C) A board of education that has requested notification 69075  
under division (B) of this section may, with respect to any 69076  
application for exemption of property located in the district and 69077  
included in the commissioner's most recent report provided under 69078  
that division, file a statement with the commissioner and with the 69079  
applicant indicating its intent to submit evidence and participate 69080  
in any hearing on the application. The statements shall be filed 69081  
prior to the first day of the third month following the end of the 69082  
quarter in which that application was docketed by the 69083  
commissioner. A statement filed in compliance with this division 69084  
entitles the district to submit evidence and to participate in any 69085  
hearing on the property and makes the district a party for 69086  
purposes of sections 5717.02 to 5717.04 of the Revised Code in any 69087  
appeal of the commissioner's decision to the board of tax appeals. 69088

(D) The commissioner shall not hold a hearing on or grant or 69089  
deny an application for exemption of property in a school district 69090  
whose board of education has requested notification under division 69091  
(B) of this section until the end of the period within which the 69092  
board may submit a statement with respect to that application 69093  
under division (C) of this section. The commissioner may act upon 69094  
an application at any time prior to that date upon receipt of a 69095  
written waiver from each such board of education, or, in the case 69096  
of exemptions authorized by section 725.02, 1728.10, ~~3735.67,~~ 69097  
5709.41, 5709.62, or 5709.63 of the Revised Code, upon the request 69098  
of the property owner. Failure of a board of education to receive 69099  
the report required in division (B) of this section shall not void 69100  
an action of the commissioner with respect to any application. The 69101  
commissioner may extend the time for filing a statement under 69102  
division (C) of this section. 69103

(E) A complaint may also be filed with the commissioner by 69104

any person, board, or officer authorized by section 5715.19 of the Revised Code to file complaints with the county board of revision against the continued exemption of any property granted exemption by the commissioner under this section.

(F) An application for exemption and a complaint against exemption shall be filed prior to the thirty-first day of December of the tax year for which exemption is requested or for which the liability of ~~any~~ the property to taxation in that year is requested. The commissioner shall consider such application or complaint in accordance with procedures established by the commissioner, determine whether the property is subject to taxation or exempt therefrom, and certify the commissioner's findings to the auditor, who shall correct the tax list and duplicate accordingly. If a tax certificate has been sold under section 5721.32 or 5721.33 of the Revised Code with respect to property for which an exemption has been requested, the tax commissioner shall also certify the findings to the county treasurer of the county in which the property is located.

(G) Applications and complaints, and documents of any kind related to applications and complaints, filed with the tax commissioner under this section, are public records within the meaning of section 149.43 of the Revised Code.

(H) If the commissioner determines that the use of property or other facts relevant to the taxability of property that is the subject of an application for exemption or a complaint under this section has changed while the application or complaint was pending, the commissioner may make the determination under division (F) of this section separately for each tax year beginning with the year in which the application or complaint was filed or the year for which remission of ~~unpaid~~ taxes under division (B) of section 5713.08 of the Revised Code was requested, and including each subsequent tax year during which the

application or complaint is pending before the commissioner. 69137

**Sec. 5715.39.** (A) The tax commissioner may remit real 69138  
property taxes, manufactured home taxes, penalties, and interest 69139  
found by the commissioner to have been illegally assessed. The 69140  
commissioner also may remit any penalty charged against any real 69141  
property or manufactured or mobile home that was the subject of an 69142  
application for exemption from taxation under section 5715.27 of 69143  
the Revised Code if the commissioner determines that the applicant 69144  
requested such exemption in good faith. The commissioner shall 69145  
include notice of the remission in the commissioner's 69146  
certification to the county auditor required under that section. 69147

(B) ~~The commissioner, on application by a taxpayer county~~ 69148  
~~auditor, upon consultation with the county treasurer,~~ shall remit 69149  
a penalty for late payment of any real property taxes or 69150  
manufactured home taxes when: 69151

~~(A)~~(1) The taxpayer could not make timely payment of the tax 69152  
because of the negligence or error of the county auditor or county 69153  
treasurer in the performance of a statutory duty relating to the 69154  
levy or collection of such tax. 69155

~~(B)~~(2) In cases other than those described in division 69156  
~~(A)~~(B)(1) of this section, the taxpayer failed to receive a tax 69157  
bill or a correct tax bill, and the taxpayer made a good faith 69158  
effort to obtain such bill within thirty days after the last day 69159  
for payment of the tax. 69160

~~(C)~~(3) The tax was not timely paid because of the death or 69161  
serious injury of the taxpayer, or the taxpayer's confinement in a 69162  
hospital within sixty days preceding the last day for payment of 69163  
the tax if, in any case, the tax was subsequently paid within 69164  
sixty days after the last day for payment of such tax. 69165

~~(D)~~(4) The taxpayer demonstrates ~~to the satisfaction of the~~ 69166

~~commissioner~~ that the full payment was properly deposited in the 69167  
mail in sufficient time for the envelope to be postmarked by the 69168  
United States postal service on or before the last day for payment 69169  
of such tax. A private meter postmark on an envelope is not a 69170  
valid postmark for purposes of establishing the date of payment of 69171  
such tax. 69172

(C) The board of revision shall remit a penalty for late 69173  
payment of any real property taxes or manufactured homes taxes if, 69174  
in cases other than those described in division (B)(1) to (4) of 69175  
this section, the taxpayer's failure to make timely payment of the 69176  
tax is due to reasonable cause and not willful neglect. 69177

(D) The taxpayer, upon application within sixty days after 69178  
the mailing of the county auditor's or board of revision's 69179  
decision, may request the tax commissioner to review the denial of 69180  
the remission of a penalty by the auditor or board. The 69181  
application may be filed in person or by certified mail. If the 69182  
application is filed by certified mail, the date of the United 69183  
States postmark placed on the sender's receipt by the postal 69184  
service shall be treated as the date of filing. The commissioner 69185  
shall consider the application, determine whether the penalty 69186  
should be remitted, and certify the determination to the taxpayer, 69187  
to the county treasurer, and to the county auditor, who shall 69188  
correct the tax list and duplicate accordingly. The commissioner 69189  
may issue orders and instructions for the uniform implementation 69190  
of this section by all county boards of revision, county auditors, 69191  
and county treasurers, and such orders and instructions shall be 69192  
followed by such officers and boards. 69193

(E) This section shall not provide to the taxpayer any remedy 69194  
with respect to any matter that the taxpayer may be authorized to 69195  
complain of under section 4503.06, 5715.19, 5717.02, and or 69196  
5727.47 of the Revised Code. 69197

(F) Applications for remission, and documents of any kind 69198

related to those applications, filed with the tax commissioner 69199  
under this section, are public records within the meaning of 69200  
section 149.43 of the Revised Code, unless otherwise excepted 69201  
under that section. 69202

Sec. 5717.011. (A) As used in this chapter, "tax 69203  
administrator" has the same meaning as in section 718.01 of the 69204  
Revised Code. 69205

(B) Appeals from a municipal board of appeal created under 69206  
section 718.11 of the Revised Code may be taken by the taxpayer or 69207  
the tax administrator to the board of tax appeals or may be taken 69208  
by the taxpayer or the tax administrator to a court of common 69209  
pleas as otherwise provided by law. If the taxpayer or the tax 69210  
administrator elects to make an appeal to the board of tax appeals 69211  
or court of common pleas, the appeal shall be taken by the filing 69212  
of a notice of appeal with the board of tax appeals or court of 69213  
common pleas, the municipal board of appeal, and the opposing 69214  
party. The notice of appeal shall be filed within sixty days after 69215  
the day the appellant receives notice of the decision issued under 69216  
section 718.11 of the Revised Code. The notice of appeal may be 69217  
filed in person or by certified mail, express mail, or authorized 69218  
delivery service as provided in section 5703.056 of the Revised 69219  
Code. If the notice of appeal is filed by certified mail, express 69220  
mail, or authorized delivery service as provided in section 69221  
5703.056 of the Revised Code, the date of the United States 69222  
postmark placed on the sender's receipt by the postal service or 69223  
the date of receipt recorded by the authorized delivery service 69224  
shall be treated as the date of filing. The notice of appeal shall 69225  
have attached thereto and incorporated therein by reference a true 69226  
copy of the decision issued under section 718.11 of the Revised 69227  
Code and shall specify the errors therein complained of, but 69228  
failure to attach a copy of such notice and incorporate it by 69229  
reference in the notice of appeal does not invalidate the appeal. 69230

(C) Upon the filing of a notice of appeal with the board of tax appeals, the municipal board of appeal shall certify to the board of tax appeals a transcript of the record of the proceedings before it, together with all evidence considered by it in connection therewith. Such appeals may be heard by the board at its office in Columbus or in the county where the appellant resides, or it may cause its examiners to conduct such hearings and to report to it their findings for affirmation or rejection. The board may order the appeal to be heard upon the record and the evidence certified to it by the administrator, but upon the application of any interested party the board shall order the hearing of additional evidence, and the board may make such investigation concerning the appeal as it considers proper.

(D) If an issue being appealed under this section is addressed in a municipal corporation's ordinance or regulation, the tax administrator, upon the request of the board of tax appeals, shall provide a copy of the ordinance or regulation to the board of tax appeals.

**Sec. 5717.03.** (A) A decision of the board of tax appeals on an appeal filed with it pursuant to section 5717.01, 5717.011, or 5717.02 of the Revised Code shall be entered of record on the journal together with the date when the order is filed with the secretary for journalization.

(B) In case of an appeal from a decision of a county board of revision, the board of tax appeals shall determine the taxable value of the property whose valuation or assessment by the county board of revision is complained of, or in the event the complaint and appeal is against a discriminatory valuation, shall determine a valuation which shall correct such discrimination, and shall determine the liability of the property for taxation, if that question is in issue, and ~~its~~ the board of tax appeals's decision

and the date when it was filed with the secretary for 69262  
journalization shall be certified by ~~it~~ the board by certified 69263  
mail to all persons who were parties to the appeal before ~~it~~ the 69264  
board, to the person in whose name the property is listed, or 69265  
sought to be listed, if such person is not a party to the appeal, 69266  
to the county auditor of the county in which the property involved 69267  
in the appeal is located, and to the tax commissioner. 69268

In correcting a discriminatory valuation, the board of tax 69269  
appeals shall increase or decrease the value of the property whose 69270  
valuation or assessment by the county board of revision is 69271  
complained of by a per cent or amount which will cause such 69272  
property to be listed and valued for taxation by an equal and 69273  
uniform rule. 69274

(C) In the case of an appeal from a review, redetermination, 69275  
or correction of a tax assessment, valuation, determination, 69276  
finding, computation, or order of the tax commissioner, the order 69277  
of the board of tax appeals and the date of the entry thereof upon 69278  
its journal shall be certified by ~~it~~ the board by certified mail 69279  
to all persons who were parties to the appeal before ~~it~~ the board, 69280  
the person in whose name the property is listed or sought to be 69281  
listed, if the decision determines the valuation or liability of 69282  
property for taxation and if such person is not a party to the 69283  
appeal, the taxpayer or other person to whom notice of the tax 69284  
assessment, valuation, determination, finding, computation, or 69285  
order, or correction or redetermination thereof, by the tax 69286  
commissioner was by law required to be given, the director of 69287  
budget and management, if the revenues affected by such decision 69288  
would accrue primarily to the state treasury, and the county 69289  
auditors of the counties to the undivided general tax funds of 69290  
which the revenues affected by such decision would primarily 69291  
accrue. 69292

(D) In the case of an appeal from a municipal board of appeal 69293

created under section 718.11 of the Revised Code, the order of the 69294  
board of tax appeals and the date of the entry thereof upon the 69295  
board's journal shall be certified by the board by certified mail 69296  
to all persons who were parties to the appeal before the board. 69297

(E) In the case of all other appeals or applications filed 69298  
with and determined by the board ~~its~~, the board's order and the 69299  
date when ~~it~~ the order was filed by the secretary for 69300  
journalization shall be certified by ~~it~~ the board by certified 69301  
mail to the person who is a party to such appeal or application, 69302  
to such persons as the law requires, and to such other persons as 69303  
the board deems proper. 69304

(F) The orders of the board may affirm, reverse, vacate, 69305  
modify, or remand the tax assessments, valuations, determinations, 69306  
findings, computations, or orders complained of in the appeals 69307  
determined by ~~it~~ the board, and ~~its~~ the board's decision shall 69308  
become final and conclusive for the current year unless reversed, 69309  
vacated, or modified as provided in section 5717.04 of the Revised 69310  
Code. When an order of the board becomes final the tax 69311  
commissioner and all officers to whom such decision has been 69312  
certified shall make the changes in their tax lists or other 69313  
records which the decision requires. 69314

(G) If the board finds that issues not raised on the appeal 69315  
are important to a determination of a controversy, ~~it~~ the board 69316  
may remand the cause for an administrative determination and the 69317  
issuance of a new tax assessment, valuation, determination, 69318  
finding, computation, or order, unless the parties stipulate to 69319  
the determination of such other issues without remand. An order 69320  
remanding the cause is a final order, ~~which~~. If the order relates 69321  
to any issue other than a municipal income tax matter appealed 69322  
under sections 718.11 and 5717.011 of the Revised Code, the order 69323  
may be appealed to the court of appeals in Franklin county. If the 69324  
order relates to a municipal income tax matter appealed under 69325

sections 718.11 and 5717.011 of the Revised Code, the order may be 69326  
appealed to the court of appeals for the county in which the 69327  
municipal corporation in which the dispute arose is primarily 69328  
situated. 69329

**Sec. 5719.07.** Subject to the rules prescribed by the tax 69330  
commissioner, a county treasurer charged with the collection of 69331  
delinquent taxes may issue a certificate of release of the lien 69332  
provided for in section 5719.04 of the Revised Code if the amount 69333  
secured thereby has been paid or omitted from the delinquent tax 69334  
list and duplicate pursuant to section 5719.06 of the Revised 69335  
Code. The treasurer shall issue a certificate of partial discharge 69336  
of any part of the real property subject to the lien ~~if he finds~~ 69337  
after finding that the value of the part of the property remaining 69338  
subject to the lien is at least double the amount of the 69339  
delinquent taxes and all prior liens upon such real property. Such 69340  
certificate shall be filed and recorded with the county recorder 69341  
of the county in which the notice of lien has been filed, for 69342  
which recording the recorder shall charge a base fee of two 69343  
dollars for services and a housing trust fund fee of two dollars 69344  
pursuant to section 317.36 of the Revised Code. 69345

**Sec. 5725.19.** Upon the issuance of a tax credit certificate 69346  
by the Ohio venture capital authority under section 150.07 of the 69347  
Revised Code, a credit may be claimed against the tax imposed on a 69348  
domestic insurance company under section 5725.18 of the Revised 69349  
Code. The credit shall be claimed in the calendar year specified 69350  
in the certificate issued by the authority. If the company elected 69351  
a refundable credit under section 150.07 of the Revised Code, and 69352  
the amount of the credit shown on the certificate exceeds the tax 69353  
otherwise due under section 5725.18 of the Revised Code, the 69354  
company may receive a refund equal to seventy-five per cent of 69355  
such excess. If the company elected a nonrefundable credit, the 69356

amount of the credit shown on the certificate shall not exceed the 69357  
~~amount~~ amount of tax otherwise due. If the company elected a 69358  
nonrefundable credit and the credit to which the company would 69359  
otherwise be entitled under this section for any calendar year is 69360  
greater than the tax otherwise due under section 5725.18 of the 69361  
Revised Code, the excess shall be allowed as a credit in each of 69362  
the ensuing ten calendar years, but the amount of any excess 69363  
credit allowed in the ensuing calendar year shall be deducted from 69364  
the balance carried forward to the next calendar year. 69365

**Sec. 5727.111.** The taxable property of each public utility, 69366  
except a railroad company, and of each interexchange 69367  
telecommunications company shall be assessed at the following 69368  
percentages of true value: 69369

(A)(1) Except as provided in division (A)(2) of this section, 69370  
fifty per cent in the case of a rural electric company; 69371

(2) For tax year 2001 and thereafter, fifty per cent in the 69372  
case of the taxable transmission and distribution property of a 69373  
rural electric company, and twenty-five per cent for all its other 69374  
taxable property; 69375

(B) In the case of a telephone or telegraph company, 69376  
twenty-five per cent for taxable property first subject to 69377  
taxation in this state for tax year 1995 or thereafter, and 69378  
~~eighty eight per cent~~ the following for all other taxable 69379  
property+: 69380

(1) For tax years prior to 2005, eighty-eight per cent; 69381

(2) For tax year 2005, sixty-seven per cent; 69382

(3) For tax year 2006, forty-six per cent; 69383

(4) For tax year 2007 and thereafter, twenty-five per cent. 69384

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 69385  
~~eighty eight per cent in the case of a natural gas company;~~ 69386

<del>(2) For tax year 2001 and thereafter, twenty-five</del>	69387
per cent in the case of a natural gas company.	69388
(D) Eighty-eight per cent in the case of a pipe-line,	69389
water-works, or heating company;	69390
(E)(1) Except as provided in division (E)(2) or (3) of this	69391
section, one hundred per cent in the case of the taxable	69392
production equipment of an electric company and eighty-eight per	69393
cent for all its other taxable property;	69394
(2) For tax year 2001 and thereafter, eighty-eight per cent	69395
in the case of the taxable transmission and distribution property	69396
of an electric company, and twenty-five per cent for all its other	69397
taxable property;	69398
(3) Property listed and assessed under divisions (B)(1) and	69399
(2) of section 5711.22 of the Revised Code and leased to an	69400
electric company shall continue to be assessed at one hundred per	69401
cent for production equipment and eighty-eight per cent for all	69402
such other taxable property until January 1, 2002.	69403
(F) Twenty-five per cent in the case of an interexchange	69404
telecommunications company;	69405
(G) Twenty-five per cent in the case of a water	69406
transportation company.	69407
<b>Sec. 5727.30.</b> (A) Except as provided in divisions (B) <del>and</del>	69408
(C), <u>and (D)</u> of this section, each public utility, except railroad	69409
companies, shall be subject to an annual excise tax, as provided	69410
by sections 5727.31 to 5727.62 of the Revised Code, for the	69411
privilege of owning property in this state or doing business in	69412
this state during the twelve-month period next succeeding the	69413
period upon which the tax is based. The tax shall be imposed	69414
against each such public utility that, on the first day of such	69415
twelve-month period, owns property in this state or is doing	69416

business in this state, and the lien for the tax, including any 69417  
penalties and interest accruing thereon, shall attach on such day 69418  
to the property of the public utility in this state. 69419

(B) An electric company's or a rural electric company's gross 69420  
receipts received after April 30, 2001, are not subject to the 69421  
annual excise tax imposed by this section. 69422

(C) A natural gas company's gross receipts received after 69423  
April 30, 2000, are not subject to the annual excise tax imposed 69424  
by this section. 69425

(D) A telephone company's gross receipts derived from amounts 69426  
billed to customers after June 30, 2004, are not subject to the 69427  
annual excise tax imposed by this section. Notwithstanding any 69428  
other provision of law, gross receipts derived from amounts billed 69429  
by a telephone company to customers prior to July 1, 2004, shall 69430  
be included in the telephone company's annual statement filed on 69431  
or before August 1, 2004, which shall be the last statement or 69432  
report filed under section 5727.31 of the Revised Code by a 69433  
telephone company. A telephone company shall not deduct from its 69434  
gross receipts included in that last statement any receipts it was 69435  
unable to collect from its customers for the period of July 1, 69436  
2003, to June 30, 2004. 69437

**Sec. 5727.32.** (A) For the purpose of the tax imposed by 69438  
section 5727.30 of the Revised Code, the statement required by 69439  
section 5727.31 of the Revised Code shall contain: 69440

(1) The name of the company; 69441

(2) The nature of the company, whether a person, association, 69442  
or corporation, and under the laws of what state or country 69443  
organized; 69444

(3) The location of its principal office; 69445

(4) The name and post-office address of the president, 69446

secretary, auditor, treasurer, and superintendent or general manager;	69447 69448
(5) The name and post-office address of the chief officer or managing agent of the company in this state;	69449 69450
(6) The amount of the excise taxes paid or to be paid with the reports made during the current calendar year as provided by section 5727.31 of the Revised Code;	69451 69452 69453
(7) In the case of telegraph <del>and telephone</del> companies:	69454
(a) The gross receipts from all sources, whether messages, telephone tolls, rentals, or otherwise, for business done within this state, including all sums earned or charged, whether actually received or not, for the year ending on the thirtieth day of June, and the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons, or associations, but excluding all of the following:	69455 69456 69457 69458 69459 69460 69461 69462
(i) All of the receipts derived wholly from interstate business or business done for or with the federal government;	69463 69464
(ii) The receipts of amounts billed on behalf of other entities;	69465 69466
<del>(iii) The receipts from sales to other telephone companies for resale;</del>	69467 69468
<del>(iv) The receipts from sales to providers of telecommunications service for resale, receipts from incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight hundred type service, and receipts from private communications service.</del>	69469 69470 69471 69472 69473
<del>As used in this division, "receipts from sales to other telephone companies for resale" and "receipts from sales to providers of telecommunications service for resale" include but</del>	69474 69475 69476

~~are not limited to, receipts of carrier access charges. "Carrier access charges" means compensation paid to the taxpayer telephone company by another telephone company or by a provider of telecommunications service for the use of the taxpayer's facilities to originate or terminate telephone calls or telecommunications service.~~

(b) The total gross receipts for such period from business done within this state.

(8) In the case of all public utilities subject to the tax imposed by section 5727.30 of the Revised Code, except telegraph and telephone companies:

(a) The gross receipts of the company, actually received, from all sources for business done within this state for the year next preceding the first day of May, including the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons, or associations, but excluding all both of the following:

(i) Receipts from interstate business or business done for the federal government;

(ii) Receipts from sales to another public utility for resale, provided such other public utility is subject to the tax levied by section 5727.24 or 5727.30 of the Revised Code;

~~(iii) Receipts from the transmission or delivery of electricity to or for a rural electric company, provided that the electricity that has been so transmitted or delivered is for resale by the rural electric company. This division does not apply to tax years 2002 and thereafter.~~

~~(iv) Receipts of an electric company, derived from the provision of electricity and other services to a qualified former owner of the production facilities that generated the electricity from which those receipts were derived. This division does not~~

~~apply to tax years 2002 and thereafter. As used in this division, 69508  
a "qualified former owner" means a person who meets both of the 69509  
following conditions: 69510~~

~~(I) On or before October 11, 1991, the person had sold to an 69511  
electric company part of the production facility at which the 69512  
electricity is generated, and, for at least twenty years prior to 69513  
that sale, the facility was used to generate electricity, but it 69514  
was not owned in whole or in part during that period by an 69515  
electric company. 69516~~

~~(II) At the time the electric company provided the 69517  
electricity or other services for which the exclusion is claimed, 69518  
the person, or a successor or assign of the person, owned not less 69519  
than twenty per cent of the production facility and the rights to 69520  
not less than twenty per cent of the production of that facility; 69521  
and the person, or a successor or assign of the person, engaged 69522  
primarily in a business other than providing electricity to 69523  
others. 69524~~

~~(v) Receipts of a combined company derived from operating as 69525  
a natural gas company that is subject to the tax imposed by 69526  
section 5727.24 of the Revised Code. 69527~~

~~(b) The total gross receipts of the company, for the year 69528  
next preceding the first day of May, in this state from business 69529  
done within the state. 69530~~

~~(B) The reports required by section 5727.31 of the Revised 69531  
Code shall contain: 69532~~

~~(1) The name and principal mailing address of the company; 69533~~

~~(2) The total amount of the gross receipts excise taxes 69534  
charged or levied as based upon its last preceding annual 69535  
statement filed prior to the first day of January of the year in 69536  
which such report is filed; 69537~~

(3) The amount of the excise taxes due with the report as 69538  
provided by section 5727.31 of the Revised Code. 69539

**Sec. 5727.33.** (A) For the purpose of computing the excise tax 69540  
imposed by section 5727.24 or 5727.30 of the Revised Code, the 69541  
entire gross receipts actually received from all sources for 69542  
business done within this state are taxable gross receipts, 69543  
excluding the receipts described in divisions (B), (C), and (D), 69544  
~~and (E)~~ of this section. The gross receipts for the tax year of 69545  
each telegraph ~~and telephone~~ company shall be computed for the 69546  
period of the first day of July prior to the tax year to the 69547  
thirtieth day of June of the tax year. The gross receipts of each 69548  
natural gas company, including a combined company's taxable gross 69549  
receipts attributed to a natural gas company activity, shall be 69550  
computed in the manner required by section 5727.25 of the Revised 69551  
Code. The gross receipts for the tax year of any other public 69552  
utility subject to section 5727.30 of the Revised Code shall be 69553  
computed for the period of the first day of May prior to the tax 69554  
year to the thirtieth day of April of the tax year. 69555

(B) In ascertaining and determining the gross receipts of 69556  
each public utility subject to this section, the following gross 69557  
receipts are excluded: 69558

(1) All receipts derived wholly from interstate business; 69559

(2) All receipts derived wholly from business done for or 69560  
with the federal government; 69561

~~(3) All receipts derived wholly from the transmission or 69562  
delivery of electricity to or for a rural electric company, 69563  
provided that the electricity that has been so transmitted or 69564  
delivered is for resale by the rural electric company. This 69565  
division does not apply to tax years 2002 and thereafter. 69566~~

~~(4) All receipts from the sale of merchandise; 69567~~

~~(5)(4) All receipts from sales to other public utilities, except railroad, and telegraph, and telephone companies, for resale, provided the other public utility is subject to the tax levied by section 5727.24 or 5727.30 of the Revised Code.~~

~~(C) In ascertaining and determining the gross receipts of a telephone company, the following gross receipts are excluded:~~

~~(1) Receipts of amounts billed on behalf of other entities;~~

~~(2) Receipts from sales to other telephone companies for resale, as defined in division (A)(7) of section 5727.32 of the Revised Code;~~

~~(3) Receipts from incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight hundred type service;~~

~~(4) Receipts from private communications service as described in division (AA)(2) of section 5739.01 of the Revised Code;~~

~~(5) Receipts from sales to providers of telecommunications service for resale, as defined in division (A)(7) of section 5727.32 of the Revised Code.~~

~~(D) In ascertaining and determining the gross receipts of an electric company, receipts derived from the provision of electricity and other services to a qualified former owner of the production facilities that generated the electricity from which those receipts were derived are excluded. This division does not apply to tax years 2002 and thereafter. As used in this division, a "qualified former owner" means a person who meets both of the following conditions:~~

~~(1) On or before October 11, 1991, the person had sold to an electric company part of the production facility at which the electricity is generated, and, for at least twenty years prior to that sale, the facility was used to generate electricity, but it~~

~~was not owned in whole or part during that period by an electric  
company.~~ 69598  
69599

~~(2) At the time the electric company provided the electricity  
or other services for which the exclusion is claimed, the person,  
or a successor or assign of the person, owned not less than a  
twenty per cent ownership of the production facility and the  
rights to not less than twenty per cent of the production of that  
facility.~~ 69600  
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69602  
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~~(E)(C)~~ In ascertaining and determining the gross receipts of 69606  
a natural gas company, receipts billed on behalf of other entities 69607  
are excluded. The tax imposed by section 5729.811 of the Revised 69608  
Code, along with transportation and billing and collection fees 69609  
charged to other entities, shall be included in the gross receipts 69610  
of a natural gas company. 69611

~~(F)(D)~~ In ascertaining and determining the gross receipts of 69612  
a combined company subject to the tax imposed by section 5727.30 69613  
of the Revised Code, all receipts derived from operating as a 69614  
natural gas company that are subject to the tax imposed by section 69615  
5727.24 of the Revised Code are excluded. 69616

~~(G)(E)~~ Except as provided in division ~~(H)(F)~~ of this section, 69617  
the amount ascertained by the commissioner under this section, 69618  
less a deduction of twenty-five thousand dollars, shall be the 69619  
taxable gross receipts of such companies for business done within 69620  
this state for that year. 69621

~~(H)(F)~~ The amount ascertained under this section, less the 69622  
following deduction, shall be the taxable gross receipts of a 69623  
natural gas company or combined company subject to the tax imposed 69624  
by section 5727.24 of the Revised Code for business done within 69625  
this state: 69626

(1) For a natural gas company that files quarterly returns of 69627  
the tax imposed by section 5727.24 of the Revised Code, six 69628

thousand two hundred fifty dollars for each quarterly return; 69629

(2) For a natural gas company that files an annual return of 69630  
the tax imposed by section 5727.24 of the Revised Code, 69631  
twenty-five thousand dollars for each annual return; 69632

(3) For a combined company, twenty-five thousand dollars on 69633  
the annual statement filed under section 5727.31 of the Revised 69634  
Code. A combined company shall not be entitled to a deduction in 69635  
computing gross receipts subject to the tax imposed by section 69636  
5727.24 of the Revised Code. 69637

**Sec. 5727.56.** Any public utility whose articles of 69638  
incorporation or license certificate to do or transact business in 69639  
this state has expired or has been canceled or revoked by the 69640  
secretary of state, as provided by law for failure to make any 69641  
report or return or to pay any tax or fee, upon payment to the 69642  
secretary of state of any additional fees and penalties required 69643  
to be paid to ~~him~~ the secretary of state, and upon the filing with 69644  
the secretary of state of a certificate from the tax commissioner 69645  
that it has complied with all the requirements of law as to 69646  
franchise or excise tax reports and paid all franchise or excise 69647  
taxes, fees, or penalties due thereon for every year of its 69648  
delinquency, and upon the payment to the secretary of state of an 69649  
additional fee of ten dollars, shall be reinstated and again 69650  
entitled to exercise its rights, privileges, and franchises in 69651  
this state, and the secretary of state shall cancel the entry of 69652  
cancellation or expiration to exercise its rights, privileges, and 69653  
franchises. If the reinstatement is not made within one year from 69654  
the date of the cancellation of its articles of incorporation or 69655  
date of the cancellation or expiration of its license to do 69656  
business, and it appears that articles of incorporation or license 69657  
certificate have been issued to a corporation of the same or 69658  
similar name, the applicant for reinstatement shall be required by 69659

the secretary of state, as a condition prerequisite to such 69660  
reinstatement, to amend its articles by changing its name. A 69661  
certificate of reinstatement may be filed in the county recorder's 69662  
office of any county in the state, for which the recorder shall 69663  
charge and collect a base fee of three dollars for services and a 69664  
housing trust fund fee of three dollars pursuant to section 317.36 69665  
of the Revised Code. 69666

If a domestic public utility applying for reinstatement has 69667  
not previously designated an agent upon whom process may be served 69668  
as required by section 1701.07 of the Revised Code, such public 69669  
utility shall at the time of reinstatement and as a prerequisite 69670  
thereto designate an agent in accordance with such section. 69671

Any officer, shareholder, creditor, or receiver of any such 69672  
public utility may at any time take all steps required by this 69673  
section to effect such reinstatement, and in such case the 69674  
designation of an agent upon whom process may be served shall not 69675  
be a prerequisite to the reinstatement of the public utility. 69676

**Sec. 5727.84.** (A) As used in this section and sections 69677  
5727.85, 5727.86, and 5727.87 of the Revised Code: 69678

(1) "School district" means a city, local, or exempted 69679  
village school district. 69680

(2) "Joint vocational school district" means a joint 69681  
vocational school district created under section 3311.16 of the 69682  
Revised Code, and includes a cooperative education school district 69683  
created under section 3311.52 or 3311.521 of the Revised Code and 69684  
a county school financing district created under section 3311.50 69685  
of the Revised Code. 69686

(3) "Local taxing unit" means a subdivision or taxing unit, 69687  
as defined in section 5705.01 of the Revised Code, a park district 69688  
created under Chapter 1545. of the Revised Code, or a township 69689

park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts. 69690  
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(4) "State education aid" means the sum of state aid amounts computed for a school district or joint vocational school district under Chapter 3317. of the Revised Code. 69693  
69694  
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(5) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code. 69696  
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69698

(6) "Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code. 69699  
69700

(7) "Electric company tax value loss" means the amount determined under division (D) of this section. 69701  
69702

(8) "Natural gas company tax value loss" means the amount determined under division (E) of this section. 69703  
69704

(9) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss. 69705  
69706

(10) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy. 69707  
69708

(11) "Fixed-rate levy loss" means the amount determined under division (G) of this section. 69709  
69710

(12) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code. 69711  
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(13) "Fixed-sum levy loss" means the amount determined under division (H) of this section. 69716  
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(14) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor 69718  
69719

statistics of the United States department of labor. 69720

(B) The kilowatt-hour tax receipts fund is hereby created in 69721  
the state treasury and shall consist of money arising from the tax 69722  
imposed by section 5727.81 of the Revised Code. All money in the 69723  
kilowatt-hour tax receipts fund shall be credited as follows: 69724

(1) Fifty-nine and nine hundred seventy-six one-thousandths 69725  
per cent, shall be credited to the general revenue fund. 69726

(2) Two and six hundred forty-six one-thousandths per cent 69727  
shall be credited to the local government fund, for distribution 69728  
in accordance with section 5747.50 of the Revised Code. 69729

(3) Three hundred seventy-eight one-thousandths per cent 69730  
shall be credited to the local government revenue assistance fund, 69731  
for distribution in accordance with section 5747.61 of the Revised 69732  
Code. 69733

(4) Twenty-five and four-tenths per cent shall be credited to 69734  
the school district property tax replacement fund, which is hereby 69735  
created in the state treasury for the purpose of making the 69736  
payments described in section 5727.85 of the Revised Code. 69737

(5) Eleven and six-tenths per cent shall be credited to the 69738  
local government property tax replacement fund, which is hereby 69739  
created in the state treasury for the purpose of making the 69740  
payments described in section 5727.86 of the Revised Code. 69741

(6) In fiscal years 2002, 2003, 2004, 2005, and 2006, if the 69742  
revenue arising from the tax levied by section 5727.81 of the 69743  
Revised Code is less than five hundred fifty-two million dollars, 69744  
the amount credited to the general revenue fund under division 69745  
(B)(1) of this section shall be reduced by the amount necessary to 69746  
credit to each of the funds in divisions (B)(2) and (3) of this 69747  
section the amount it would have received if the tax did raise 69748  
five hundred fifty-two million dollars for that fiscal year. The 69749  
tax commissioner shall certify to the director of budget and 69750

management the amounts that shall be credited under this division. 69751

(7) Beginning in fiscal year 2007, if the revenue arising 69752  
from the tax levied by section 5727.81 of the Revised Code is less 69753  
than five hundred fifty-two million dollars, the amount credited 69754  
to the general revenue fund under division (B)(1) of this section 69755  
shall be reduced by the amount necessary to credit to each of the 69756  
funds in divisions (B)(2), (3), (4), and (5) of this section the 69757  
amount that it would have received if the tax did raise five 69758  
hundred fifty-two million dollars for that fiscal year. The tax 69759  
commissioner shall certify to the director of budget and 69760  
management the amounts to be credited under division (B)(7) of 69761  
this section. 69762

(C) The natural gas tax receipts fund is hereby created in 69763  
the state treasury and shall consist of money arising from the tax 69764  
imposed by section 5727.811 of the Revised Code. All money in the 69765  
fund shall be credited as follows: 69766

(1) Sixty-eight and seven-tenths per cent shall be credited 69767  
to the school district property tax replacement fund for the 69768  
purpose of making the payments described in section 5727.85 of the 69769  
Revised Code. 69770

(2) Thirty-one and three-tenths per cent shall be credited to 69771  
the local government property tax replacement fund for the purpose 69772  
of making the payments described in section 5727.86 of the Revised 69773  
Code. 69774

(3) Beginning in fiscal year 2007, if the revenue arising 69775  
from the tax levied by section 5727.811 of the Revised Code is 69776  
less than ninety million dollars, an amount equal to the 69777  
difference between the amount collected and ninety million dollars 69778  
shall be transferred from the general revenue fund to each of the 69779  
funds in divisions (C)(1) and (2) of this section in the same 69780  
percentages as if that amount had been collected as taxes under 69781

section 5727.811 of the Revised Code. The tax commissioner shall 69782  
certify to the director of budget and management the amounts that 69783  
shall be transferred under this division. 69784

(D) Not later than January 1, 2002, the tax commissioner 69785  
shall determine for each taxing district its electric company tax 69786  
value loss, which is the sum of the applicable amounts described 69787  
in divisions (D)(1) ~~and (2)~~ to (3) of this section: 69788

(1) The difference obtained by subtracting the amount 69789  
described in division (D)(1)(b) from the amount described in 69790  
division (D)(1)(a) of this section. 69791

(a) The value of electric company and rural electric company 69792  
tangible personal property as assessed by the tax commissioner for 69793  
tax year 1998 on a preliminary assessment, or an amended 69794  
preliminary assessment if issued prior to March 1, 1999, and as 69795  
apportioned to the taxing district for tax year 1998; 69796

(b) The value of electric company and rural electric company 69797  
tangible personal property as assessed by the tax commissioner for 69798  
tax year 1998 had the property been apportioned to the taxing 69799  
district for tax year 2001, and assessed at the rates in effect 69800  
for tax year 2001. 69801

(2) The difference obtained by subtracting the amount 69802  
described in division (D)(2)(b) from the amount described in 69803  
division (D)(2)(a) of this section. 69804

(a) The three-year average for tax years 1996, 1997, and 1998 69805  
of the assessed value from nuclear fuel materials and assemblies 69806  
assessed against a person under Chapter 5711. of the Revised Code 69807  
from the leasing of them to an electric company for those 69808  
respective tax years, as reflected in the preliminary assessments; 69809

(b) The three-year average assessed value from nuclear fuel 69810  
materials and assemblies assessed under division (D)(2)(a) of this 69811  
section for tax years 1996, 1997, and 1998, as reflected in the 69812

preliminary assessments, using an assessment rate of twenty-five 69813  
per cent. 69814

(3) In the case of a taxing district having a nuclear power 69815  
plant within its territory, any amount, resulting in an electric 69816  
company tax value loss, obtained by subtracting the amount 69817  
described in division (D)(1) of this section from the difference 69818  
obtained by subtracting the amount described in division (D)(3)(b) 69819  
of this section from the amount described in division (D)(3)(a) of 69820  
this section. 69821

(a) The value of electric company tangible personal property 69822  
as assessed by the tax commissioner for tax year 2000 on a 69823  
preliminary assessment, or an amended preliminary assessment if 69824  
issued prior to March 1, 2001, and as apportioned to the taxing 69825  
district for tax year 2000; 69826

(b) The value of electric company tangible personal property 69827  
as assessed by the tax commissioner for tax year 2001 on a 69828  
preliminary assessment, or an amended preliminary assessment if 69829  
issued prior to March 1, 2002, and as apportioned to the taxing 69830  
district for tax year 2001. 69831

(E) Not later than January 1, 2002, the tax commissioner 69832  
shall determine for each taxing district its natural gas company 69833  
tax value loss, which is the sum of the amounts described in 69834  
divisions (E)(1) and (2) of this section: 69835

(1) The difference obtained by subtracting the amount 69836  
described in division (E)(1)(b) from the amount described in 69837  
division (E)(1)(a) of this section. 69838

(a) The value of all natural gas company tangible personal 69839  
property, other than property described in division (E)(2) of this 69840  
section, as assessed by the tax commissioner for tax year 1999 on 69841  
a preliminary assessment, or an amended preliminary assessment if 69842  
issued prior to March 1, 2000, and apportioned to the taxing 69843

district for tax year 1999; 69844

(b) The value of all natural gas company tangible personal 69845  
property, other than property described in division (E)(2) of this 69846  
section, as assessed by the tax commissioner for tax year 1999 had 69847  
the property been apportioned to the taxing district for tax year 69848  
2001, and assessed at the rates in effect for tax year 2001. 69849

(2) The difference in the value of current gas obtained by 69850  
subtracting the amount described in division (E)(2)(b) from the 69851  
amount described in division (E)(2)(a) of this section. 69852

(a) The three-year average assessed value of current gas as 69853  
assessed by the tax commissioner for tax years 1997, 1998, and 69854  
1999 on a preliminary assessment, or an amended preliminary 69855  
assessment if issued prior to March 1, 2001, and as apportioned in 69856  
the taxing district for those respective years; 69857

(b) The three-year average assessed value from current gas 69858  
under division (E)(2)(a) of this section for tax years 1997, 1998, 69859  
and 1999, as reflected in the preliminary assessment, using an 69860  
assessment rate of twenty-five per cent. 69861

(F) The tax commissioner may request that natural gas 69862  
companies, electric companies, and rural electric companies file a 69863  
report to help determine the tax value loss under divisions (D) 69864  
and (E) of this section. The report shall be filed within thirty 69865  
days of the commissioner's request. A company that fails to file 69866  
the report or does not timely file the report is subject to the 69867  
penalty in section 5727.60 of the Revised Code. 69868

(G) Not later than January 1, 2002, the tax commissioner 69869  
shall determine for each school district, joint vocational school 69870  
district, and local taxing unit its fixed-rate levy loss, which is 69871  
the sum of its electric company tax value loss multiplied by the 69872  
tax rate in effect in tax year 1998 for fixed-rate levies and its 69873  
natural gas company tax value loss multiplied by the tax rate in 69874

effect in tax year 1999 for fixed-rate levies. 69875

(H) Not later than January 1, 2002, the tax commissioner 69876  
shall determine for each school district, joint vocational school 69877  
district, and local taxing unit its fixed-sum levy loss, which is 69878  
the amount obtained by subtracting the amount described in 69879  
division (H)(2) of this section from the amount described in 69880  
division (H)(1) of this section: 69881

(1) The sum of the electric company tax value loss multiplied 69882  
by the tax rate in effect in tax year 1998, and the natural gas 69883  
company tax value loss multiplied by the tax rate in effect in tax 69884  
year 1999, for fixed-sum levies for all taxing districts within 69885  
each school district, joint vocational school district, and local 69886  
taxing unit. For the years 2002 through 2006, this computation 69887  
shall include school district emergency levies that existed in 69888  
1998 in the case of the electric company tax value loss, and 1999 69889  
in the case of the natural gas company tax value loss, and all 69890  
other fixed-sum levies that existed in 1998 in the case of the 69891  
electric company tax value loss and 1999 in the case of the 69892  
natural gas company tax value loss and continue to be charged in 69893  
the tax year preceding the distribution year. For the years 2007 69894  
through 2016 in the case of school district emergency levies, and 69895  
for all years after 2006 in the case of all other fixed-sum 69896  
levies, this computation shall exclude all fixed-sum levies that 69897  
existed in 1998 in the case of the electric company tax value loss 69898  
and 1999 in the case of the natural gas company tax value loss, 69899  
but are no longer in effect in the tax year preceding the 69900  
distribution year. For the purposes of this section, an emergency 69901  
levy that existed in 1998 in the case of the electric company tax 69902  
value loss, and 1999 in the case of the natural gas company tax 69903  
value loss, continues to exist in a year beginning on or after 69904  
January 1, 2007, but before January 1, 2017, if, in that year, the 69905  
board of education levies a school district emergency levy for an 69906

annual sum at least equal to the annual sum levied by the board in 69907  
tax year 1998 or 1999, respectively, less the amount of the 69908  
payment certified under this division for 2002. 69909

(2) The total taxable value in tax year 1999 less the tax 69910  
value loss in each school district, joint vocational school 69911  
district, and local taxing unit multiplied by one-fourth of one 69912  
mill. 69913

If the amount computed under division (H) of this section for 69914  
any school district, joint vocational school district, or local 69915  
taxing unit is greater than zero, that amount shall equal the 69916  
fixed-sum levy loss reimbursed pursuant to division (E) of section 69917  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 69918  
of the Revised Code, and the one-fourth of one mill that is 69919  
subtracted under division (H)(2) of this section shall be 69920  
apportioned among all contributing fixed-sum levies in the 69921  
proportion of each levy to the sum of all fixed-sum levies within 69922  
each school district, joint vocational school district, or local 69923  
taxing unit. 69924

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 69925  
section, in computing the tax value loss, fixed-rate levy loss, 69926  
and fixed-sum levy loss, the tax commissioner shall use the 69927  
greater of the 1998 tax rate or the 1999 tax rate in the case of 69928  
levy losses associated with the electric company tax value loss, 69929  
but the 1999 tax rate shall not include for this purpose any tax 69930  
levy approved by the voters after June 30, 1999, and the tax 69931  
commissioner shall use the greater of the 1999 or the 2000 tax 69932  
rate in the case of levy losses associated with the natural gas 69933  
company tax value loss. 69934

(J) Not later than January 1, 2002, the tax commissioner 69935  
shall certify to the department of education the tax value loss 69936  
determined under divisions (D) and (E) of this section for each 69937  
taxing district, the fixed-rate levy loss calculated under 69938

division (G) of this section, and the fixed-sum levy loss 69939  
calculated under division (H) of this section. The calculations 69940  
under divisions (G) and (H) of this section shall separately 69941  
display the levy loss for each levy eligible for reimbursement. 69942

(K) Not later than September 1, 2001, the tax commissioner 69943  
shall certify the amount of the fixed-sum levy loss to the county 69944  
auditor of each county in which a school district with a fixed-sum 69945  
levy loss has territory. 69946

**Sec. 5727.85.** (A) By the thirty-first day of July of each 69947  
year, beginning in 2002 and ending in 2016, the department of 69948  
education shall determine the following for each school district 69949  
and each joint vocational school district eligible for payment 69950  
under division (C) or (D) of this section: 69951

(1) The state education aid offset, which is the difference 69952  
obtained by subtracting the amount described in division (A)(1)(b) 69953  
of this section from the amount described in division (A)(1)(a) of 69954  
this section: 69955

(a) The state education aid computed for the school district 69956  
or joint vocational school district for the current fiscal year as 69957  
of the thirty-first day of July; 69958

(b) The state education aid that would be computed for the 69959  
school district or joint vocational school district for the 69960  
current fiscal year as of the thirty-first day of July if the 69961  
recognized valuation included the tax value loss for the school 69962  
district or joint vocational school district. 69963

(2) The greater of zero or difference obtained by subtracting 69964  
the state education aid offset determined under division (A)(1) of 69965  
this section from the fixed-rate levy loss certified under 69966  
division (J) of section 5727.84 of the Revised Code for all taxing 69967  
districts in each school district and joint vocational school 69968

district. 69969

By the fifth day of August of each such year, the department 69970  
of education shall certify the amount so determined under division 69971  
(A)(1) of this section to the director of budget and management. 69972

(B) Not later than the thirty-first day of October of the 69973  
years 2006 through 2016, the department of education shall 69974  
determine all of the following for each school district: 69975

(1) The amount obtained by subtracting the district's state 69976  
education aid computed for fiscal year 2002 from the district's 69977  
state education aid computed for the current fiscal year; 69978

(2) The inflation-adjusted property tax loss. The 69979  
inflation-adjusted property tax loss equals the fixed-rate levy 69980  
loss, excluding the tax loss from levies within the ten-mill 69981  
limitation to pay debt charges, determined under division (G) of 69982  
section 5727.84 of the Revised Code for all taxing districts in 69983  
each school district plus the product obtained by multiplying that 69984  
loss by the cumulative percentage increase in the consumer price 69985  
index from January 1, 2002, to the thirtieth day of June of the 69986  
current year. 69987

(3) The difference obtained by subtracting the amount 69988  
computed under division (B)(1) from the amount of the 69989  
inflation-adjusted property tax loss. If this difference is zero 69990  
or a negative number, no further payments shall be made under 69991  
division (C) of this section to the school district from the 69992  
school district property tax replacement fund. 69993

(C) The department of education shall pay from the school 69994  
district property tax replacement fund to each school district all 69995  
of the following: 69996

(1) In February 2002, one-half of the fixed-rate levy loss 69997  
certified under division (J) of section 5727.84 of the Revised 69998  
Code between the twenty-first and twenty-eighth days of February. 69999

(2) From August 2002 through August 2006, one-half of the amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February. 70000  
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(3) From February 2007 through August 2016, one-half of the amount calculated for that calendar year under division (B)(3) of this section between the twenty-first and twenty-eighth days of August and of February. 70004  
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(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2016. 70008  
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The department of education shall report to each school district the apportionment of the payments among the school district's funds based on the certifications under division (J) of section 5727.84 of the Revised Code. 70015  
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(D) Not later than January 1, 2002, for all taxing districts in each joint vocational school district, the tax commissioner shall certify to the department of education the fixed-rate levy loss determined under division (G) of section 5727.84 of the Revised Code. From February 2002 to August 2016, the department shall pay from the school district property tax replacement fund to the joint vocational school district one-half of the amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February. 70019  
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(E)(1) Not later than January 1, 2002, for each fixed-sum levy levied by each school district or joint vocational school 70029  
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district and for each year for which a determination is made under 70031  
division (H) of section 5727.84 of the Revised Code that a 70032  
fixed-sum levy loss is to be reimbursed, the tax commissioner 70033  
shall certify to the department of education the fixed-sum levy 70034  
loss determined under that division. The certification shall cover 70035  
a time period sufficient to include all fixed-sum levies for which 70036  
the tax commissioner made such a determination. The department 70037  
shall pay from the school district property tax replacement fund 70038  
to the school district or joint vocational school district 70039  
one-half of the fixed-sum levy loss so certified for each year 70040  
between the twenty-first and twenty-eighth days of August and of 70041  
February. 70042

(2) Beginning in 2003, by the thirty-first day of January of 70043  
each year, the tax commissioner shall review the certification 70044  
originally made under division (E)(1) of this section. If the 70045  
commissioner determines that a debt levy that had been scheduled 70046  
to be reimbursed in the current year has expired, a revised 70047  
certification for that and all subsequent years shall be made to 70048  
the department of education. 70049

(F) Beginning in August 2002, and ending in February 2017, 70050  
the director of budget and management shall transfer from the 70051  
school district property tax replacement fund to the general 70052  
revenue fund each of the following: 70053

(1) Between the twenty-eighth day of August and the fifth day 70054  
of September, the lesser of one-half of the amount certified for 70055  
that fiscal year under division (A)(2) of this section or the 70056  
balance in the school district property tax replacement fund; 70057

(2) Between the first and fifth days of March, the lesser of 70058  
one-half of the amount certified for that fiscal year under 70059  
division (A)(2) of this section or the balance in the school 70060  
district property tax replacement fund. 70061

(G) By August 5, 2002, the tax commissioner shall estimate 70062  
the amount of money in the school district property tax 70063  
replacement fund in excess of the amount necessary to make 70064  
payments under divisions (C), (D), (E), and (F) of this section. 70065  
Notwithstanding division (C) of this section, the department of 70066  
education, in consultation with the tax commissioner and from 70067  
those excess funds, may pay any school district four and one-half 70068  
times the amount certified under division (A)(2) of this section. 70069  
Payments shall be made in order from the smallest annual loss to 70070  
the largest annual loss. A payment made under this division shall 70071  
be in lieu of the payment to be made in August 2002 under division 70072  
(C)(2) of this section. No payments shall be made in the manner 70073  
established in this division to any school district with annual 70074  
losses from permanent improvement fixed-rate levies in excess of 70075  
twenty thousand dollars, or annual losses from any other 70076  
fixed-rate levies in excess of twenty thousand dollars. A school 70077  
district receiving a payment under this division is no longer 70078  
entitled to any further payments under division (C) of this 70079  
section. 70080

(H) On the thirty-first day of July of 2003, 2004, 2005, and 70081  
2006, and on the thirty-first day of January and July of 2007 and 70082  
each year thereafter, if the amount credited to the school 70083  
district property tax replacement fund exceeds the amount needed 70084  
to make payments from the fund under divisions (C), (D), (E), and 70085  
(F) of this section, the department of education shall distribute 70086  
the excess among school districts and joint vocational school 70087  
districts. The amount distributed to each district shall bear the 70088  
same proportion to the excess remaining in the fund as the ADM of 70089  
the district bears to the ADM of all of the districts. For the 70090  
purpose of this division, "ADM" means the formula ADM in the case 70091  
of a school district, and the average daily membership reported 70092  
under section 3317.03 of the Revised Code in the case of a joint 70093  
vocational school district. 70094

If, in the opinion of the department of education, the excess remaining in the school district property tax replacement fund in any year is not sufficient to warrant distribution under this division, the excess shall remain to the credit of the fund.

Amounts received by a school district or joint vocational school district under this division shall be used exclusively for capital improvements.

(I) From fiscal year 2002 through fiscal year 2016, if the total amount in the school district property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district property tax replacement fund the difference between the total amount to be paid and the total amount in the school district property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill No. 95 of the 125th general assembly.

(J) If all or a part of the territory of a school district or joint vocational school district is merged with or transferred to another district, the department of education, in consultation with the tax commissioner shall adjust the payments made under this section to each of the districts in proportion to the tax value loss apportioned to the merged or transferred territory.

~~(J)~~(K) There is hereby created the public utility property tax study committee, effective January 1, 2011. The committee shall consist of the following seven members: the tax commissioner, three members of the senate appointed by the president of the senate, and three members of the house of representatives appointed by the speaker of the house of representatives. The appointments shall be made not later than

January 31, 2011. The tax commissioner shall be the chairperson of the committee. 70127  
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The committee shall study the extent to which each school district or joint vocational school district has been compensated, under sections 5727.84 and 5727.85 of the Revised Code as enacted by Substitute Senate Bill No. 3 of the 123rd general assembly and any subsequent acts, for the property tax loss caused by the reduction in the assessment rates for natural gas, electric, and rural electric company tangible personal property. Not later than June 30, 2011, the committee shall issue a report of its findings, including any recommendations for providing additional compensation for the property tax loss or regarding remedial legislation, to the president of the senate and the speaker of the house of representatives, at which time the committee shall cease to exist. 70129  
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The department of taxation and department of education shall provide such information and assistance as is required for the committee to carry out its duties. 70142  
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**Sec. 5727.86.** (A) Not later than January 1, 2002, the tax commissioner shall compute the payments to be made to each local taxing unit for each year according to divisions (A)(1), (2), (3), and (4) and division (E) of this section, and shall distribute the payments in the manner prescribed by division (C) of this section. The calculation of the fixed-sum levy loss shall cover a time period sufficient to include all fixed-sum levies for which the tax commissioner determined, pursuant to division (H) of section 5727.84 of the Revised Code, that a fixed-sum levy loss is to be reimbursed. 70145  
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(1) Except as provided in divisions (A)(3) and (4) of this section, for fixed-rate levy losses determined under division (G) of section 5727.84 of the Revised Code, payments shall be made in 70155  
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each of the following years at the following percentage of the 70158  
fixed-rate levy loss certified under division (A) of this section: 70159

YEAR	PERCENTAGE	
2002	100%	70160
2003	100%	70161
2004	100%	70162
2005	100%	70163
2006	100%	70164
2007	100%	70165
2008	80%	70166
2009	80%	70167
2010	80%	70168
2011	80%	70169
2012	80%	70170
2013	66.7%	70171
2014	53.4%	70172
2015	40.1%	70173
2016	26.8%	70174
2017 and thereafter	13.5%	70175
	0%	70176

(2) For fixed-sum levy losses determined under division (H) 70177  
of section 5727.84 of the Revised Code, payments shall be made in 70178  
the amount of one hundred per cent of the fixed-sum levy loss for 70179  
payments required to be made in 2002 and thereafter. 70180

(3) A local taxing unit in a county of less than two hundred 70181  
fifty square miles that receives eighty per cent or more of its 70182  
combined general fund and bond retirement fund revenues from 70183  
property taxes and rollbacks based on 1997 actual revenues as 70184  
presented in its 1999 tax budget, and in which electric companies 70185  
and rural electric companies comprise over twenty per cent of its 70186  
property valuation, shall receive one hundred per cent of its 70187  
fixed-rate levy losses from electric company tax value losses 70188  
certified under division (A) of this section in years 2002 to 70189

2016. 70190

(4) For taxes levied within the ten-mill limitation for debt 70191  
purposes in tax year 1998 in the case of electric company tax 70192  
value losses, and in tax year 1999 in the case of natural gas 70193  
company tax value losses, payments shall be made equal to one 70194  
hundred per cent of the loss computed as if the tax were a 70195  
fixed-rate levy, but those payments shall extend from fiscal year 70196  
2006 through fiscal year 2016. 70197

(B) Beginning in 2003, by the thirty-first day of January of 70198  
each year, the tax commissioner shall review the calculation 70199  
originally made under division (A) of this section of the 70200  
fixed-sum levy loss determined under division (H) of section 70201  
5727.84 of the Revised Code. If the commissioner determines that a 70202  
fixed-sum levy that had been scheduled to be reimbursed in the 70203  
current year has expired, a revised calculation for that and all 70204  
subsequent years shall be made. 70205

(C) Payments to local taxing units required to be made under 70206  
divisions (A) and (E) of this section shall be paid from the local 70207  
government property tax replacement fund to the county undivided 70208  
income tax fund in the proper county treasury. One-half of the 70209  
amount certified under those divisions shall be paid between the 70210  
twenty-first and twenty-eighth days of August and of February. The 70211  
county treasurer shall distribute amounts paid under division (A) 70212  
of this section to the proper local taxing unit as if they had 70213  
been levied and collected as taxes, and the local taxing unit 70214  
shall apportion the amounts so received among its funds in the 70215  
same proportions as if those amounts had been levied and collected 70216  
as taxes. Amounts distributed under division (E) of this section 70217  
shall be credited to the general fund of the local taxing unit 70218  
that receives them. 70219

(D) By February 5, 2002, the tax commissioner shall estimate 70220  
the amount of money in the local government property tax 70221

replacement fund in excess of the amount necessary to make 70222  
payments in that month under division (C) of this section. 70223  
Notwithstanding division (A) of this section, the tax commissioner 70224  
may pay any local taxing unit, from those excess funds, nine and 70225  
four-tenths times the amount computed for 2002 under division 70226  
(A)(1) of this section. A payment made under this division shall 70227  
be in lieu of the payment to be made in February 2002 under 70228  
division (A)(1) of this section. A local taxing unit receiving a 70229  
payment under this division will no longer be entitled to any 70230  
further payments under division (A)(1) of this section. A payment 70231  
made under this division shall be paid from the local government 70232  
property tax replacement fund to the county undivided income tax 70233  
fund in the proper county treasury. The county treasurer shall 70234  
distribute the payment to the proper local taxing unit as if it 70235  
had been levied and collected as taxes, and the local taxing unit 70236  
shall apportion the amounts so received among its funds in the 70237  
same proportions as if those amounts had been levied and collected 70238  
as taxes. 70239

(E) On the thirty-first day of July of 2002, 2003, 2004, 70240  
2005, and 2006, and on the thirty-first day of January and July of 70241  
2007 and each year thereafter, if the amount credited to the local 70242  
government property tax replacement fund exceeds the amount needed 70243  
to be distributed from the fund under division (A) of this section 70244  
in the following month, the tax commissioner shall distribute the 70245  
excess to each county as follows: 70246

(1) One-half shall be distributed to each county in 70247  
proportion to each county's population. 70248

(2) One-half shall be distributed to each county in the 70249  
proportion that the amounts determined under divisions (G) and (H) 70250  
of section 5727.84 of the Revised Code for all local taxing units 70251  
in the county is of the total amounts so determined for all local 70252  
taxing units in the state. 70253

The amounts distributed to each county under this division 70254  
shall be distributed by the county treasurer to each local taxing 70255  
unit in the county in the proportion that the unit's current taxes 70256  
charged and payable are of the total current taxes charged and 70257  
payable of all the local taxing units in the county. As used in 70258  
this division, "current taxes charged and payable" means the taxes 70259  
charged and payable as most recently determined for local taxing 70260  
units in the county. 70261

If, in the opinion of the tax commissioner, the excess 70262  
remaining in the local government property tax replacement fund in 70263  
any year is not sufficient to warrant distribution under this 70264  
division, the excess shall remain to the credit of the fund. 70265

(F) From fiscal year 2002 through fiscal year 2016, if the 70266  
total amount in the local government property tax replacement fund 70267  
is insufficient to make all payments under division (C) of this 70268  
section at the times the payments are to be made, the director of 70269  
budget and management shall transfer from the general revenue fund 70270  
to the local government property tax replacement fund the 70271  
difference between the total amount to be paid and the amount in 70272  
the local government property tax replacement fund, except that no 70273  
transfer shall be made by reason of a deficiency to the extent 70274  
that it results from the amendment of section 5727.84 of the 70275  
Revised Code by Amended Substitute House Bill No. 95 of the 125th 70276  
general assembly. 70277

(G) If all or a part of the territories of two or more local 70278  
taxing units are merged, or unincorporated territory of a township 70279  
is annexed by a municipal corporation, the tax commissioner shall 70280  
adjust the payments made under this section to each of the local 70281  
taxing units in proportion to the tax value loss apportioned to 70282  
the merged or annexed territory, or as otherwise provided by a 70283  
written agreement between the legislative authorities of the local 70284  
taxing units certified to the tax commissioner not later than the 70285

first day of June of the calendar year in which the payment is to 70286  
be made. 70287

**Sec. 5728.04.** (A) It is unlawful for any person to operate a 70288  
commercial car with three or more axles when operated alone or as 70289  
part of a commercial tandem, a commercial car with two axles that 70290  
is to be operated as part of a commercial tandem with a gross 70291  
vehicle weight or a registered gross vehicle weight exceeding 70292  
twenty-six thousand pounds, or a commercial tractor when operated 70293  
alone or as part of a commercial tractor combination or commercial 70294  
tandem on a public highway ~~without~~ under either of the following 70295  
circumstances: 70296

(1) Without a valid fuel use permit for such commercial car 70297  
or commercial tractor. 70298

(2) With a suspended or surrendered fuel use permit for such 70299  
commercial car or commercial tractor. 70300

(B) The judge or magistrate of any court finding any person 70301  
guilty of unlawfully operating a commercial car or commercial 70302  
tractor as provided for in this section shall immediately notify 70303  
the tax commissioner of such violation and shall transmit to the 70304  
tax commissioner the name and the permanent address of the owner 70305  
of the commercial car or commercial tractor operated in violation 70306  
of this section, the registration number, the state of 70307  
registration, and the certificate of title number of the 70308  
commercial car or commercial tractor. The commercial car or 70309  
commercial tractor involved in a violation of division (A)(1) or 70310  
(2) of this section may be detained until a valid fuel use permit 70311  
is obtained or reinstated. 70312

**Sec. 5728.06.** (A) For the following purposes, an excise tax 70313  
is hereby imposed on the use of motor fuel to operate on the 70314  
public highways of this state a commercial car with three or more 70315

axles operated alone or as part of a commercial tandem, a 70316  
commercial car with two axles operated as part of a commercial 70317  
tandem having a gross vehicle weight or registered gross vehicle 70318  
weight exceeding twenty-six thousand pounds, or a commercial 70319  
tractor operated alone or as part of a commercial tractor 70320  
combination or commercial tandem: to provide revenue for 70321  
maintaining the state highway system, to widen existing surfaces 70322  
on such highways, to resurface such highways, to enable the 70323  
counties of the state properly to plan for, maintain, and repair 70324  
their roads, to enable the municipal corporations to plan, 70325  
construct, reconstruct, repave, widen, maintain, repair, clear, 70326  
and clean public highways, roads, and streets; to pay that portion 70327  
of the construction cost of a highway project that a county, 70328  
township, or municipal corporation normally would be required to 70329  
pay, but that the director of transportation, pursuant to division 70330  
(B) of section 5531.08 of the Revised Code, determines instead 70331  
will be paid from moneys in the highway operating fund; to 70332  
maintain and repair bridges and viaducts; to purchase, erect, and 70333  
maintain street and traffic signs and markers; to purchase, erect, 70334  
and maintain traffic lights and signals; to pay the costs 70335  
apportioned to the public under section 4907.47 of the Revised 70336  
Code; and to supplement revenue already available for such 70337  
purposes, to distribute equitably among those persons using the 70338  
privilege of driving motor vehicles upon such highways and streets 70339  
the cost of maintaining and repairing the same, and to pay the 70340  
interest, principal, and charges on bonds and other obligations 70341  
issued pursuant to Section 2i of Article VIII, Ohio Constitution, 70342  
and sections 5528.30 and 5528.31 of the Revised Code. The tax is 70343  
imposed in the same amount as the motor fuel tax imposed under 70344  
Chapter 5735. of the Revised Code plus an additional tax of three 70345  
cents per gallon of motor fuel used before July 1, 2004, ~~and an~~ 70346  
provided that the additional tax of shall be reduced to two cents 70347  
per gallon of motor fuel used ~~before~~ from July 1, 2004 through 70348

June 30, 2005, as determined by the gallons consumed while 70349  
operated on the public highways of this state. Subject to section 70350  
5735.292 of the Revised Code, on and after July 1, 2005, the tax 70351  
shall be imposed in the same amount as the motor fuel tax imposed 70352  
under Chapter 5735. of the Revised Code. Payment of the fuel use 70353  
tax shall be made by the purchase of motor fuel within Ohio of 70354  
such gallons as is equivalent to the gallons consumed while 70355  
operating such a motor vehicle on the public highways of this 70356  
state, or by direct remittance to the treasurer of state with the 70357  
fuel use tax return filed pursuant to section 5728.08 of the 70358  
Revised Code. 70359

Any person subject to the tax imposed under this section who 70360  
purchases motor fuel in this state for use in another state in 70361  
excess of the amount consumed while operating such motor vehicle 70362  
on the public highways of this state shall be allowed a credit 70363  
against the tax imposed by this section or a refund equal to the 70364  
motor fuel tax paid to this state on such excess. No such credit 70365  
or refund shall be allowed for taxes paid to any state that 70366  
imposes a tax on motor fuel purchased or obtained in this state 70367  
and used on the highways of such other state but does not allow a 70368  
similar credit or refund for the tax paid to this state on motor 70369  
fuel purchased or acquired in the other state and used on the 70370  
public highways of this state. 70371

The tax commissioner is authorized to determine whether such 70372  
credits or refunds are available and to prescribe such rules as 70373  
are required for the purpose of administering this chapter. 70374

(B) Within sixty days after the last day of each month, the 70375  
tax commissioner shall determine the amount of motor fuel tax 70376  
allowed as a credit against the tax imposed by this section. The 70377  
commissioner shall certify the amount to the director of budget 70378  
and management and the treasurer of state, who shall credit the 70379  
amount in accordance with section 5728.08 of the Revised Code from 70380

current revenue arising from the tax levied by section 5735.05 of 70381  
the Revised Code. 70382

(C) The owner of each commercial car and commercial tractor 70383  
subject to sections 5728.01 to 5728.14 of the Revised Code is 70384  
liable for the payment of the full amount of the taxes imposed by 70385  
this section. 70386

An owner who is a person regularly engaged, for compensation, 70387  
in the business of leasing or renting motor vehicles without 70388  
furnishing drivers may designate that the lessee of a motor 70389  
vehicle leased for a period of thirty days or more shall report 70390  
and pay the tax incurred during the duration of the lease. An 70391  
owner who is an independent contractor that furnishes both the 70392  
driver and motor vehicle, may designate that the person so 70393  
furnished with the driver and motor vehicle for a period of thirty 70394  
days or more shall report and pay the tax incurred during that 70395  
period. An independent contractor that is not an owner, but that 70396  
furnishes both the driver and motor vehicle and that has been 70397  
designated by the owner of the motor vehicle to report and pay the 70398  
tax, may designate that the person so furnished with driver and 70399  
motor vehicle for a period of thirty days or more shall report and 70400  
pay the tax incurred during that period. 70401

**Sec. 5728.99.** (A)(1) Except as provided in division (A)(2) of 70402  
this section, whoever violates any provision of sections 5728.01 70403  
to 5728.14 of the Revised Code, or any rule promulgated by the tax 70404  
commissioner under the authority of any provision of those 70405  
sections, for the violation of which no penalty is provided 70406  
elsewhere, shall be fined not less than twenty-five nor more than 70407  
one hundred dollars. 70408

(2) Division (A)(1) of this section does not apply to the 70409  
filing of any false or fraudulent return, application, or permit 70410  
under section 5728.02, 5728.03, or 5728.08 of the Revised Code. 70411

The filing of any false or fraudulent return, application, or permit under any of those sections is a violation of section 2921.13 of the Revised Code. 70412  
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(B)(1) Whoever violates division (A)(1) of section 5728.04 of the Revised Code is guilty of a misdemeanor of the fourth degree. 70415  
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(2) Whoever violates division (A)(2) of section 5728.04 of the Revised Code is guilty of a misdemeanor of the first degree. 70417  
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**Sec. 5729.08.** Upon the issuance of a tax credit certificate by the Ohio venture capital authority under section 150.07 of the Revised Code, a credit may be claimed against the tax imposed on a foreign insurance company under section 5729.03 of the Revised Code. The credit shall be claimed in the calendar year specified in the certificate issued by the authority. If the company elected a refundable credit under section 150.07 of the Revised Code, and the amount of the credit shown on the certificate exceeds the tax otherwise due under section 5729.03 of the Revised Code, the company may receive a refund equal to seventy-five per cent of such excess. If the company elected a nonrefundable credit, the amount of the credit shown on the certificate shall not exceed the amount of tax otherwise due. If the company elected a nonrefundable credit and the credit to which the company would otherwise be entitled under this section for any calendar year is greater than the tax otherwise due under section 5729.03 of the Revised Code, the excess shall be allowed as a credit in each of the ensuing ten calendar years, but the amount of any excess credit allowed in the ensuing calendar year shall be deducted from the balance carried forward to the next calendar year. 70419  
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**Sec. 5733.04.** As used in this chapter: 70439

(A) "Issued and outstanding shares of stock" applies to nonprofit corporations, as provided in section 5733.01 of the 70440  
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Revised Code, and includes, but is not limited to, membership 70442  
certificates and other instruments evidencing ownership of an 70443  
interest in such nonprofit corporations, and with respect to a 70444  
financial institution that does not have capital stock, "issued 70445  
and outstanding shares of stock" includes, but is not limited to, 70446  
ownership interests of depositors in the capital employed in such 70447  
an institution. 70448

(B) "Taxpayer" means a corporation subject to the tax imposed 70449  
by section 5733.06 of the Revised Code. 70450

(C) "Resident" means a corporation organized under the laws 70451  
of this state. 70452

(D) "Commercial domicile" means the principal place from 70453  
which the trade or business of the taxpayer is directed or 70454  
managed. 70455

(E) "Taxable year" means the period prescribed by division 70456  
(A) of section 5733.031 of the Revised Code upon the net income of 70457  
which the value of the taxpayer's issued and outstanding shares of 70458  
stock is determined under division (B) of section 5733.05 of the 70459  
Revised Code or the period prescribed by division (A) of section 70460  
5733.031 of the Revised Code that immediately precedes the date as 70461  
of which the total value of the corporation is determined under 70462  
division (A) or (C) of section 5733.05 of the Revised Code. 70463

(F) "Tax year" means the calendar year in and for which the 70464  
tax imposed by section 5733.06 of the Revised Code is required to 70465  
be paid. 70466

(G) "Internal Revenue Code" means the "Internal Revenue Code 70467  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 70468

(H) "Federal income tax" means the income tax imposed by the 70469  
Internal Revenue Code. 70470

(I) Except as provided in section 5733.058 of the Revised 70471

Code, "net income" means the taxpayer's taxable income before 70472  
operating loss deduction and special deductions, as required to be 70473  
reported for the taxpayer's taxable year under the Internal 70474  
Revenue Code, subject to the following adjustments: 70475

(1)(a) Deduct any net operating loss incurred in any taxable 70476  
years ending in 1971 or thereafter, but exclusive of any net 70477  
operating loss incurred in taxable years ending prior to January 70478  
1, 1971. This deduction shall not be allowed in any tax year 70479  
commencing before December 31, 1973, but shall be carried over and 70480  
allowed in tax years commencing after December 31, 1973, until 70481  
fully utilized in the next succeeding taxable year or years in 70482  
which the taxpayer has net income, but in no case for more than 70483  
the designated carryover period as described in division (I)(1)(b) 70484  
of this section. The amount of such net operating loss, as 70485  
determined under the allocation and apportionment provisions of 70486  
section 5733.051 and division (B) of section 5733.05 of the 70487  
Revised Code for the year in which the net operating loss occurs, 70488  
shall be deducted from net income, as determined under the 70489  
allocation and apportionment provisions of section 5733.051 and 70490  
division (B) of section 5733.05 of the Revised Code, to the extent 70491  
necessary to reduce net income to zero with the remaining unused 70492  
portion of the deduction, if any, carried forward to the remaining 70493  
years of the designated carryover period as described in division 70494  
(I)(1)(b) of this section, or until fully utilized, whichever 70495  
occurs first. 70496

(b) For losses incurred in taxable years ending on or before 70497  
December 31, 1981, the designated carryover period shall be the 70498  
five consecutive taxable years after the taxable year in which the 70499  
net operating loss occurred. For losses incurred in taxable years 70500  
ending on or after January 1, 1982, and beginning before August 6, 70501  
1997, the designated carryover period shall be the fifteen 70502  
consecutive taxable years after the taxable year in which the net 70503

operating loss occurs. For losses incurred in taxable years 70504  
beginning on or after August 6, 1997, the designated carryover 70505  
period shall be the twenty consecutive taxable years after the 70506  
taxable year in which the net operating loss occurs. 70507

(c) The tax commissioner may require a taxpayer to furnish 70508  
any information necessary to support a claim for deduction under 70509  
division (I)(1)(a) of this section and no deduction shall be 70510  
allowed unless the information is furnished. 70511

(2) Deduct any amount included in net income by application 70512  
of section 78 or 951 of the Internal Revenue Code, amounts 70513  
received for royalties, technical or other services derived from 70514  
sources outside the United States, and dividends received from a 70515  
subsidiary, associate, or affiliated corporation that neither 70516  
transacts any substantial portion of its business nor regularly 70517  
maintains any substantial portion of its assets within the United 70518  
States. For purposes of determining net foreign source income 70519  
deductible under division (I)(2) of this section, the amount of 70520  
gross income from all such sources other than dividend income and 70521  
income derived by application of section 78 or 951 of the Internal 70522  
Revenue Code shall be reduced by: 70523

(a) The amount of any reimbursed expenses for personal 70524  
services performed by employees of the taxpayer for the 70525  
subsidiary, associate, or affiliated corporation; 70526

(b) Ten per cent of the amount of royalty income and 70527  
technical assistance fees; 70528

(c) Fifteen per cent of the amount of all other income. 70529

The amounts described in divisions (I)(2)(a) to (c) of this 70530  
section are deemed to be the expenses attributable to the 70531  
production of deductible foreign source income unless the taxpayer 70532  
shows, by clear and convincing evidence, less actual expenses, or 70533  
the tax commissioner shows, by clear and convincing evidence, more 70534

actual expenses. 70535

(3) Add any loss or deduct any gain resulting from the sale, 70536  
exchange, or other disposition of a capital asset, or an asset 70537  
described in section 1231 of the Internal Revenue Code, to the 70538  
extent that such loss or gain occurred prior to the first taxable 70539  
year on which the tax provided for in section 5733.06 of the 70540  
Revised Code is computed on the corporation's net income. For 70541  
purposes of division (I)(3) of this section, the amount of the 70542  
prior loss or gain shall be measured by the difference between the 70543  
original cost or other basis of the asset and the fair market 70544  
value as of the beginning of the first taxable year on which the 70545  
tax provided for in section 5733.06 of the Revised Code is 70546  
computed on the corporation's net income. At the option of the 70547  
taxpayer, the amount of the prior loss or gain may be a percentage 70548  
of the gain or loss, which percentage shall be determined by 70549  
multiplying the gain or loss by a fraction, the numerator of which 70550  
is the number of months from the acquisition of the asset to the 70551  
beginning of the first taxable year on which the fee provided in 70552  
section 5733.06 of the Revised Code is computed on the 70553  
corporation's net income, and the denominator of which is the 70554  
number of months from the acquisition of the asset to the sale, 70555  
exchange, or other disposition of the asset. The adjustments 70556  
described in this division do not apply to any gain or loss where 70557  
the gain or loss is recognized by a qualifying taxpayer, as 70558  
defined in section 5733.0510 of the Revised Code, with respect to 70559  
a qualifying taxable event, as defined in that section. 70560

(4) Deduct the dividend received deduction provided by 70561  
section 243 of the Internal Revenue Code. 70562

(5) Deduct any interest or interest equivalent on public 70563  
obligations and purchase obligations to the extent included in 70564  
federal taxable income. As used in divisions (I)(5) and (6) of 70565  
this section, "public obligations," "purchase obligations," and 70566

"interest or interest equivalent" have the same meanings as in 70567  
section 5709.76 of the Revised Code. 70568

(6) Add any loss or deduct any gain resulting from the sale, 70569  
exchange, or other disposition of public obligations to the extent 70570  
included in federal taxable income. 70571

(7) To the extent not otherwise allowed, deduct any dividends 70572  
or distributions received by a taxpayer from a public utility, 70573  
excluding an electric company and a combined company, and, for tax 70574  
years 2005 and thereafter, a telephone company, if the taxpayer 70575  
owns at least eighty per cent of the issued and outstanding common 70576  
stock of the public utility. As used in division (I)(7) of this 70577  
section, "public utility" means a public utility as defined in 70578  
Chapter 5727. of the Revised Code, whether or not the public 70579  
utility is doing business in the state. 70580

(8) To the extent not otherwise allowed, deduct any dividends 70581  
received by a taxpayer from an insurance company, if the taxpayer 70582  
owns at least eighty per cent of the issued and outstanding common 70583  
stock of the insurance company. As used in division (I)(8) of this 70584  
section, "insurance company" means an insurance company that is 70585  
taxable under Chapter 5725. or 5729. of the Revised Code. 70586

(9) Deduct expenditures for modifying existing buildings or 70587  
structures to meet American national standards institute standard 70588  
A-117.1-1961 (R-1971), as amended; provided, that no deduction 70589  
shall be allowed to the extent that such deduction is not 70590  
permitted under federal law or under rules of the tax 70591  
commissioner. Those deductions as are allowed may be taken over a 70592  
period of five years. The tax commissioner shall adopt rules under 70593  
Chapter 119. of the Revised Code establishing reasonable 70594  
limitations on the extent that expenditures for modifying existing 70595  
buildings or structures are attributable to the purpose of making 70596  
the buildings or structures accessible to and usable by physically 70597  
handicapped persons. 70598

(10) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income before operating loss deduction and special deductions for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.

(11) Deduct net interest income on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent the laws of the United States prohibit inclusion of the net interest for purposes of determining the value of the taxpayer's issued and outstanding shares of stock under division (B) of section 5733.05 of the Revised Code. As used in division (I)(11) of this section, "net interest" means interest net of any expenses taken on the federal income tax return that would not have been allowed under section 265 of the Internal Revenue Code if the interest were exempt from federal income tax.

(12)(a) Except as set forth in division (I)(12)(d) of this section, to the extent not included in computing the taxpayer's federal taxable income before operating loss deduction and special deductions, add gains and deduct losses from direct or indirect sales, exchanges, or other dispositions, made by a related entity who is not a taxpayer, of the taxpayer's indirect, beneficial, or constructive investment in the stock or debt of another entity, unless the gain or loss has been included in computing the federal taxable income before operating loss deduction and special deductions of another taxpayer with a more closely related investment in the stock or debt of the other entity. The amount of gain added or loss deducted shall not exceed the product obtained by multiplying such gain or loss by the taxpayer's proportionate share, directly, indirectly, beneficially, or constructively, of

the outstanding stock of the related entity immediately prior to 70631  
the direct or indirect sale, exchange, or other disposition. 70632

(b) Except as set forth in division (I)(12)(e) of this 70633  
section, to the extent not included in computing the taxpayer's 70634  
federal taxable income before operating loss deduction and special 70635  
deductions, add gains and deduct losses from direct or indirect 70636  
sales, exchanges, or other dispositions made by a related entity 70637  
who is not a taxpayer, of intangible property other than stock, 70638  
securities, and debt, if such property was owned, or used in whole 70639  
or in part, at any time prior to or at the time of the sale, 70640  
exchange, or disposition by either the taxpayer or by a related 70641  
entity that was a taxpayer at any time during the related entity's 70642  
ownership or use of such property, unless the gain or loss has 70643  
been included in computing the federal taxable income before 70644  
operating loss deduction and special deductions of another 70645  
taxpayer with a more closely related ownership or use of such 70646  
intangible property. The amount of gain added or loss deducted 70647  
shall not exceed the product obtained by multiplying such gain or 70648  
loss by the taxpayer's proportionate share, directly, indirectly, 70649  
beneficially, or constructively, of the outstanding stock of the 70650  
related entity immediately prior to the direct or indirect sale, 70651  
exchange, or other disposition. 70652

(c) As used in division (I)(12) of this section, "related 70653  
entity" means those entities described in divisions (I)(12)(c)(i) 70654  
to (iii) of this section: 70655

(i) An individual stockholder, or a member of the 70656  
stockholder's family enumerated in section 318 of the Internal 70657  
Revenue Code, if the stockholder and the members of the 70658  
stockholder's family own, directly, indirectly, beneficially, or 70659  
constructively, in the aggregate, at least fifty per cent of the 70660  
value of the taxpayer's outstanding stock; 70661

(ii) A stockholder, or a stockholder's partnership, estate, 70662

trust, or corporation, if the stockholder and the stockholder's 70663  
partnerships, estates, trusts, and corporations own directly, 70664  
indirectly, beneficially, or constructively, in the aggregate, at 70665  
least fifty per cent of the value of the taxpayer's outstanding 70666  
stock; 70667

(iii) A corporation, or a party related to the corporation in 70668  
a manner that would require an attribution of stock from the 70669  
corporation to the party or from the party to the corporation 70670  
under division (I)(12)(c)(iv) of this section, if the taxpayer 70671  
owns, directly, indirectly, beneficially, or constructively, at 70672  
least fifty per cent of the value of the corporation's outstanding 70673  
stock. 70674

(iv) The attribution rules of section 318 of the Internal 70675  
Revenue Code apply for purposes of determining whether the 70676  
ownership requirements in divisions (I)(12)(c)(i) to (iii) of this 70677  
section have been met. 70678

(d) For purposes of the adjustments required by division 70679  
(I)(12)(a) of this section, the term "investment in the stock or 70680  
debt of another entity" means only those investments where the 70681  
taxpayer and the taxpayer's related entities directly, indirectly, 70682  
beneficially, or constructively own, in the aggregate, at any time 70683  
during the twenty-four month period commencing one year prior to 70684  
the direct or indirect sale, exchange, or other disposition of 70685  
such investment at least fifty per cent or more of the value of 70686  
either the outstanding stock or such debt of such other entity. 70687

(e) For purposes of the adjustments required by division 70688  
(I)(12)(b) of this section, the term "related entity" excludes all 70689  
of the following: 70690

(i) Foreign corporations as defined in section 7701 of the 70691  
Internal Revenue Code; 70692

(ii) Foreign partnerships as defined in section 7701 of the 70693

Internal Revenue Code;	70694
(iii) Corporations, partnerships, estates, and trusts created or organized in or under the laws of the Commonwealth of Puerto Rico or any possession of the United States;	70695 70696 70697
(iv) Foreign estates and foreign trusts as defined in section 7701 of the Internal Revenue Code.	70698 70699
The exclusions described in divisions (I)(12)(e)(i) to (iv) of this section do not apply if the corporation, partnership, estate, or trust is described in any one of divisions (C)(1) to (5) of section 5733.042 of the Revised Code.	70700 70701 70702 70703
(f) Nothing in division (I)(12) of this section shall require or permit a taxpayer to add any gains or deduct any losses described in divisions (I)(12)(f)(i) and (ii) of this section:	70704 70705 70706
(i) Gains or losses recognized for federal income tax purposes by an individual, estate, or trust without regard to the attribution rules described in division (I)(12)(c) of this section;	70707 70708 70709 70710
(ii) A related entity's gains or losses described in division (I)(12)(b) of this section if the taxpayer's ownership of or use of such intangible property was limited to a period not exceeding nine months and was attributable to a transaction or a series of transactions executed in accordance with the election or elections made by the taxpayer or a related entity pursuant to section 338 of the Internal Revenue Code.	70711 70712 70713 70714 70715 70716 70717
(13) Any adjustment required by section 5733.042 of the Revised Code.	70718 70719
(14) Add any amount claimed as a credit under section 5733.0611 of the Revised Code to the extent that such amount satisfies either of the following:	70720 70721 70722
(a) It was deducted or excluded from the computation of the	70723

corporation's taxable income before operating loss deduction and 70724  
special deductions as required to be reported for the 70725  
corporation's taxable year under the Internal Revenue Code; 70726

(b) It resulted in a reduction of the corporation's taxable 70727  
income before operating loss deduction and special deductions as 70728  
required to be reported for any of the corporation's taxable years 70729  
under the Internal Revenue Code. 70730

(15) Deduct the amount contributed by the taxpayer to an 70731  
individual development account program established by a county 70732  
department of job and family services pursuant to sections 329.11 70733  
to 329.14 of the Revised Code for the purpose of matching funds 70734  
deposited by program participants. On request of the tax 70735  
commissioner, the taxpayer shall provide any information that, in 70736  
the tax commissioner's opinion, is necessary to establish the 70737  
amount deducted under division (I)(15) of this section. 70738

(16) Any adjustment required by section 5733.0510 or 70739  
5733.0511 of the Revised Code. 70740

(17)(a)(i) Add five-sixths of the amount of depreciation 70741  
expense allowed under subsection (k) of section 168 of the 70742  
Internal Revenue Code, including a person's proportionate or 70743  
distributive share of the amount of depreciation expense allowed 70744  
by that subsection to any pass-through entity in which the person 70745  
has direct or indirect ownership. ~~The~~ 70746

(ii) Add five-sixths of the amount of qualifying section 179 70747  
depreciation expense, including a person's proportionate or 70748  
distributive share of the amount of qualifying section 179 70749  
depreciation expense allowed to any pass-through entity in which 70750  
the person has a direct or indirect ownership. For the purposes of 70751  
this division, "qualifying section 179 depreciation expense" means 70752  
the difference between (I) the amount of depreciation expense 70753  
directly or indirectly allowed to the taxpayer under section 179 70754

of the Internal Revenue Code, and (II) the amount of depreciation 70755  
expense directly or indirectly allowed to the taxpayer under 70756  
section 179 of the Internal Revenue Code as that section existed 70757  
on December 31, 2002. 70758

The tax commissioner, under procedures established by the 70759  
commissioner, may waive the ~~add-back~~ add-backs related to a 70760  
pass-through entity if the person owns, directly or indirectly, 70761  
less than five per cent of the pass-through entity. 70762

(b) Nothing in division (I)(17) of this section shall be 70763  
construed to adjust or modify the adjusted basis of any asset. 70764

(c) To the extent the add-back is attributable to property 70765  
generating income or loss allocable under section 5733.051 of the 70766  
Revised Code, the add-back shall be allocated to the same location 70767  
as the income or loss generated by that property. Otherwise, the 70768  
add-back shall be apportioned, subject to division (B)(2)(d) of 70769  
section 5733.05 of the Revised Code. 70770

(18)(a) If a person is required to make the add-back under 70771  
division (I)(17)(a) of this section for a tax year, the person 70772  
shall deduct one-fifth of the amount added back for each of the 70773  
succeeding five tax years. 70774

(b) If the amount deducted under division (I)(18)(a) of this 70775  
section is attributable to an add-back allocated under division 70776  
(I)(17)(c) of this section, the amount deducted shall be allocated 70777  
to the same location. Otherwise, the amount shall be apportioned 70778  
using the apportionment factors for the taxable year in which the 70779  
deduction is taken, subject to division (B)(2)(d) of section 70780  
5733.05 of the Revised Code. 70781

(J) Any term used in this chapter has the same meaning as 70782  
when used in comparable context in the laws of the United States 70783  
relating to federal income taxes unless a different meaning is 70784  
clearly required. Any reference in this chapter to the Internal 70785

Revenue Code includes other laws of the United States relating to 70786  
federal income taxes. 70787

(K) "Financial institution" has the meaning given by section 70788  
5725.01 of the Revised Code but does not include a production 70789  
credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091. 70790

(L)(1) A "qualifying holding company" is any corporation 70791  
satisfying all of the following requirements: 70792

(a) Subject to divisions (L)(2) and (3) of this section, the 70793  
net book value of the corporation's intangible assets is greater 70794  
than or equal to ninety per cent of the net book value of all of 70795  
its assets and at least fifty per cent of the net book value of 70796  
all of its assets represents direct or indirect investments in the 70797  
equity of, loans and advances to, and accounts receivable due from 70798  
related members; 70799

(b) At least ninety per cent of the corporation's gross 70800  
income for the taxable year is attributable to the following: 70801

(i) The maintenance, management, ownership, acquisition, use, 70802  
and disposition of its intangible property, its aircraft the use 70803  
of which is not subject to regulation under 14 C.F.R. part 121 or 70804  
part 135, and any real property described in division (L)(2)(c) of 70805  
this section; 70806

(ii) The collection and distribution of income from such 70807  
property. 70808

(c) The corporation is not a financial institution on the 70809  
last day of the taxable year ending prior to the first day of the 70810  
tax year; 70811

(d) The corporation's related members make a good faith and 70812  
reasonable effort to make timely and fully the adjustments 70813  
required by division (C)(2) of section 5733.05 of the Revised Code 70814  
and to pay timely and fully all uncontested taxes, interest, 70815

penalties, and other fees and charges imposed under this chapter; 70816

(e) Subject to division (L)(4) of this section, the 70817  
corporation elects to be treated as a qualifying holding company 70818  
for the tax year. 70819

A corporation otherwise satisfying divisions (L)(1)(a) to (e) 70820  
of this section that does not elect to be a qualifying holding 70821  
company is not a qualifying holding company for the purposes of 70822  
this chapter. 70823

(2)(a)(i) For purposes of making the ninety per cent 70824  
computation under division (L)(1)(a) of this section, the net book 70825  
value of the corporation's assets shall not include the net book 70826  
value of aircraft or real property described in division 70827  
(L)(1)(b)(i) of this section. 70828

(ii) For purposes of making the fifty per cent computation 70829  
under division (L)(1)(a) of this section, the net book value of 70830  
assets shall include the net book value of aircraft or real 70831  
property described in division (L)(1)(b)(i) of this section. 70832

(b)(i) As used in division (L) of this section, "intangible 70833  
asset" includes, but is not limited to, the corporation's direct 70834  
interest in each pass-through entity only if at all times during 70835  
the corporation's taxable year ending prior to the first day of 70836  
the tax year the corporation's and the corporation's related 70837  
members' combined direct and indirect interests in the capital or 70838  
profits of such pass-through entity do not exceed fifty per cent. 70839  
If the corporation's interest in the pass-through entity is an 70840  
intangible asset for that taxable year, then the distributive 70841  
share of any income from the pass-through entity shall be income 70842  
from an intangible asset for that taxable year. 70843

(ii) If a corporation's and the corporation's related 70844  
members' combined direct and indirect interests in the capital or 70845  
profits of a pass-through entity exceed fifty per cent at any time 70846

during the corporation's taxable year ending prior to the first 70847  
day of the tax year, "intangible asset" does not include the 70848  
corporation's direct interest in the pass-through entity, and the 70849  
corporation shall include in its assets its proportionate share of 70850  
the assets of any such pass-through entity and shall include in 70851  
its gross income its distributive share of the gross income of 70852  
such pass-through entity in the same form as was earned by the 70853  
pass-through entity. 70854

(iii) A pass-through entity's direct or indirect 70855  
proportionate share of any other pass-through entity's assets 70856  
shall be included for the purpose of computing the corporation's 70857  
proportionate share of the pass-through entity's assets under 70858  
division (L)(2)(b)(ii) of this section, and such pass-through 70859  
entity's distributive share of any other pass-through entity's 70860  
gross income shall be included for purposes of computing the 70861  
corporation's distributive share of the pass-through entity's 70862  
gross income under division (L)(2)(b)(ii) of this section. 70863

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), 70864  
(2)(a)(i), and (2)(a)(ii) of this section, real property is 70865  
described in division (L)(2)(c) of this section only if all of the 70866  
following conditions are present at all times during the taxable 70867  
year ending prior to the first day of the tax year: 70868

(i) The real property serves as the headquarters of the 70869  
corporation's trade or business, or is the place from which the 70870  
corporation's trade or business is principally managed or 70871  
directed; 70872

(ii) Not more than ten per cent of the value of the real 70873  
property and not more than ten per cent of the square footage of 70874  
the building or buildings that are part of the real property is 70875  
used, made available, or occupied for the purpose of providing, 70876  
acquiring, transferring, selling, or disposing of tangible 70877  
property or services in the normal course of business to persons 70878

other than related members, the corporation's employees and their families, and such related members' employees and their families. 70879  
70880

(d) As used in division (L) of this section, "related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section. 70881  
70882  
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(3) The percentages described in division (L)(1)(a) of this section shall be equal to the quarterly average of those percentages as calculated during the corporation's taxable year ending prior to the first day of the tax year. 70884  
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(4) With respect to the election described in division (L)(1)(e) of this section: 70888  
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(a) The election need not accompany a timely filed report; 70890

(b) The election need not accompany the report; rather, the election may accompany a subsequently filed but timely application for refund and timely amended report, or a subsequently filed but timely petition for reassessment; 70891  
70892  
70893  
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(c) The election is not irrevocable; 70895

(d) The election applies only to the tax year specified by the corporation; 70896  
70897

(e) The corporation's related members comply with division (L)(1)(d) of this section. 70898  
70899

Nothing in division (L)(4) of this section shall be construed to extend any statute of limitations set forth in this chapter. 70900  
70901

(M) "Qualifying controlled group" means two or more corporations that satisfy the ownership and control requirements of division (A) of section 5733.052 of the Revised Code. 70902  
70903  
70904

(N) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state. 70905  
70906  
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(O) "Pass-through entity" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year under that code, or a partnership, limited liability company, or any other person, other than an individual, trust, or estate, if the partnership, limited liability company, or other person is not classified for federal income tax purposes as an association taxed as a corporation.

(P) "Electric company," ~~and~~ "combined company," and "telephone company" have the same meanings as in section 5727.01 of the Revised Code.

(Q) "Business income" means income arising from transactions, activities, and sources in the regular course of a trade or business and includes income from real property, tangible personal property, and intangible personal property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill.

(R) "Nonbusiness income" means all income other than business income.

**Sec. 5733.05.** As used in this section, "qualified research" means laboratory research, experimental research, and other similar types of research; research in developing or improving a product; or research in developing or improving the means of producing a product. It does not include market research, consumer surveys, efficiency surveys, management studies, ordinary testing or inspection of materials or products for quality control, historical research, or literary research. "Product" as used in this paragraph does not include services or intangible property.

The annual report determines the value of the issued and outstanding shares of stock of the taxpayer, which under division (A) or divisions (B) and (C) of this section is the base or measure of the franchise tax liability. Such determination shall be made as of the date shown by the report to have been the beginning of the corporation's annual accounting period that includes the first day of January of the tax year. For the purposes of this chapter, the value of the issued and outstanding shares of stock of any corporation that is a financial institution shall be deemed to be the value as calculated in accordance with division (A) of this section. For the purposes of this chapter, the value of the issued and outstanding shares of stock of any corporation that is not a financial institution shall be deemed to be the values as calculated in accordance with divisions (B) and (C) of this section. Except as otherwise required by this section or section 5733.056 of the Revised Code, the value of a taxpayer's issued and outstanding shares of stock under division (A) or (C) of this section does not include any amount that is treated as a liability under generally accepted accounting principles.

(A) The total value, as shown by the books of the financial institution, of its capital, surplus, whether earned or unearned, undivided profits, and reserves shall be determined as prescribed by section 5733.056 of the Revised Code for tax years 1998 and thereafter.

(B) The sum of the corporation's net income during the corporation's taxable year, allocated or apportioned to this state as prescribed in divisions (B)(1) and (2) of this section, and subject to sections 5733.052, 5733.053, 5733.057, 5733.058, 5733.059, and 5733.0510 of the Revised Code:

(1) The net nonbusiness income allocated or apportioned to this state as provided by section 5733.051 of the Revised Code.

(2) The amount of Ohio apportioned net business income ~~from~~

~~sources other than those allocated under section 5733.051 of the~~ 70971  
~~Revised Code, which shall be determined~~ calculated by multiplying 70972  
the corporation's net business income by a fraction. The numerator 70973  
of the fraction is the sum of the following products: the property 70974  
factor multiplied by twenty, the payroll factor multiplied by 70975  
twenty, and the sales factor multiplied by sixty. The denominator 70976  
of the fraction is one hundred, provided that the denominator 70977  
shall be reduced by twenty if the property factor has a 70978  
denominator of zero, by twenty if the payroll factor has a 70979  
denominator of zero, and by sixty if the sales factor has a 70980  
denominator of zero. 70981

The property, payroll, and sales factors shall be determined 70982  
as follows, but the numerator and the denominator of the factors 70983  
shall not include the portion of any property, payroll, and sales 70984  
otherwise includible in the factors to the extent that the portion 70985  
relates to, or is used in connection, with the production of 70986  
nonbusiness income allocated under section 5733.051 of the Revised 70987  
Code: 70988

(a) The property factor is a fraction ~~the~~ computed as 70989  
follows: 70990

The numerator of ~~which~~ the fraction is the average value of 70991  
the corporation's real and tangible personal property owned or 70992  
rented, and used in the trade or business in this state during the 70993  
taxable year, and the denominator of ~~which~~ the fraction is the 70994  
average value of all the corporation's real and tangible personal 70995  
property owned or rented, and used in the trade or business 70996  
everywhere during such year. Real and tangible personal property 70997  
used in the trade or business includes, but is not limited to, 70998  
real and tangible personal property that the corporation rents, 70999  
subrents, leases, or subleases to others if the income or loss 71000  
from such rentals, subrentals, leases, or subleases is business 71001  
income. There shall be excluded from the numerator and denominator 71002

of the ~~property factor~~ fraction the original cost of all of the 71003  
following property within Ohio: property with respect to which a 71004  
"pollution control facility" certificate has been issued pursuant 71005  
to section 5709.21 of the Revised Code; property with respect to 71006  
which an "industrial water pollution control certificate" has been 71007  
issued pursuant to that section or former section 6111.31 of the 71008  
Revised Code; and property used exclusively during the taxable 71009  
year for qualified research. 71010

(i) Property owned by the corporation is valued at its 71011  
original cost. Property rented by the corporation is valued at 71012  
eight times the net annual rental rate. "Net annual rental rate" 71013  
means the annual rental rate paid by the corporation less any 71014  
annual rental rate received by the corporation from subrentals. 71015

(ii) The average value of property shall be determined by 71016  
averaging the values at the beginning and the end of the taxable 71017  
year, but the tax commissioner may require the averaging of 71018  
monthly values during the taxable year, if reasonably required to 71019  
reflect properly the average value of the corporation's property. 71020

(b) The payroll factor is a fraction ~~the~~ computed as follows: 71021

The numerator of ~~which~~ the fraction is the total amount paid 71022  
in this state during the taxable year by the corporation for 71023  
compensation, and the denominator of ~~which~~ the fraction is the 71024  
total compensation paid everywhere by the corporation during such 71025  
year. There shall be excluded from the numerator and the 71026  
denominator of the payroll factor the total compensation paid in 71027  
this state to employees who are primarily engaged in qualified 71028  
research. 71029

(i) Compensation means any form of remuneration paid to an 71030  
employee for personal services. 71031

(ii) Compensation is paid in this state if: (1) the 71032  
recipient's service is performed entirely within this state, (2) 71033

the recipient's service is performed both within and without this 71034  
state, but the service performed without this state is incidental 71035  
to the recipient's service within this state, (3) some of the 71036  
service is performed within this state and either the base of 71037  
operations, or if there is no base of operations, the place from 71038  
which the service is directed or controlled is within this state, 71039  
or the base of operations or the place from which the service is 71040  
directed or controlled is not in any state in which some part of 71041  
the service is performed, but the recipient's residence is in this 71042  
state. 71043

(iii) Compensation is paid in this state to any employee of a 71044  
common or contract motor carrier corporation, who performs the 71045  
employee's regularly assigned duties on a motor vehicle in more 71046  
than one state, in the same ratio by which the mileage traveled by 71047  
such employee within the state bears to the total mileage traveled 71048  
by such employee everywhere during the taxable year. 71049

(c) Except as provided in section 5733.059 of the Revised 71050  
Code, the sales factor is a fraction ~~the~~ computed as follows: 71051

The numerator of which the fraction is the total sales in 71052  
this state by the corporation during the taxable year, and the 71053  
denominator of ~~which~~ the fraction is the total sales by the 71054  
corporation everywhere during such year. In determining the 71055  
numerator and denominator of the ~~sales factor~~ fraction, receipts 71056  
from the sale or other disposal of a capital asset or an asset 71057  
described in section 1231 of the Internal Revenue Code shall be 71058  
eliminated. Also, in determining the numerator and denominator of 71059  
the sales factor, in the case of a reporting corporation owning at 71060  
least eighty per cent of the issued and outstanding common stock 71061  
of one or more insurance companies or public utilities, except an 71062  
electric company and a combined company, and, for tax years 2005 71063  
and thereafter, a telephone company, or owning at least 71064  
twenty-five per cent of the issued and outstanding common stock of 71065

one or more financial institutions, receipts received by the 71066  
reporting corporation from such utilities, insurance companies, 71067  
and financial institutions shall be eliminated. 71068

For the purpose of this section and section 5733.03 of the 71069  
Revised Code, sales of tangible personal property are in this 71070  
state where such property is received in this state by the 71071  
purchaser. In the case of delivery of tangible personal property 71072  
by common carrier or by other means of transportation, the place 71073  
at which such property is ultimately received after all 71074  
transportation has been completed shall be considered as the place 71075  
at which such property is received by the purchaser. Direct 71076  
delivery in this state, other than for purposes of transportation, 71077  
to a person or firm designated by a purchaser constitutes delivery 71078  
to the purchaser in this state, and direct delivery outside this 71079  
state to a person or firm designated by a purchaser does not 71080  
constitute delivery to the purchaser in this state, regardless of 71081  
where title passes or other conditions of sale. 71082

Except as provided in section 5733.059 of the Revised Code, 71083  
sales, other than sales of tangible personal property, are in this 71084  
state if either: 71085

(i) The income-producing activity is performed solely in this 71086  
state; 71087

(ii) The income-producing activity is performed both within 71088  
and without this state and a greater proportion of the seller's 71089  
income-producing activity is performed within this state than in 71090  
any other state, based on costs of performance. 71091

(d) If the allocation and apportionment provisions of 71092  
division (B) of this section do not fairly represent the extent of 71093  
the taxpayer's business activity in this state, the taxpayer may 71094  
request, which request must be in writing and must accompany the 71095  
report, a timely filed petition for reassessment, or a timely 71096

filed amended report, or the tax commissioner may require, in 71097  
respect to all or any part of the taxpayer's allocated or 71098  
apportioned base, if reasonable, any one or more of the following: 71099

(i) Separate accounting; 71100

(ii) The exclusion of any one or more of the factors; 71101

(iii) The inclusion of one or more additional factors that 71102  
will fairly represent the taxpayer's allocated or apportioned base 71103  
in this state. 71104

An alternative method will be effective only with approval by 71105  
the tax commissioner. 71106

Nothing in this section shall be construed to extend any 71107  
statute of limitations set forth in this chapter. 71108

(e) The tax commissioner may adopt rules providing for 71109  
alternative allocation and apportionment methods, and alternative 71110  
calculations of a corporation's base, that apply to corporations 71111  
engaged in telecommunications. 71112

~~(C)(1) Subject to divisions (C)(2) and (3) of this section,~~ 71113  
~~the~~ The total value, as shown on the books of each corporation 71114  
that is not a qualified holding company, of the net book value of 71115  
a the corporation's assets less the net carrying value of its 71116  
liabilities, and excluding from the corporation's assets land 71117  
devoted exclusively to agricultural use as of the first Monday of 71118  
June in the corporation's taxable year as determined by the county 71119  
auditor of the county in which the land is located pursuant to 71120  
section 5713.31 of the Revised Code, and making any adjustment 71121  
required by division (D) of this section. For the purposes of 71122  
determining that total value, any reserves shown on the 71123  
corporation's books shall be considered liabilities or contra 71124  
assets, as the case may be, except for any reserves that are 71125  
deemed appropriations of retained earnings under generally 71126  
accepted accounting principles. 71127

(2)(a) The base upon which the tax is levied under division (C) of section 5733.06 of the Revised Code shall be computed by multiplying the amount determined under division (C)(1) of this section by the fraction determined under divisions (B)(2)(a) to (c) of this section and, if applicable, divisions (B)(2)(d)(ii) and (iii) of this section, and with regard to section 5733.052 of the Revised Code, but substituting "net worth" for "net income" wherever "net income" appears in division (B)(2)(c) in this section. For purposes of division (C)(2) of this section, the numerator and denominator of each of the fractions shall include the portion of any real and tangible personal property, payroll, and sales, respectively, relating to, or used in connection with the production of, net nonbusiness income allocated under section 5733.051 of the Revised Code. Nothing in this division shall allow any amount to be included in the numerator or denominator more than once.

(D)(1) If, on the last day of the taxpayer's taxable year preceding the tax year, the taxpayer is a related member to a corporation that elects to be a qualifying holding company for the tax year beginning after the last day of the taxpayer's taxable year, or if, on the last day of the taxpayer's taxable year preceding the tax year, a corporation that elects to be a qualifying holding company for the tax year beginning after the last day of the taxpayer's taxable year is a related member to the taxpayer, then the taxpayer's total value for the purposes of division (C) of this section shall be adjusted by the qualifying amount. Except as otherwise provided under division ~~(C)(2)(b)~~ (D)(2) of this section, "qualifying amount" means the amount that, when added to the taxpayer's total value, and when subtracted from the net carrying value of the taxpayer's liabilities computed without regard to division (C)(2) of this section, or when subtracted from the taxpayer's total value and when added to the net carrying value of the taxpayer's liabilities

computed without regard to division ~~(C)(2)~~(D) of this section, 71161  
results in the taxpayer's debt-to-equity ratio equaling the 71162  
debt-to-equity ratio of the qualifying controlled group on the 71163  
last day of the taxable year ending prior to the first day of the 71164  
tax year computed on a consolidated basis in accordance with 71165  
general accepted accounting principles. For the purposes of 71166  
division ~~(C)(2)(a)~~(D)(1) of this section, the corporation's total 71167  
value, after the adjustment required by that division, shall not 71168  
exceed the net book value of the corporation's assets. 71169

~~(b)(i)(2)(a)~~ The amount added to the taxpayer's total value 71170  
and subtracted from the net carrying value of the taxpayer's 71171  
liabilities shall not exceed the amount of the net carrying value 71172  
of the taxpayer's liabilities owed to the taxpayer's related 71173  
members. 71174

~~(ii)(b)~~ A liability owed to the taxpayer's related members 71175  
includes, but is not limited to, any amount that the corporation 71176  
owes to a person that is not a related member if the corporation's 71177  
related member or related members in whole or in part guarantee 71178  
any portion or all of that amount, or pledge, hypothecate, 71179  
mortgage, or carry out any similar transactions to secure any 71180  
portion or all of that amount. 71181

(3) The base upon which the tax is levied under division (C) 71182  
of section 5733.06 of the Revised Code shall be computed by 71183  
multiplying the amount determined under divisions (C)~~(1)~~ and 71184  
~~(2)(D)~~ of this section ~~by the fraction determined under divisions~~ 71185  
~~(B)(2)(a) to (c) of this section and, if applicable, divisions~~ 71186  
~~(B)(2)(d)(ii) to (iv) of this section~~ but without regard to 71187  
section 5733.052 of the Revised Code. 71188

(4) For purposes of division ~~(C)~~(D) of this section, "related 71189  
member" has the same meaning as in ~~division (A)(6)~~ of section 71190  
5733.042 of the Revised Code ~~without regard to division (B) of~~ 71191  
~~that section.~~ 71192

~~Sec. 5733.051. Subject~~ For purposes of this section, 71193  
"available" means information is such that a person is able to 71194  
learn of the information by the due date plus extensions, if any, 71195  
for filing the report for the tax year immediately following the 71196  
last day of the taxable year, and "modified qualifying controlled 71197  
group" means that portion of a qualifying controlled group 71198  
consisting of the corporation the sale of which resulted in the 71199  
gain or loss described in division (E) of this section together 71200  
with all members of the qualifying controlled group owned directly 71201  
or indirectly by that corporation, or the corporation that 71202  
directly paid the dividend or directly made the distribution 71203  
described in division (F) of this section together with all 71204  
members of the qualifying controlled group owned directly or 71205  
indirectly by that corporation. 71206

Subject to section 5733.0510 of the Revised Code, net 71207  
nonbusiness income of a corporation ~~subject to the tax imposed by~~ 71208  
~~section 5733.06 of the Revised Code~~ shall be allocated and 71209  
apportioned to this state as follows: 71210

(A) Net rents and royalties from real property located in 71211  
this state are allocable to this state. Net rents and royalties 71212  
from real property not located in this state are allocable outside 71213  
this state. 71214

(B) Net rents and royalties from tangible personal property, 71215  
to the extent such property is utilized in this state, are 71216  
allocable to this state ~~if the taxpayer is otherwise subject to~~ 71217  
~~the tax imposed by section 5733.06 of the Revised Code.~~ Net rents 71218  
and royalties from tangible personal property, to the extent such 71219  
property is utilized outside this state, are allocable outside 71220  
this state. 71221

(C) Capital gains and losses from the sale or other 71222  
disposition of real property located in this state are allocable 71223

to this state. Capital gains and losses from the sale or other 71224  
disposition of real property located outside this state are 71225  
allocable outside this state. 71226

(D) Capital gains and losses from the sale or other 71227  
disposition of tangible personal property are allocable to this 71228  
state ~~if the property had a situs in this state at the time of~~ 71229  
~~sale and the taxpayer is otherwise subject to the tax imposed by~~ 71230  
~~section 5733.06 of the Revised Code to the extent such property~~ 71231  
was utilized in this state prior to the property's sale or other 71232  
disposition. Capital gains and losses from the sale or other 71233  
disposition of tangible personal property are allocable outside 71234  
this state to the extent such property was utilized outside this 71235  
state prior to the property's sale or other disposition. 71236

(E) Capital gains and losses from the sale or other 71237  
disposition of intangible property which may produce income 71238  
enumerated in division (F)(1) of this section are allocable on the 71239  
same basis as set forth in that division, substituting the day of 71240  
the sale or disposition for the day on which the payor pays the 71241  
dividend or makes the distribution, but if the location of the 71242  
physical assets described in that division is not available to the 71243  
taxpayer, such gains and losses are apportionable under division 71244  
(I) of this section. Capital gains and losses from the sale or 71245  
other disposition of all other intangible property are 71246  
apportionable under division (I) of this section. 71247

(F) "Dividends or distributions" to which this division 71248  
refers are dividends directly or indirectly paid by or 71249  
distributions directly or indirectly made by any person classified 71250  
for federal income tax purposes as an association taxable as a 71251  
corporation. 71252

(1) Dividends or distributions which are not otherwise 71253  
deducted or excluded from net income, other than dividends or 71254  
distributions from a domestic international sales corporation, ~~are~~ 71255

allocable shall be allocated to this state in accordance with the 71256  
ratio of the book value of the physical assets of the payor of the 71257  
dividends or distributions located in this state divided by the 71258  
book value of the total physical assets of the payor located 71259  
everywhere by multiplying such dividends and distributions by a 71260  
fraction. The numerator of the fraction is the book value of the 71261  
physical assets in this state of the payor or, if the payor is a 71262  
member of a modified qualifying controlled group on the last day 71263  
of the payor's fiscal or calendar year ending immediately prior to 71264  
the day on which the payor pays the dividend or makes the 71265  
distribution, the sum of the book values of the physical assets in 71266  
this state of the payor and of all the other members of the 71267  
modified qualifying controlled group of which the payor is a 71268  
member on the last day of the payor's fiscal or calendar year 71269  
ending immediately prior to the day on which the payor pays the 71270  
dividend or makes the distribution. The denominator of the 71271  
fraction is the book value of the physical assets everywhere of 71272  
the payor or, if the payor is a member of a modified qualifying 71273  
controlled group on the last day of the payor's fiscal or calendar 71274  
year ending immediately prior to the day on which the payor pays 71275  
the dividend or makes the distribution, the sum of the book values 71276  
of the physical assets everywhere of the payor and of all the 71277  
other members of the modified qualifying controlled group of which 71278  
the payor is a member on the last day of the payor's fiscal or 71279  
calendar year ending immediately prior to the day on which the 71280  
payor pays the dividend or makes the distribution. Dividends or 71281  
distributions received from a domestic international sales 71282  
corporation, or from a payor for which the location of ~~whose~~ 71283  
physical assets described in this division is ~~unavailable~~ not 71284  
available to the taxpayer, are apportionable under division (I) of 71285  
this section. 71286

(2) If the payor of a dividend or distribution, or if that 71287  
payor and any members of the qualifying controlled group of which 71288

the payor is a member on the last day of the payor's fiscal or 71289  
calendar year ending immediately prior to the day on which the 71290  
payor pays the dividend or makes the distribution, separately or 71291  
cumulatively own, directly or indirectly, on the last day of the 71292  
payor's fiscal or calendar year ending immediately prior to the 71293  
day on which the payor pays the dividend or makes the 71294  
distribution, more than fifty per cent of the equity of a 71295  
pass-through entity, then for purposes of division (F)(1) of this 71296  
section the payor and the other members are deemed to own the 71297  
proportionate share of the physical assets that the pass-through 71298  
entity directly or indirectly owns on the last day of the payor's 71299  
fiscal or calendar year ending immediately prior to the day on 71300  
which the payor pays the dividend or makes the distribution. 71301

(3) For the purposes of division (F)(3) of this section, 71302  
"upper level pass-through entity" means a pass-through entity 71303  
directly or indirectly owning any equity of another pass-through 71304  
entity, and "lower level pass-through entity" means that other 71305  
pass-through entity. For purposes of divisions (F)(1) and (2) of 71306  
this section, an upper level pass-through entity is deemed to own, 71307  
on the last day of the upper level pass-through entity's fiscal or 71308  
calendar year, the proportionate share of the lower level 71309  
pass-through entity's physical assets that the lower level 71310  
pass-through entity directly or indirectly owns on the last day of 71311  
the lower level pass-through entity's fiscal or calendar year 71312  
ending within or with the last day of the upper level pass-through 71313  
entity's fiscal or calendar year. If the upper level pass-through 71314  
entity directly and indirectly owns less than fifty per cent of 71315  
the equity of the lower level pass-through entity on each day of 71316  
the upper level pass-through entity's fiscal or calendar year in 71317  
which or with which ends the fiscal or calendar year of the lower 71318  
level pass-through entity and if, based upon clear and convincing 71319  
evidence, complete information about the location and cost of the 71320  
physical assets of the lower level pass-through entity is not 71321

available to the upper level pass-through entity, then for 71322  
purposes of divisions (F)(1) and (2) of this section, the upper 71323  
level pass-through entity shall be deemed as owning no equity of 71324  
the lower level pass-through entity for each day during the upper 71325  
level pass-through entity's calendar or fiscal year in which or 71326  
with which ends the lower level pass-through entity's fiscal or 71327  
calendar year. 71328

~~(G) Patent and copyright~~ Net rents, net royalties, and net 71329  
~~technical assistance fees, not representing the principal source~~ 71330  
~~of gross receipts of the taxpayer, from intangible property~~ are 71331  
allocable to this state to the extent that the activity of the 71332  
payor thereof giving rise to the payment takes place in this 71333  
state. If the location of ~~the a~~ payor's activity is ~~unavailable~~ 71334  
not available to the ~~taxpayer, such corporation, the net rents,~~ 71335  
net royalties, and net technical assistance fees are allocable or 71336  
apportionable under division (I) of this section. 71337

~~(H)(1) The following amounts described in division (B)(5) of~~ 71338  
~~section 5747.20 of the Revised Code~~ are allocable to this state: 71339

(a) All lottery prize awards paid by the state lottery 71340  
commission pursuant to Chapter 3770. of the Revised Code; 71341

(b) All earnings, profit, income, and gain from the sale, 71342  
exchange, or other disposition of lottery prize awards paid or to 71343  
be paid to any person by the state lottery commission pursuant to 71344  
Chapter 3770. of the Revised Code; 71345

(c) All earnings, profit, income, and gain from the direct or 71346  
indirect ownership of lottery prize awards paid or to be paid to 71347  
any person by the state lottery commission pursuant to Chapter 71348  
3770. of the Revised Code; 71349

(d) All earnings, profit, income, and gain from the direct or 71350  
indirect interest in any right in or to any lottery prize awards 71351  
paid or to be paid to any person by the state lottery commission 71352

pursuant to Chapter 3770. of the Revised Code. 71353

(2) Lottery prize awards and related earnings, profit, 71354  
income, or gain with respect to lotteries sponsored by persons or 71355  
agencies outside this state shall be allocated outside this state. 71356

(I) ~~Any~~ Every other item of net nonbusiness income, from 71357  
sources other than those enumerated in divisions (A) to (H) of 71358  
this section, is allocated entirely to this state except to the 71359  
extent the allocation of such item of net nonbusiness income 71360  
entirely to this state is not within the taxing power of this 71361  
state under the Constitution of the United States. To the extent 71362  
such allocation entirely to this state would not be within the 71363  
taxing power of this state under the Constitution of the United 71364  
States, such item of net nonbusiness income is apportionable to 71365  
this state on the basis of the mechanism provided in division 71366  
(B)(2) of section 5733.05 and in section 5733.057 of the Revised 71367  
Code. 71368

**Sec. 5733.056.** (A) As used in this section: 71369

(1) "Billing address" means the address where any notice, 71370  
statement, or bill relating to a customer's account is mailed, as 71371  
indicated in the books and records of the taxpayer on the first 71372  
day of the taxable year or on such later date in the taxable year 71373  
when the customer relationship began. 71374

(2) "Borrower or credit card holder located in this state" 71375  
means: 71376

(a) A borrower, other than a credit card holder, that is 71377  
engaged in a trade or business and maintains its commercial 71378  
domicile in this state; or 71379

(b) A borrower that is not engaged in a trade or business, or 71380  
a credit card holder, whose billing address is in this state. 71381

(3) "Branch" means a "domestic branch" as defined in section 71382

3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 71383  
1813(o), as amended. 71384

(4) "Compensation" means wages, salaries, commissions, and 71385  
any other form of remuneration paid to employees for personal 71386  
services that are included in such employee's gross income under 71387  
the Internal Revenue Code. In the case of employees not subject to 71388  
the Internal Revenue Code, such as those employed in foreign 71389  
countries, the determination of whether such payments would 71390  
constitute gross income to such employees under the Internal 71391  
Revenue Code shall be made as though such employees were subject 71392  
to the Internal Revenue Code. 71393

(5) "Credit card" means a credit, travel, or entertainment 71394  
card. 71395

(6) "Credit card issuer's reimbursement fee" means the fee a 71396  
taxpayer receives from a merchant's bank because one of the 71397  
persons to whom the taxpayer has issued a credit card has charged 71398  
merchandise or services to the credit card. 71399

(7) "Deposits" has the meaning given in section 3 of the 71400  
"Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813(1), 71401  
as amended. 71402

(8) "Employee" means, with respect to a particular taxpayer, 71403  
any individual who under the usual common law rules applicable in 71404  
determining the employer-employee relationship, has the status of 71405  
an employee of that taxpayer. 71406

(9) "Gross rents" means the actual sum of money or other 71407  
consideration payable for the use or possession of property. 71408  
"Gross rents" includes: 71409

(a) Any amount payable for the use or possession of real 71410  
property or tangible personal property whether designated as a 71411  
fixed sum of money or as a percentage of receipts, profits, or 71412  
otherwise; 71413

(b) Any amount payable as additional rent or in lieu of rent, 71414  
such as interest, taxes, insurance, repairs, or any other amount 71415  
required to be paid by the terms of a lease or other arrangement; 71416  
and 71417

(c) A proportionate part of the cost of any improvement to 71418  
real property made by or on behalf of the taxpayer which reverts 71419  
to the owner or lessor upon termination of a lease or other 71420  
arrangement. The amount to be included in gross rents is the 71421  
amount of amortization or depreciation allowed in computing the 71422  
taxable income base for the taxable year. However, where a 71423  
building is erected on leased land, by or on behalf of the 71424  
taxpayer, the value of the land is determined by multiplying the 71425  
gross rent by eight, and the value of the building is determined 71426  
in the same manner as if owned by the taxpayer. 71427

(d) The following are not included in the term "gross rents": 71428

(i) Reasonable amounts payable as separate charges for water 71429  
and electric service furnished by the lessor; 71430

(ii) Reasonable amounts payable as service charges for 71431  
janitorial services furnished by the lessor; 71432

(iii) Reasonable amounts payable for storage, provided such 71433  
amounts are payable for space not designated and not under the 71434  
control of the taxpayer; and 71435

(iv) That portion of any rental payment which is applicable 71436  
to the space subleased from the taxpayer and not used by it. 71437

(10) "Loan" means any extension of credit resulting from 71438  
direct negotiations between the taxpayer and its customer, or the 71439  
purchase, in whole or in part, of such extension of credit from 71440  
another. Loans include debt obligations of subsidiaries, 71441  
participations, syndications, and leases treated as loans for 71442  
federal income tax purposes. "Loan" does not include: properties 71443  
treated as loans under section 595 of the Internal Revenue Code; 71444

futures or forward contracts; options; notional principal 71445  
contracts such as swaps; credit card receivables, including 71446  
purchased credit card relationships; non-interest bearing balances 71447  
due from depositor institutions; cash items in the process of 71448  
collection; federal funds sold; securities purchased under 71449  
agreements to resell; assets held in a trading account; 71450  
securities; interests in a real estate mortgage investment conduit 71451  
or other mortgage-backed or asset-backed security; and other 71452  
similar items. 71453

(11) "Loan secured by real property" means that fifty per 71454  
cent or more of the aggregate value of the collateral used to 71455  
secure a loan or other obligation, when valued at fair market 71456  
value as of the time the original loan or obligation was incurred, 71457  
was real property. 71458

(12) "Merchant discount" means the fee, or negotiated 71459  
discount, charged to a merchant by the taxpayer for the privilege 71460  
of participating in a program whereby a credit card is accepted in 71461  
payment for merchandise or services sold to the card holder. 71462

(13) "Participation" means an extension of credit in which an 71463  
undivided ownership interest is held on a pro rata basis in a 71464  
single loan or pool of loans and related collateral. In a loan 71465  
participation, the credit originator initially makes the loan and 71466  
then subsequently resells all or a portion of it to other lenders. 71467  
The participation may or may not be known to the borrower. 71468

(14) "Principal base of operations" with respect to 71469  
transportation property means the place of more or less permanent 71470  
nature from which the property is regularly directed or 71471  
controlled. With respect to an employee, the "principal base of 71472  
operations" means the place of more or less permanent nature from 71473  
which the employee regularly (a) starts work and to which the 71474  
employee customarily returns in order to receive instructions from 71475  
the employer or (b) communicates with the employee's customers or 71476

other persons or (c) performs any other functions necessary to the 71477  
exercise of the trade or profession at some other point or points. 71478

(15) "Qualified institution" means a financial institution 71479  
that on or after June 1, 1997: 71480

(a)(i) Has consummated one or more approved transactions with 71481  
insured banks with different home states that would qualify under 71482  
section 102 of the "Riegle-Neal Interstate Banking and Branching 71483  
Efficiency Act of 1994," Public Law 103-328, 108 Stat. 2338; 71484

(ii) Is a federal savings association or federal savings bank 71485  
that has consummated one or more interstate acquisitions that 71486  
result in a financial institution that has branches in more than 71487  
one state; or 71488

(iii) Has consummated one or more approved interstate 71489  
acquisitions under authority of Title XI of the Revised Code that 71490  
result in a financial institution that has branches in more than 71491  
one state; and 71492

(b) Has at least nine per cent of its deposits in this state 71493  
as of the last day of June prior to the beginning of the tax year. 71494

(16) "Real property owned" and "tangible personal property 71495  
owned" mean real and tangible personal property, respectively, on 71496  
which the taxpayer may claim depreciation for federal income tax 71497  
purposes, or to which the taxpayer holds legal title and on which 71498  
no other person may claim depreciation for federal income tax 71499  
purposes, or could claim depreciation if subject to federal income 71500  
tax. Real and tangible personal property do not include coin, 71501  
currency, or property acquired in lieu of or pursuant to a 71502  
foreclosure. 71503

(17) "Regular place of business" means an office at which the 71504  
taxpayer carries on its business in a regular and systematic 71505  
manner and which is continuously maintained, occupied, and used by 71506  
employees of the taxpayer. 71507

(18) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States.

(19) "Syndication" means an extension of credit in which two or more persons fund and each person is at risk only up to a specified percentage of the total extension of credit or up to a specified dollar amount.

(20) "Transportation property" means vehicles and vessels capable of moving under their own power, such as aircraft, trains, water vessels and motor vehicles, as well as any equipment or containers attached to such property, such as rolling stock, barges, trailers, or the like.

(B) The annual financial institution report determines the value of the issued and outstanding shares of stock of the taxpayer, and is the base or measure of the franchise tax liability. Such determination shall be made as of the date shown by the report to have been the beginning of the financial institution's annual accounting period that includes the first day of January of the tax year. For purposes of this section, division (A) of section 5733.05, and division (D) of section 5733.06 of the Revised Code, the value of the issued and outstanding shares of stock of the financial institution shall include the total value, as shown by the books of the financial institution, of its capital, surplus, whether earned or unearned, undivided profits, and reserves, but exclusive of:

(1) Reserves for accounts receivable, depreciation, depletion, and any other valuation reserves with respect to specific assets;

(2) Taxes due and payable during the year for which such report was made;

(3) Voting stock and participation certificates in

corporations chartered pursuant to the "Farm Credit Act of 1971," 71539  
85 Stat. 597, 12 U.S.C. 2091, as amended; 71540

(4) Good will, appreciation, and abandoned property as set up 71541  
in the annual report of the financial institution, provided a 71542  
certified balance sheet of the company is made available upon the 71543  
request of the tax commissioner. Such balance sheet shall not be a 71544  
part of the public records, but shall be a confidential report for 71545  
use of the tax commissioner only. 71546

(5) A portion of the value of the issued and outstanding 71547  
shares of stock of such financial institution equal to the amount 71548  
obtained by multiplying such value by the quotient obtained by: 71549

(a) Dividing (1) the amount of the financial institution's 71550  
assets, as shown on its books, represented by investments in the 71551  
capital stock and indebtedness of public utilities, except 71552  
electric companies and combined companies, and, for tax years 2005 71553  
and thereafter, telephone companies, of which at least eighty per 71554  
cent of the utility's issued and outstanding common stock is owned 71555  
by the financial institution by (2) the total assets of such 71556  
financial institution as shown on its books; 71557

(b) Dividing (1) the amount of the financial institution's 71558  
assets, as shown on its books, represented by investments in the 71559  
capital stock and indebtedness of insurance companies of which at 71560  
least eighty per cent of the insurance company's issued and 71561  
outstanding common stock is owned by the financial institution by 71562  
(2) the total assets of such financial institution as shown on its 71563  
books; 71564

(c) Dividing (1) the amount of the financial institution's 71565  
assets, as shown on its books, represented by investments in the 71566  
capital stock and indebtedness of other financial institutions of 71567  
which at least twenty-five per cent of the other financial 71568  
institution's issued and outstanding common stock is owned by the 71569

financial institution by (2) the total assets of the financial 71570  
institution as shown on its books. Division (B)(5)(c) of this 71571  
section applies only with respect to such other financial 71572  
institutions that for the tax year immediately following the 71573  
taxpayer's taxable year will pay the tax imposed by division (D) 71574  
of section 5733.06 of the Revised Code. 71575

(6) Land that has been determined pursuant to section 5713.31 71576  
of the Revised Code by the county auditor of the county in which 71577  
the land is located to be devoted exclusively to agricultural use 71578  
as of the first Monday of June in the financial institution's 71579  
taxable year. 71580

(7) Property within this state used exclusively during the 71581  
taxable year for qualified research as defined in section 5733.05 71582  
of the Revised Code. 71583

(C) The base upon which the tax levied under division (D) of 71584  
section 5733.06 of the Revised Code shall be computed by 71585  
multiplying the value of a financial institution's issued and 71586  
outstanding shares of stock as determined in division (B) of this 71587  
section by a fraction. The numerator of the fraction is the sum of 71588  
the following: the property factor multiplied by fifteen, the 71589  
payroll factor multiplied by fifteen, and the sales factor 71590  
multiplied by seventy. The denominator of the fraction is one 71591  
hundred, provided that the denominator shall be reduced by fifteen 71592  
if the property factor has a denominator of zero, by fifteen if 71593  
the payroll factor has a denominator of zero, and by seventy if 71594  
the sales factor has a denominator of zero. 71595

(D) A financial institution shall calculate the property 71596  
factor as follows: 71597

(1) The property factor is a fraction, the numerator of which 71598  
is the average value of real property and tangible personal 71599  
property rented to the taxpayer that is located or used within 71600

this state during the taxable year, the average value of real and 71601  
tangible personal property owned by the taxpayer that is located 71602  
or used within this state during the taxable year, and the average 71603  
value of the taxpayer's loans and credit card receivables that are 71604  
located within this state during the taxable year; and the 71605  
denominator of which is the average value of all such property 71606  
located or used within and without this state during the taxable 71607  
year. 71608

(2)(a) The value of real property and tangible personal 71609  
property owned by the taxpayer is the original cost or other basis 71610  
of such property for federal income tax purposes without regard to 71611  
depletion, depreciation, or amortization. 71612

(b) Loans are valued at their outstanding principal balance, 71613  
without regard to any reserve for bad debts. If a loan is 71614  
charged-off in whole or in part for federal income tax purposes, 71615  
the portion of the loan charged-off is not outstanding. A 71616  
specifically allocated reserve established pursuant to financial 71617  
accounting guidelines which is treated as charged-off for federal 71618  
income tax purposes shall be treated as charged-off for purposes 71619  
of this section. 71620

(c) Credit card receivables are valued at their outstanding 71621  
principal balance, without regard to any reserve for bad debts. If 71622  
a credit card receivable is charged-off in whole or in part for 71623  
federal income tax purposes, the portion of the receivable 71624  
charged-off is not outstanding. 71625

(3) The average value of property owned by the taxpayer is 71626  
computed on an annual basis by adding the value of the property on 71627  
the first day of the taxable year and the value on the last day of 71628  
the taxable year and dividing the sum by two. If averaging on this 71629  
basis does not properly reflect average value, the tax 71630  
commissioner may require averaging on a more frequent basis. The 71631  
taxpayer may elect to average on a more frequent basis. When 71632

averaging on a more frequent basis is required by the tax 71633  
commissioner or is elected by the taxpayer, the same method of 71634  
valuation must be used consistently by the taxpayer with respect 71635  
to property within and without this state and on all subsequent 71636  
returns unless the taxpayer receives prior permission from the tax 71637  
commissioner or the tax commissioner requires a different method 71638  
of determining value. 71639

(4)(a) The average value of real property and tangible 71640  
personal property that the taxpayer has rented from another and is 71641  
not treated as property owned by the taxpayer for federal income 71642  
tax purposes, shall be determined annually by multiplying the 71643  
gross rents payable during the taxable year by eight. 71644

(b) Where the use of the general method described in division 71645  
(D)(4)(a) of this section results in inaccurate valuations of 71646  
rented property, any other method which properly reflects the 71647  
value may be adopted by the tax commissioner or by the taxpayer 71648  
when approved in writing by the tax commissioner. Once approved, 71649  
such other method of valuation must be used on all subsequent 71650  
returns unless the taxpayer receives prior approval from the tax 71651  
commissioner or the tax commissioner requires a different method 71652  
of valuation. 71653

(5)(a) Except as described in division (D)(5)(b) of this 71654  
section, real property and tangible personal property owned by or 71655  
rented to the taxpayer is considered to be located within this 71656  
state if it is physically located, situated, or used within this 71657  
state. 71658

(b) Transportation property is included in the numerator of 71659  
the property factor to the extent that the property is used in 71660  
this state. The extent an aircraft will be deemed to be used in 71661  
this state and the amount of value that is to be included in the 71662  
numerator of this state's property factor is determined by 71663  
multiplying the average value of the aircraft by a fraction, the 71664

numerator of which is the number of landings of the aircraft in 71665  
this state and the denominator of which is the total number of 71666  
landings of the aircraft everywhere. If the extent of the use of 71667  
any transportation property within this state cannot be 71668  
determined, then the property will be deemed to be used wholly in 71669  
the state in which the property has its principal base of 71670  
operations. A motor vehicle will be deemed to be used wholly in 71671  
the state in which it is registered. 71672

(6)(a)(i) A loan, other than a loan or advance described in 71673  
division (D)(6)(d) of this section, is considered to be located 71674  
within this state if it is properly assigned to a regular place of 71675  
business of the taxpayer within this state. 71676

(ii) A loan is properly assigned to the regular place of 71677  
business with which it has a preponderance of substantive 71678  
contacts. A loan assigned by the taxpayer to a regular place of 71679  
business without the state shall be presumed to have been properly 71680  
assigned if: 71681

(I) The taxpayer has assigned, in the regular course of its 71682  
business, such loan on its records to a regular place of business 71683  
consistent with federal or state regulatory requirements; 71684

(II) Such assignment on its records is based upon substantive 71685  
contacts of the load to such regular place of business; and 71686

(III) The taxpayer uses the records reflecting assignment of 71687  
loans for the filing of all state and local tax returns for which 71688  
an assignment of loans to a regular place of business is required. 71689

(iii) The presumption of proper assignment of a loan provided 71690  
in division (D)(6)(a)(ii) of this section may be rebutted upon a 71691  
showing by the tax commissioner, supported by a preponderance of 71692  
the evidence, that the preponderance of substantive contacts 71693  
regarding such loan did not occur at the regular place of business 71694  
to which it was assigned on the taxpayer's records. When such 71695

presumption has been rebutted, the loan shall then be located 71696  
within this state if (1) the taxpayer had a regular place of 71697  
business within this state at the time the loan was made; and (2) 71698  
the taxpayer fails to show, by a preponderance of the evidence, 71699  
that the preponderance of substantive contacts regarding such loan 71700  
did not occur within this state. 71701

(b) In the case of a loan which is assigned by the taxpayer 71702  
to a place without this state which is not a regular place of 71703  
business, it shall be presumed, subject to rebuttal by the 71704  
taxpayer on a showing supported by the preponderance of evidence, 71705  
that the preponderance of substantive contacts regarding the loan 71706  
occurred within this state if, at the time the loan was made the 71707  
taxpayer's commercial domicile was within this state. 71708

(c) To determine the state in which the preponderance of 71709  
substantive contacts relating to a loan have occurred, the facts 71710  
and circumstances regarding the loan at issue shall be reviewed on 71711  
a case-by-case basis and consideration shall be given to such 71712  
activities as the solicitation, investigation, negotiation, 71713  
approval, and administration of the loan. The terms 71714  
"solicitation," "investigation," "negotiation," "approval," and 71715  
"administration" are defined as follows: 71716

(i) "Solicitation" is either active or passive. Active 71717  
solicitation occurs when an employee of the taxpayer initiates the 71718  
contact with the customer. Such activity is located at the regular 71719  
place of business which the taxpayer's employee is regularly 71720  
connected with or working out of, regardless of where the services 71721  
of such employee were actually performed. Passive solicitation 71722  
occurs when the customer initiates the contact with the taxpayer. 71723  
If the customer's initial contact was not at a regular place of 71724  
business of the taxpayer, the regular place of business, if any, 71725  
where the passive solicitation occurred is determined by the facts 71726  
in each case. 71727

(ii) "Investigation" is the procedure whereby employees of the taxpayer determine the creditworthiness of the customer as well as the degree of risk involved in making a particular agreement. Such activity is located at the regular place of business which the taxpayer's employees are regularly connected with or working out of, regardless of where the services of such employees were actually performed.

(iii) Negotiation is the procedure whereby employees of the taxpayer and its customer determine the terms of the agreement, such as the amount, duration, interest rate, frequency of repayment, currency denomination, and security required. Such activity is located at the regular place of business to which the taxpayer's employees are regularly connected or working from, regardless of where the services of such employees were actually performed.

(iv) "Approval" is the procedure whereby employees or the board of directors of the taxpayer make the final determination whether to enter into the agreement. Such activity is located at the regular place of business to which the taxpayer's employees are regularly connected or working from, regardless of where the services of such employees were actually performed. If the board of directors makes the final determination, such activity is located at the commercial domicile of the taxpayer.

(v) "Administration" is the process of managing the account. This process includes bookkeeping, collecting the payments, corresponding with the customer, reporting to management regarding the status of the agreement, and proceeding against the borrower or the security interest if the borrower is in default. Such activity is located at the regular place of business that oversees this activity.

(d) A loan or advance to a subsidiary corporation at least fifty-one per cent of whose common stock is owned by the financial

institution shall be allocated in and out of the state by the 71760  
application of a ratio whose numerator is the sum of the net book 71761  
value of the subsidiary's real property owned in this state and 71762  
the subsidiary's tangible personal property owned in this state 71763  
and whose denominator is the sum of the subsidiary's real property 71764  
owned wherever located and the subsidiary's tangible personal 71765  
property owned wherever located. For purposes of calculating this 71766  
ratio, the taxpayer shall determine net book value in accordance 71767  
with generally accepted accounting principles. If the subsidiary 71768  
corporation owns at least fifty-one per cent of the common stock 71769  
of another corporation, the ratio shall be calculated by including 71770  
the other corporation's real property and tangible personal 71771  
property. The calculation of the ratio applies with respect to all 71772  
lower-tiered subsidiaries, provided that the immediate parent 71773  
corporation of the subsidiary owns at least fifty-one per cent of 71774  
the common stock of that subsidiary. 71775

(7) For purposes of determining the location of credit card 71776  
receivables, credit card receivables shall be treated as loans and 71777  
shall be subject to division (D)(6) of this section. 71778

(8) A loan that has been properly assigned to a state shall, 71779  
absent any change of material fact, remain assigned to that state 71780  
for the length of the original term of the loan. Thereafter, the 71781  
loan may be properly assigned to another state if the loan has a 71782  
preponderance of substantive contact to a regular place of 71783  
business there. 71784

(E) A financial institution shall calculate the payroll 71785  
factor as follows: 71786

(1) The payroll factor is a fraction, the numerator of which 71787  
is the total amount paid in this state during the taxable year by 71788  
the taxpayer for compensation, and the denominator of which is the 71789  
total compensation paid both within and without this state during 71790  
the taxable year. 71791

(2) Compensation is paid in this state if any one of the following tests, applied consecutively, is met: 71792  
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(a) The employee's services are performed entirely within this state. 71794  
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(b) The employee's services are performed both within and without this state, but the service performed without this state is incidental to the employee's service within this state. The term "incidental" means any service which is temporary or transitory in nature, or which is rendered in connection with an isolated transaction. 71796  
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(c) The employee's services are performed both within and without this state, and: 71802  
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(i) The employee's principal base of operations is within this state; or 71804  
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(ii) There is no principal base of operations in any state in which some part of the services are performed, but the place from which the services are directed or controlled is in this state; or 71806  
71807  
71808

(iii) The principal base of operations and the place from which the services are directed or controlled are not in any state in which some part of the service is performed but the employee's residence is in this state. 71809  
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(F) A financial institution shall calculate the sales factor as follows: 71813  
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(1) The sales factor is a fraction, the numerator of which is the receipts of the taxpayer in this state during the taxable year and the denominator of which is the receipts of the taxpayer within and without this state during the taxable year. The method of calculating receipts for purposes of the denominator is the same as the method used in determining receipts for purposes of the numerator. 71815  
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(2) The numerator of the sales factor includes receipts from 71822  
the lease or rental of real property owned by the taxpayer if the 71823  
property is located within this state, or receipts from the 71824  
sublease of real property if the property is located within this 71825  
state. 71826

(3)(a) Except as described in division (F)(3)(b) of this 71827  
section the numerator of the sales factor includes receipts from 71828  
the lease or rental of tangible personal property owned by the 71829  
taxpayer if the property is located within this state when it is 71830  
first placed in service by the lessee. 71831

(b) Receipts from the lease or rental of transportation 71832  
property owned by the taxpayer are included in the numerator of 71833  
the sales factor to the extent that the property is used in this 71834  
state. The extent an aircraft will be deemed to be used in this 71835  
state and the amount of receipts that is to be included in the 71836  
numerator of this state's sales factor is determined by 71837  
multiplying all the receipts from the lease or rental of the 71838  
aircraft by a fraction, the numerator of which is the number of 71839  
landings of the aircraft in this state and the denominator of 71840  
which is the total number of landings of the aircraft. If the 71841  
extent of the use of any transportation property within this state 71842  
cannot be determined, then the property will be deemed to be used 71843  
wholly in the state in which the property has its principal base 71844  
of operations. A motor vehicle will be deemed to be used wholly in 71845  
the state in which it is registered. 71846

(4)(a) The numerator of the sales factor includes interest 71847  
and fees or penalties in the nature of interest from loans secured 71848  
by real property if the property is located within this state. If 71849  
the property is located both within this state and one or more 71850  
other states, the receipts described in this paragraph are 71851  
included in the numerator of the sales factor if more than fifty 71852  
per cent of the fair market value of the real property is located 71853

within this state. If more than fifty per cent of the fair market value of the real property is not located within any one state, then the receipts described in this paragraph shall be included in the numerator of the sales factor if the borrower is located in this state.

(b) The determination of whether the real property securing a loan is located within this state shall be made as of the time the original agreement was made and any and all subsequent substitutions of collateral shall be disregarded.

(5) The numerator of the sales factor includes interest and fees or penalties in the nature of interest from loans not secured by real property if the borrower is located in this state.

(6) The numerator of the sales factor includes net gains from the sale of loans. Net gains from the sale of loans includes income recorded under the coupon stripping rules of section 1286 of the Internal Revenue Code.

(a) The amount of net gains, but not less than zero, from the sale of loans secured by real property included in the numerator is determined by multiplying such net gains by a fraction the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(4) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

(b) The amount of net gains, but not less than zero, from the sale of loans not secured by real property included in the numerator is determined by multiplying such net gains by a fraction the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(5) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from

loans not secured by real property. 71885

(7) The numerator of the sales factor includes interest and 71886  
fees or penalties in the nature of interest from credit card 71887  
receivables and receipts from fees charged to card holders, such 71888  
as annual fees, if the billing address of the card holder is in 71889  
this state. 71890

(8) The numerator of the sales factor includes net gains, but 71891  
not less than zero, from the sale of credit card receivables 71892  
multiplied by a fraction, the numerator of which is the amount 71893  
included in the numerator of the sales factor pursuant to division 71894  
(F)(7) of this section and the denominator of which is the 71895  
taxpayer's total amount of interest and fees or penalties in the 71896  
nature of interest from credit card receivables and fees charged 71897  
to card holders. 71898

(9) The numerator of the sales factor includes all credit 71899  
card issuer's reimbursement fees multiplied by a fraction, the 71900  
numerator of which is the amount included in the numerator of the 71901  
sales factor pursuant to division (F)(7) of this section and the 71902  
denominator of which is the taxpayer's total amount of interest 71903  
and fees or penalties in the nature of interest from credit card 71904  
receivables and fees charged to card holders. 71905

(10) The numerator of the sales factor includes receipts from 71906  
merchant discount if the commercial domicile of the merchant is in 71907  
this state. Such receipts shall be computed net of any card holder 71908  
charge backs, but shall not be reduced by any interchange 71909  
transaction fees or by any issuer's reimbursement fees paid to 71910  
another for charges made by its card holders. 71911

(11)(a)(i) The numerator of the sales factor includes loan 71912  
servicing fees derived from loans secured by real property 71913  
multiplied by a fraction the numerator of which is the amount 71914  
included in the numerator of the sales factor pursuant to division 71915

(F)(4) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

(ii) The numerator of the sales factor includes loan servicing fees derived from loans not secured by real property multiplied by a fraction the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(5) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(b) In circumstances in which the taxpayer receives loan servicing fees for servicing either the secured or the unsecured loans of another, the numerator of the sales factor shall include such fees if the borrower is located in this state.

(12) The numerator of the sales factor includes receipts from services not otherwise apportioned under this section if the service is performed in this state. If the service is performed both within and without this state, the numerator of the sales factor includes receipts from services not otherwise apportioned under this section, if a greater proportion of the income producing activity is performed in this state based on cost of performance.

(13)(a) Interest, dividends, net gains, but not less than zero, and other income from investment assets and activities and from trading assets and activities shall be included in the sales factor. Investment assets and activities and trading assets and activities include but are not limited to: investment securities; trading account assets; federal funds; securities purchased and sold under agreements to resell or repurchase; options; futures contracts; forward contracts; notional principal contracts such as swaps; equities; and foreign currency transactions. With respect to the investment and trading assets and activities described in

divisions (F)(13)(a)(i) and (ii) of this section, the sales factor shall include the amounts described in such divisions.

(i) The sales factor shall include the amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements.

(ii) The sales factor shall include the amount by which interest, dividends, gains, and other income from trading assets and activities, including, but not limited to, assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from such assets and activities.

(b) The numerator of the sales factor includes interest, dividends, net gains, but not less than zero, and other income from investment assets and activities and from trading assets and activities described in division (F)(13)(a) of this section that are attributable to this state.

(i) The amount of interest, other than interest described in division (F)(13)(b)(iv) of this section, dividends, other than dividends described in that division, net gains, but not less than zero, and other income from investment assets and activities in the investment account to be attributed to this state and included in the numerator is determined by multiplying all such income from such assets and activities by a fraction, the numerator of which is the average value of such assets which are properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the average value of all such assets.

(ii) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to

this state and included in the numerator is determined by 71979  
multiplying the amount described in division (F)(13)(a)(i) of this 71980  
section from such funds and such securities by a fraction, the 71981  
numerator of which is the average value of federal funds sold and 71982  
securities purchased under agreements to resell which are properly 71983  
assigned to a regular place of business of the taxpayer within 71984  
this state and the denominator of which is the average value of 71985  
all such funds and such securities. 71986

(iii) The amount of interest, dividends, gains, and other 71987  
income from trading assets and activities, including but not 71988  
limited to assets and activities in the matched book, in the 71989  
arbitrage book, and foreign currency transaction, but excluding 71990  
amounts described in division (F)(13)(b)(i) or (ii) of this 71991  
section, attributable to this state and included in the numerator 71992  
is determined by multiplying the amount described in division 71993  
(F)(13)(a)(ii) of this section by a fraction, the numerator of 71994  
which is the average value of such trading assets which are 71995  
properly assigned to a regular place of business of the taxpayer 71996  
within this state and the denominator of which is the average 71997  
value of all such assets. 71998

(iv) The amount of dividends received on the capital stock 71999  
of, and the amount of interest received from loans and advances 72000  
to, subsidiary corporations at least fifty-one per cent of whose 72001  
common stock is owned by the reporting financial institution shall 72002  
be allocated in and out of this state by the application of a 72003  
ratio whose numerator is the sum of the net book value of the 72004  
payor's real property owned in this state and the payor's tangible 72005  
personal property owned in this state and whose denominator is the 72006  
sum of the net book value of the payor's real property owned 72007  
wherever located and the payor's tangible personal property owned 72008  
wherever located. For purposes of calculating this ratio, the 72009  
taxpayer shall determine net book value in accordance with 72010

generally accepted accounting principles. 72011

(v) For purposes of this division, average value shall be 72012  
determined using the rules for determining the average value of 72013  
tangible personal property set forth in division (D)(2) and (3) of 72014  
this section. 72015

(c) In lieu of using the method set forth in division 72016  
(F)(13)(b) of this section, the taxpayer may elect, or the tax 72017  
commissioner may require in order to fairly represent the business 72018  
activity of the taxpayer in this state, the use of the method set 72019  
forth in division (F)(13)(c) of this section. 72020

(i) The amount of interest, other than interest described in 72021  
division (F)(13)(b)(iv) of this section, dividends, other than 72022  
dividends described in that division, net gains, but not less than 72023  
zero, and other income from investment assets and activities in 72024  
the investment account to be attributed to this state and included 72025  
in the numerator is determined by multiplying all such income from 72026  
such assets and activities by a fraction, the numerator of which 72027  
is the gross income from such assets and activities which are 72028  
properly assigned to a regular place of business of the taxpayer 72029  
within this state, and the denominator of which is the gross 72030  
income from all such assets and activities. 72031

(ii) The amount of interest from federal funds sold and 72032  
purchased and from securities purchased under resale agreements 72033  
and securities sold under repurchase agreements attributable to 72034  
this state and included in the numerator is determined by 72035  
multiplying the amount described in division (F)(13)(a)(i) of this 72036  
section from such funds and such securities by a fraction, the 72037  
numerator of which is the gross income from such funds and such 72038  
securities which are properly assigned to a regular place of 72039  
business of the taxpayer within this state and the denominator of 72040  
which is the gross income from all such funds and such securities. 72041

(iii) The amount of interest, dividends, gains, and other 72042  
income from trading assets and activities, including, but not 72043  
limited to, assets and activities in the matched book, in the 72044  
arbitrage book, and foreign currency transactions, but excluding 72045  
amounts described in division (F)(13)(a)(i) or (ii) of this 72046  
section, attributable to this state and included in the numerator, 72047  
is determined by multiplying the amount described in division 72048  
(F)(13)(a)(ii) of this section by a fraction, the numerator of 72049  
which is the gross income from such trading assets and activities 72050  
which are properly assigned to a regular place of business of the 72051  
taxpayer within this state and the denominator of which is the 72052  
gross income from all such assets and activities. 72053

(iv) The amount of dividends received on the capital stock 72054  
of, and the amount of interest received from loans and advances 72055  
to, subsidiary corporations at least fifty-one per cent of whose 72056  
common stock is owned by the reporting financial institution shall 72057  
be allocated in and out of this state by the application of a 72058  
ratio whose numerator is the sum of the net book value of the 72059  
payor's real property owned in this state and the payor's tangible 72060  
personal property owned in this state and whose denominator is the 72061  
sum of the payor's real property owned wherever located and the 72062  
payor's tangible personal property owned wherever located. For 72063  
purposes of calculating this ratio, the taxpayer shall determine 72064  
net book value in accordance with generally accepted accounting 72065  
principles. 72066

(d) If the taxpayer elects or is required by the tax 72067  
commissioner to use the method set forth in division (F)(13)(c) of 72068  
this section, it shall use this method on all subsequent returns 72069  
unless the taxpayer receives prior permission from the tax 72070  
commissioner to use or the tax commissioner requires a different 72071  
method. 72072

(e) The taxpayer shall have the burden of proving that an 72073

investment asset or activity or trading asset or activity was 72074  
properly assigned to a regular place of business outside of this 72075  
state by demonstrating that the day-to-day decisions regarding the 72076  
asset or activity occurred at a regular place of business outside 72077  
this state. Where the day-to-day decisions regarding an investment 72078  
asset or activity or trading asset or activity occur at more than 72079  
one regular place of business and one such regular place of 72080  
business is in this state and one such regular place of business 72081  
is outside this state such asset or activity shall be considered 72082  
to be located at the regular place of business of the taxpayer 72083  
where the investment or trading policies or guidelines with 72084  
respect to the asset or activity are established. Unless the 72085  
taxpayer demonstrates to the contrary, such policies and 72086  
guidelines shall be presumed to be established at the commercial 72087  
domicile of the taxpayer. 72088

(14) The numerator of the sales factor includes all other 72089  
receipts if either: 72090

(a) The income-producing activity is performed solely in this 72091  
state; or 72092

(b) The income-producing activity is performed both within 72093  
and without this state and a greater proportion of the 72094  
income-producing activity is performed within this state than in 72095  
any other state, based on costs of performance. 72096

(G) A qualified institution may calculate the base upon which 72097  
the fee provided for in division (D) of section 5733.06 of the 72098  
Revised Code is determined for each tax year by multiplying the 72099  
value of its issued and outstanding shares of stock determined 72100  
under division (B) of this section by a single deposits fraction 72101  
whose numerator is the deposits assigned to branches in this state 72102  
and whose denominator is the deposits assigned to branches 72103  
everywhere. Deposits shall be assigned to branches in the same 72104  
manner in which the assignment is made for regulatory purposes. If 72105

the base calculated under this division is less than the base 72106  
calculated under division (C) of this section, then the qualifying 72107  
institution may elect to substitute the base calculated under this 72108  
division for the base calculated under division (C) of this 72109  
section. Such election may be made annually for each tax year on 72110  
the corporate report. The election need not accompany the report; 72111  
rather, the election may accompany a subsequently filed but timely 72112  
application for refund, a subsequently filed but timely amended 72113  
report, or a subsequently filed but timely petition for 72114  
reassessment. The election is not irrevocable and it applies only 72115  
to the specified tax year. Nothing in this division shall be 72116  
construed to extend any statute of limitations set forth in this 72117  
chapter. 72118

(H) If the apportionment provisions of this section do not 72119  
fairly represent the extent of the taxpayer's business activity in 72120  
this state, the taxpayer may petition for or the tax commissioner 72121  
may require, in respect to all or any part of the taxpayer's 72122  
business activity, if reasonable: 72123

(1) Separate accounting; 72124

(2) The exclusion of any one or more of the factors; 72125

(3) The inclusion of one or more additional factors which 72126  
will fairly represent the taxpayer's business activity in this 72127  
state; or 72128

(4) The employment of any other method to effectuate an 72129  
equitable allocation and apportionment of the taxpayer's value. 72130

**Sec. 5733.057.** As used in this section, "adjusted qualifying 72131  
amount" has the same meaning as in section 5733.40 of the Revised 72132  
Code. 72133

This section does not apply to divisions (E) and (F) of 72134  
section 5733.051 of the Revised Code. 72135

Except as otherwise provided in divisions (A) and (B) of 72136  
section 5733.401 and in sections 5733.058 and 5747.401 of the 72137  
Revised Code, in making all apportionment, allocation, income, 72138  
gain, loss, deduction, tax, and credit computations under this 72139  
chapter and under sections 5747.41 and 5747.43 of the Revised 72140  
Code, each person shall include in that person's items of business 72141  
income, nonbusiness income, adjusted qualifying amounts, allocable 72142  
income or loss, if any, apportionable income or loss, property, 72143  
compensation, and sales, the person's entire distributive share or 72144  
proportionate share of the items of business income, nonbusiness 72145  
income, adjusted qualifying amounts, allocable income or loss, 72146  
apportionable income or loss, property, compensation, and sales of 72147  
any pass-through entity in which the person has a direct or 72148  
indirect ownership interest at any time during the pass-through 72149  
entity's calendar or fiscal year ending within, or with the last 72150  
day of the person's taxable year. A pass-through entity's direct 72151  
or indirect distributive share or proportionate share of any other 72152  
pass-through entity's items of business income, nonbusiness 72153  
income, adjusted qualifying amounts, allocable income or loss, 72154  
apportionable income or loss, property, compensation, and sales 72155  
shall be included for the purposes of computing the person's 72156  
distributive share or proportionate share of the pass-through 72157  
entity's items of business income, nonbusiness income, adjusted 72158  
qualifying amounts, allocable income or loss, apportionable income 72159  
or loss, property, compensation, and sales under this section. 72160  
Those items shall be in the same form as was recognized by the 72161  
pass-through entity. 72162

**Sec. 5733.059.** (A) As used in this section: 72163

(1) "Customer" means a person who purchases electricity for 72164  
consumption either by that person or by the person's related 72165  
member and the electricity is not for resale directly or 72166  
indirectly to any person other than a related member. 72167

(2) "Related member" has the same meaning as in division 72168  
(A)(6) of section 5733.042 of the Revised Code without regard to 72169  
division (B) of that section. 72170

(B) Except as provided in division (C) of this section, this 72171  
division applies only to sales of electric transmission and 72172  
distribution services. For purposes of sections 5733.05 and 72173  
5747.21 of the Revised Code: 72174

(1) Sales of the transmission of electricity are in this 72175  
state in proportion to the ratio of the wire mileage of the 72176  
taxpayer's transmission lines located in this state divided by the 72177  
wire mileage of the taxpayer's transmission lines located 72178  
everywhere. Transmission wire mileage shall be weighted for the 72179  
voltage capacity of each line. 72180

(2) Sales of the distribution of electricity are in this 72181  
state in proportion to the ratio of the wire mileage of the 72182  
taxpayer's distribution lines located in this state divided by the 72183  
wire mileage of the taxpayer's distribution lines located 72184  
everywhere. Distribution wire mileage shall not be weighted for 72185  
the voltage capacity of each line. 72186

(C) This division applies only to a person that has 72187  
transmission or distribution lines in this state. If a contract 72188  
for the sale of electricity includes the seller's or the seller's 72189  
related member's obligation to transmit or distribute the 72190  
electricity and if the sales contract separately identifies the 72191  
price charged for the transmission or distribution of electricity, 72192  
the price charged for the transmission and distribution of 72193  
electricity shall be apportioned to this state in accordance with 72194  
division (B) of this section. Any remaining portion of the sales 72195  
price of the electricity shall be situated to this state in 72196  
accordance with division (D) of this section. 72197

If the sales contract does not separately identify the price 72198

charged for the transmission or distribution of electricity, the 72199  
sales price of the electricity shall be sitused to this state in 72200  
accordance with division (D) of this section. 72201

(D) Any person who makes a sale of electricity shall situs 72202  
the following to this state: 72203

(1) A sale of electricity directly or indirectly to a 72204  
customer to the extent the customer consumes the electricity in 72205  
this state; 72206

(2) A sale of electricity directly or indirectly to a related 72207  
member where the related member directly or indirectly sells 72208  
electricity to a customer to the extent the customer consumes the 72209  
electricity in this state; 72210

(3) A sale of electricity if the seller or the seller's 72211  
related member directly or indirectly delivers the electricity to 72212  
a location in this state or directly or indirectly delivers the 72213  
electricity exactly to the border of this state and another state; 72214

(4) A sale of electricity if the seller or the seller's 72215  
related member directly or indirectly directs the delivery of the 72216  
electricity to a location in this state or directly or indirectly 72217  
directs the delivery of the electricity exactly to the border of 72218  
this state and another state. 72219

(E) If the situsing provisions of this section do not fairly 72220  
represent the extent of the taxpayer's or the taxpayer's related 72221  
member's activity in this state, the taxpayer may request, or the 72222  
tax commissioner may require, in respect to all or part of a 72223  
taxpayer's or related member's sales, if reasonable, any of the 72224  
following: 72225

(1) Separate accounting; 72226

(2) The exclusion of one or more additional situsing factors 72227  
that will fairly represent the taxpayer's and the related member's 72228

sales in this state; 72229

(3) The inclusion of one or more additional situsing factors 72230  
that will fairly represent the taxpayer's and the related member's 72231  
sales in this state. 72232

The taxpayer's request shall be in writing and shall be filed 72233  
with the report required by section 5733.02 of the Revised Code, a 72234  
timely filed petition for reassessment, or a timely filed amended 72235  
report. An alternative situsing method shall be effective with the 72236  
approval of the tax commissioner. 72237

Nothing in this section shall be construed to extend any 72238  
statute of limitations set forth in this chapter. 72239

(F) If the situsing provisions of this section do not fairly 72240  
represent activity in this state, the tax commissioner may 72241  
promulgate rules to situs sales using a methodology that fairly 72242  
reflects sales in this state. 72243

(G) Notwithstanding ~~sections 5733.111 and 5747.131~~ section 72244  
5703.56 of the Revised Code to the contrary, a person situsing a 72245  
sale outside this state has the burden to establish by a 72246  
preponderance of the evidence that the doctrines enumerated in 72247  
~~those sections~~ that section do not apply. 72248

**Sec. 5733.0511.** (A) As used in this section: 72249

(1) "Qualifying telephone company taxpayer" means either of 72250  
the following: 72251

(a) A telephone company, but only if the telephone company 72252  
was subject to the tax imposed by section 5727.30 of the Revised 72253  
Code for gross receipts received during the period from July 1, 72254  
2003, to June 30, 2004, and the telephone company's property 72255  
subject to taxation under Chapter 5727. of the Revised Code for 72256  
tax years 2003 through 2006 was assessed using the true value 72257  
percentages provided for in division (B) of section 5727.111 of 72258

the Revised Code. 72259

(b) Any taxpayer not described in division (A)(1)(a) of this section if a telephone company described in division (A)(1)(a) of this section transfers all or a portion of its assets and equity directly or indirectly to the taxpayer, the transfer occurred as part of an entity organization or reorganization, or subsequent entity organization or reorganization, and the gain or loss with respect to the transfer is not recognized in whole or in part for federal income tax purposes under the Internal Revenue Code on account of a transfer as part of an entity organization or reorganization, or subsequent entity organization or reorganization. 72260  
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(2) "Qualifying telephone company asset" means any asset shown on the qualifying telephone company taxpayer's books and records on December 31, 2003, in accordance with generally accepted accounting principles. 72271  
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(3) "Net income" has the same meaning as in division (I) of section 5733.04 of the Revised Code. 72275  
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(4) "Book-tax difference" means the difference, if any, between a qualifying telephone company asset's net book value shown on the qualifying telephone company taxpayer's books and records on December 31, 2003, in accordance with generally accepted accounting principles, and such asset's adjusted basis on December 31, 2003. The book-tax difference may be a negative number. 72277  
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(5) Solely for purposes of division (A)(1)(a) of this section, "tax year" has the same meaning as used in section 5727.01 of the Revised Code. 72284  
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(B) In computing net income under division (I) of section 5733.04 of the Revised Code, a qualifying telephone company taxpayer shall adjust net income to reflect a ten-year 72287  
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amortization of the book-tax difference for each qualifying 72290  
telephone company asset, in equal installments over each of the 72291  
ten tax years beginning with 2010. If the net book value exceeds 72292  
the adjusted basis of the asset as of December 31, 2003, net 72293  
income shall be reduced in each of the ten years beginning with 72294  
tax year 2010 by one-tenth of the book-tax difference. If the 72295  
adjusted basis exceeds the net book value of the asset as of 72296  
December 31, 2003, net income shall be increased in each of the 72297  
ten years beginning with tax year 2010 by one-tenth of the 72298  
absolute value of the book-tax difference. The adjustment to net 72299  
income provided for by this division shall apply without regard to 72300  
the disposal of those assets after December 31, 2003. 72301

(C) The allocation and apportionment of this amortization of 72302  
the book-tax difference under this section shall be governed by 72303  
division (B) of section 5733.05 and by section 5733.051 of the 72304  
Revised Code. The tax commissioner may prescribe rules regarding 72305  
the apportionment of the amortization of the book-tax difference 72306  
under this section. 72307

(D) Nothing in this section shall allow for an adjustment 72308  
more than once with respect to the same qualifying asset or allow 72309  
more than one corporation to claim an adjustment with respect to 72310  
the same qualifying telephone company asset. 72311

**Sec. 5733.06.** The tax hereby charged each corporation subject 72312  
to this chapter shall be the greater of the sum of divisions (A) 72313  
and (B) of this section, after the reduction, if any, provided by 72314  
division (J) of this section, or division (C) of this section, 72315  
after the reduction, if any, provided by division (J) of this 72316  
section, except that the tax hereby charged each financial 72317  
institution subject to this chapter shall be the amount computed 72318  
under division (D) of this section: 72319

(A) Except as set forth in division (F) of this section, five 72320

and one-tenth per cent upon the first fifty thousand dollars of 72321  
the value of the taxpayer's issued and outstanding shares of stock 72322  
as determined under division (B) of section 5733.05 of the Revised 72323  
Code; 72324

(B) Except as set forth in division (F) of this section, 72325  
eight and one-half per cent upon the value so determined in excess 72326  
of fifty thousand dollars; or 72327

(C)(1) Except as otherwise provided under division (G) of 72328  
this section, four mills times that portion of the value of the 72329  
issued and outstanding shares of stock as determined under 72330  
division (C) of section 5733.05 of the Revised Code. For the 72331  
purposes of division (C) of this section, division (C)(2) of 72332  
section 5733.065, and division (C) of section 5733.066 of the 72333  
Revised Code, the value of the issued and outstanding shares of 72334  
stock of an eligible corporation for tax year 2003 through tax 72335  
year 2007, or of a qualified holding company, is zero. 72336

(2) As used in division (C) of this section, "eligible 72337  
corporation" means a person treated as a corporation for federal 72338  
income tax purposes that meets all of the following criteria: 72339

(a) The corporation conducts business for an entire taxable 72340  
year as a qualified trade or business as defined by division (C) 72341  
of section 122.15 of the Revised Code. 72342

(b) The corporation uses more than fifty per cent of the 72343  
corporation's assets, based on net book value, that are located in 72344  
Ohio solely to conduct activities that constitute a qualified 72345  
trade or business as defined by section 122.15 of the Revised 72346  
Code. 72347

(c) The corporation has been formed or organized not more 72348  
than three years before the report required to be filed by section 72349  
5733.02 of the Revised Code is due, without regard to any 72350  
extensions. 72351

(d) The corporation is not a related member, as defined in 72352  
section 5733.042 of the Revised Code, at any time during the 72353  
taxable year with respect to another person treated as a 72354  
corporation for federal income tax purposes. A corporation is not 72355  
a related member if during the entire taxable year at least 72356  
seventy-five per cent of the corporation's stock is owned directly 72357  
or through a pass-through entity by individuals, estates, and 72358  
grantor trusts, and the individuals, estates, and grantor trusts 72359  
do not directly or indirectly own more than twenty per cent of the 72360  
value of another person treated as a corporation for federal 72361  
income tax purposes that is conducting a qualified trade or 72362  
business. 72363

(D) The tax charged each financial institution subject to 72364  
this chapter shall be that portion of the value of the issued and 72365  
outstanding shares of stock as determined under division (A) of 72366  
section 5733.05 of the Revised Code, multiplied by the following 72367  
amounts: 72368

(1) For tax years prior to the 1999 tax year, fifteen mills; 72369

(2) For the 1999 tax year, fourteen mills; 72370

(3) For tax year 2000 and thereafter, thirteen mills. 72371

(E) No tax shall be charged from any corporation that has 72372  
been adjudicated bankrupt, or for which a receiver has been 72373  
appointed, or that has made a general assignment for the benefit 72374  
of creditors, except for the portion of the then current tax year 72375  
during which the tax commissioner finds such corporation had the 72376  
power to exercise its corporate franchise unimpaired by such 72377  
proceedings or act. The minimum payment for ~~all corporations~~ each 72378  
corporation shall be ~~fifty dollars~~ as follows: 72379

(1) One thousand dollars in the case of a corporation having 72380  
gross receipts for the taxable year equal to at least five million 72381  
dollars from activities within or outside this state or in the 72382

case of a corporation employing at least three hundred employees 72383  
at some time during the taxable year within or outside this state; 72384

(2) Fifty dollars in the case of any other corporation. 72385

The tax charged to corporations under this chapter for the 72386  
privilege of engaging in business in this state, which is an 72387  
excise tax levied on the value of the issued and outstanding 72388  
shares of stock, shall in no manner be construed as prohibiting or 72389  
otherwise limiting the powers of municipal corporations, joint 72390  
economic development zones created under section 715.691 of the 72391  
Revised Code, and joint economic development districts created 72392  
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 72393  
Revised Code in this state to impose an income tax on the income 72394  
of such corporations. 72395

(F) If two or more taxpayers satisfy the ownership or control 72396  
requirements of division (A) of section 5733.052 of the Revised 72397  
Code, each such taxpayer shall substitute "the taxpayer's pro-rata 72398  
amount" for "fifty thousand dollars" in divisions (A) and (B) of 72399  
this section. For purposes of this division, "the taxpayer's 72400  
pro-rata amount" is an amount that, when added to the other such 72401  
taxpayers' pro-rata amounts, does not exceed fifty thousand 72402  
dollars. For the purpose of making that computation, the 72403  
taxpayer's pro-rata amount shall not be less than zero. Nothing in 72404  
this division derogates from or eliminates the requirement to make 72405  
the alternative computation of tax under division (C) of this 72406  
section. 72407

(G) The tax liability of any corporation under division (C) 72408  
of this section shall not exceed one hundred fifty thousand 72409  
dollars. 72410

(H)(1) For the purposes of division (H) of this section, 72411  
"exiting corporation" means a corporation that satisfies all of 72412  
the following conditions: 72413

(a) The corporation had nexus with or in this state under the Constitution of the United States during any portion of a calendar year; 72414  
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(b) The corporation was not a corporation described in division (A) of section 5733.01 of the Revised Code on the first day of January immediately following that calendar year; 72417  
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(c) The corporation was not a financial institution on the first day of January immediately following that calendar year; 72420  
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(d) If the corporation was a transferor as defined in section 5733.053 of the Revised Code, the corporation's transferee was not required to add to the transferee's net income the income of the transferor pursuant to division (B) of that section; 72422  
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(e) During any portion of that calendar year, or any portion of the immediately preceding calendar year, the corporation had net income that was not included in a report filed by the corporation or its transferee pursuant to section 5733.02, 5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 72426  
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(f) The corporation would have been subject to the tax computed under divisions (A), (B), (C), (F), and (G) of this section if the corporation is assumed to be a corporation described in division (A) of section 5733.01 of the Revised Code on the first day of January immediately following the calendar year to which division (H)(1)(a) of this section refers. 72431  
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(2) For the purposes of division (H) of this section, "unreported net income" means net income that was not previously included in a report filed pursuant to section 5733.02, 5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code and that was realized or recognized during the calendar year to which division (H)(1) of this section refers or the immediately preceding calendar year. 72437  
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(3) Each exiting corporation shall pay a tax computed by 72444

first allocating and apportioning the unreported net income 72445  
pursuant to division (B) of section 5733.05 and section 5733.051 72446  
and, if applicable, section 5733.052 of the Revised Code. The 72447  
exiting corporation then shall compute the tax due on its 72448  
unreported net income allocated and apportioned to this state by 72449  
applying divisions (A), (B), and (F) of this section to that 72450  
income. 72451

(4) Divisions (C) and (G) of this section, division (D)(2) of 72452  
section 5733.065, and division (C) of section 5733.066 of the 72453  
Revised Code do not apply to an exiting corporation, but exiting 72454  
corporations are subject to every other provision of this chapter. 72455

(5) Notwithstanding division (B) of section 5733.01 or 72456  
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 72457  
contrary, each exiting corporation shall report and pay the tax 72458  
due under division (H) of this section on or before the 72459  
thirty-first day of May immediately following the calendar year to 72460  
which division (H)(1)(a) of this section refers. The exiting 72461  
corporation shall file that report on the form most recently 72462  
prescribed by the tax commissioner for the purposes of complying 72463  
with sections 5733.02 and 5733.03 of the Revised Code. Upon 72464  
request by the corporation, the tax commissioner may extend the 72465  
date for filing the report. 72466

(6) If, on account of the application of section 5733.053 of 72467  
the Revised Code, net income is subject to the tax imposed by 72468  
divisions (A) and (B) of this section, such income shall not be 72469  
subject to the tax imposed by division (H)(3) of this section. 72470

(7) The amendments made to division (H) of this section by 72471  
Am. Sub. S.B. 287 of the 123rd general assembly do not apply to 72472  
any transfer, as defined in section 5733.053 of the Revised Code, 72473  
for which negotiations began prior to January 1, 2001, and that 72474  
was commenced in and completed during calendar year 2001, unless 72475  
the taxpayer makes an election prior to December 31, 2001, to 72476

apply those amendments. 72477

(8) The tax commissioner may adopt rules governing division 72478  
(H) of this section. 72479

(I) Any reference in the Revised Code to "the tax imposed by 72480  
section 5733.06 of the Revised Code" or "the tax due under section 72481  
5733.06 of the Revised Code" includes the taxes imposed under 72482  
sections 5733.065 and 5733.066 of the Revised Code. 72483

(J)(1) Division (J) of this section applies solely to a 72484  
combined company. Section 5733.057 of the Revised Code shall apply 72485  
when calculating the adjustments required by division (J) of this 72486  
section. 72487

(2) Subject to division (J)(4) of this section, the total tax 72488  
calculated in divisions (A) and (B) of this section shall be 72489  
reduced by an amount calculated by multiplying such tax by a 72490  
fraction, the numerator of which is the total taxable gross 72491  
receipts attributed to providing public utility activity other 72492  
than as an electric company under section 5727.03 of the Revised 72493  
Code for the year upon which the taxable gross receipts are 72494  
measured immediately preceding the tax year, and the denominator 72495  
of which is the total gross receipts from all sources for the year 72496  
upon which the taxable gross receipts are measured immediately 72497  
preceding the tax year. Nothing herein shall be construed to 72498  
exclude from the denominator any item of income described in 72499  
section 5733.051 of the Revised Code. 72500

(3) Subject to division (J)(4) of this section, the total tax 72501  
calculated in division (C) of this section shall be reduced by an 72502  
amount calculated by multiplying such tax by the fraction 72503  
described in division (J)(2) of this section. 72504

(4) In no event shall the reduction provided by division 72505  
(J)(2) or (J)(3) of this section exceed the amount of the excise 72506  
tax paid in accordance with section 5727.38 of the Revised Code, 72507

for the year upon which the taxable gross receipts are measured 72508  
immediately preceding the tax year. 72509

**Sec. 5733.0611.** (A) There is hereby allowed a nonrefundable 72510  
credit against the tax imposed under section 5733.06 of the 72511  
Revised Code. The credit shall be equal to the taxpayer's 72512  
proportionate share of the lesser of either the tax due or the tax 72513  
paid by any qualifying entity under section 5733.41 of the Revised 72514  
Code for the qualifying taxable year of the qualifying entity that 72515  
ends in the taxable year of the taxpayer. The taxpayer shall claim 72516  
the credit for the taxpayer's taxable year in which ends the 72517  
qualifying entity's qualifying taxable year. 72518

In claiming the credit and determining its proportionate 72519  
share of the tax due and the tax paid by the qualifying entity, 72520  
the person claiming the credit shall follow the concepts set forth 72521  
in subchapter K of the Internal Revenue Code. Nothing in this 72522  
division shall be construed to limit or disallow pass-through 72523  
treatment of a pass-through entity's income, deductions, credits, 72524  
or other amounts necessary to compute the tax imposed and the 72525  
credits allowed under this chapter. 72526

The credit shall be claimed in the order required under 72527  
section 5733.98 of the Revised Code. Any unused credit shall be 72528  
allowed as a credit in the ensuing tax year. Any such amount 72529  
allowed as a credit in an ensuing tax year shall be deducted from 72530  
the balance carried forward to the next ensuing tax year. 72531

(B) Any person that is not a taxpayer solely by reason of 72532  
division (A) or (C) of section 5733.09 of the Revised Code or a 72533  
person described in section 501(c) of the Internal Revenue Code or 72534  
division (F) of section 3334.01 of the Revised Code, but that 72535  
would be entitled to claim the nonrefundable credit under this 72536  
section if that person were a taxpayer, may file an application 72537  
for refund pursuant to section 5733.12 of the Revised Code. Upon 72538

proper application for refund under that section, the tax 72539  
commissioner shall issue a refund in the amount of the credit to 72540  
which that person would have been entitled under division (A)(1) 72541  
of this section if the person had been a taxpayer, and as if the 72542  
credit were a refundable credit. 72543

(C) If an organization described in section 401(a) of the 72544  
Internal Revenue Code or a trust or fund is entitled to a 72545  
proportionate share of the lesser of either the tax due or the tax 72546  
paid by any qualifying entity under section 5733.41 of the Revised 72547  
Code, and if that proportionate share is then or could be 72548  
allocable to an exempt person as defined in division (D) of this 72549  
section, then the organization, trust, or fund may file an 72550  
application for refund with respect to such allocable amounts 72551  
pursuant to section 5733.12 of the Revised Code. Upon proper 72552  
application for refund under that section, the tax commissioner 72553  
shall issue a refund in the amount of the credit to which the 72554  
organization, trust, or fund would have been entitled under 72555  
division (A)(1) of this section had the organization, trust, or 72556  
fund been a taxpayer, and as if the credit were a refundable 72557  
credit. To the extent that such an organization, trust, or fund is 72558  
permitted to apply for a refund under this division, or to the 72559  
extent that such an organization, trust, or fund has applied for 72560  
such a refund, exempt persons are not entitled to the credit 72561  
authorized under this section or section 5747.059 of the Revised 72562  
Code. 72563

(D)(1) For the purposes of division (C) of this section only, 72564  
"exempt person" means any of the following: 72565

(a) A person that is or may be the beneficiary of a trust if 72566  
the trust is subject to Subchapter D of Chapter 1 of Subtitle A of 72567  
the Internal Revenue Code. 72568

(b) A person that is or may be the beneficiary of or the 72569  
recipient of payments from a nuclear decommissioning reserve fund, 72570

a designated settlement fund, or any other trust or fund 72571  
established to resolve and satisfy claims that may otherwise be 72572  
asserted by the beneficiary or a member of the beneficiary's 72573  
family. Sections 267(c)(4), 468A(e), and 468B(d)(2) of the 72574  
Internal Revenue Code apply to the determination of whether such a 72575  
person is an exempt person under division (D) of this section. 72576

(c) A person, other than a person that is treated as a C 72577  
corporation for federal income tax purposes, who is or may be the 72578  
beneficiary of a trust that, under its governing instrument, is 72579  
not required to distribute all of its income currently. Division 72580  
(D)(1)(c) of this section applies only if the trust irrevocably 72581  
agrees that for the taxable year during or for which the trust 72582  
distributes any of its income to any of the beneficiaries, the 72583  
trust is a qualifying trust as defined in section 5733.40 of the 72584  
Revised Code and will pay the estimated tax, and will withhold and 72585  
pay the withheld tax as required under section 5733.41 and 72586  
sections 5747.40 to 5747.453 of the Revised Code. 72587

(2) An exempt person does not include any person that would 72588  
not qualify as an exempt person under the doctrines of "economic 72589  
reality," "sham transaction," "step doctrine," or "substance over 72590  
form." Notwithstanding ~~sections 5733.111 and 5747.131~~ section 72591  
5703.56 of the Revised Code to the contrary, an organization, 72592  
trust, or fund described in division (C) of this section bears the 72593  
burden of establishing by a preponderance of the evidence that any 72594  
transaction giving rise to a claim for a refundable credit under 72595  
this section does not have as a principal purpose a claim for that 72596  
credit. Nothing in this section shall be construed to limit solely 72597  
to this section the application of the doctrines referred to in 72598  
division (D)(2) of this section. 72599

(E) Nothing in this section shall be construed to allow a 72600  
refund more than once with respect to the taxes imposed under 72601  
section 5733.41 or 5747.41 of the Revised Code. 72602

**Sec. 5733.09.** (A) ~~An~~ (1) Except as provided in divisions 72603  
(A)(2) and (3) of this section, an incorporated company, whether 72604  
foreign or domestic, owning and operating a public utility in this 72605  
state, and required by law to file reports with the tax 72606  
commissioner and to pay an excise tax upon its gross receipts, and 72607  
insurance, fraternal, beneficial, bond investment, and other 72608  
corporations required by law to file annual reports with the 72609  
superintendent of insurance and dealers in intangibles, the shares 72610  
of which are, or the capital or ownership in capital employed by 72611  
such dealer is, subject to the taxes imposed by section 5707.03 of 72612  
the Revised Code, shall not be subject to this chapter, except for 72613  
sections 5733.031, 5733.042, 5733.05, 5733.052, 5733.053, 72614  
5733.069, 5733.0611, 5733.40, 5733.41, and sections 5747.40 to 72615  
5747.453 of the Revised Code. However, for reports required to be 72616  
filed under section 5725.14 of the Revised Code in 2003 and 72617  
thereafter, nothing in this section shall be construed to exempt 72618  
the property of any dealer in intangibles under section 5725.13 of 72619  
the Revised Code from the tax imposed under section 5707.03 of the 72620  
Revised Code. ~~An~~ 72621

(2) An electric company subject to the filing requirements of 72622  
section 5727.08 of the Revised Code or otherwise having nexus with 72623  
or in this state under the Constitution of the United States, or 72624  
any other corporation having any gross receipts directly 72625  
attributable to providing public utility service as an electric 72626  
company or having any property directly attributable to providing 72627  
public utility service as an electric company, is subject to this 72628  
chapter. 72629

(3) A telephone company that no longer pays an excise tax 72630  
under section 5727.30 of the Revised Code on its gross receipts 72631  
billed after June 30, 2004, is first subject to taxation under 72632  
this chapter for tax year 2005. For that tax year, a telephone 72633  
company with a taxable year ending in 2004 shall compute the tax 72634

imposed under this chapter, and shall compute the net operating 72635  
loss carry forward for tax year 2005, by multiplying the tax owed 72636  
under this chapter, net of all nonrefundable credits, or the loss 72637  
for the taxable year, by fifty per cent. 72638

(B) A corporation that has made an election under subchapter 72639  
S, chapter one, subtitle A, of the Internal Revenue Code for its 72640  
taxable year under such code is exempt from the tax imposed by 72641  
section 5733.06 of the Revised Code that is based on that taxable 72642  
year. 72643

A corporation that makes such an election shall file a notice 72644  
of such election with the tax commissioner between the first day 72645  
of January and the thirty-first day of March of each tax year that 72646  
the election is in effect. 72647

(C) An entity defined to be a "real estate investment trust" 72648  
by section 856 of the Internal Revenue Code, a "regulated 72649  
investment company" by section 851 of the Internal Revenue Code, 72650  
or a "real estate mortgage investment conduit" by section 860D of 72651  
the Internal Revenue Code, is exempt from taxation for a tax year 72652  
as a corporation under this chapter and is exempt from taxation 72653  
for a return year as a dealer in intangibles under Chapter 5725. 72654  
of the Revised Code if it provides the report required by this 72655  
division. By the last day of March of the tax or return year the 72656  
entity shall submit to the tax commissioner the name of the entity 72657  
with a list of the names, addresses, and social security or 72658  
federal identification numbers of all investors, shareholders, and 72659  
other similar investors who owned any interest or invested in the 72660  
entity during the preceding calendar year. The commissioner may 72661  
extend the date by which the report must be submitted for 72662  
reasonable cause shown by the entity. The commissioner may 72663  
prescribe the form of the report required for exemption under this 72664  
division. 72665

(D)(1) As used in this division: 72666

(a) "Commercial printer" means a person primarily engaged in the business of commercial printing. However, "commercial printer" does not include a person primarily engaged in the business of providing duplicating services using photocopy machines or other xerographic processes.

(b) "Commercial printing" means printing by one or more common processes such as letterpress, lithography, gravure, screen, or digital imaging, and includes related activities such as binding, platemaking, prepress operation, cartographic composition, and typesetting.

(c) "Contract for printing" means an oral or written agreement for the purchase of printed materials produced by a commercial printer.

(d) "Intangible property located at the premises of a commercial printer" means intangible property of any kind owned or licensed by a customer of the commercial printer and furnished to the commercial printer for use in commercial printing.

(e) "Printed material" means any tangible personal property produced or processed by a commercial printer pursuant to a contract for printing.

(f) "Related member" has the same meaning as in ~~division (A)(6)~~ of section 5733.042 of the Revised Code without regard to division (B) of that section.

(2) Except as provided in divisions (D)(3) and (4) of this section, a corporation not otherwise subject to the tax imposed by section 5733.06 of the Revised Code for a tax year does not become subject to that tax for the tax year solely by reason of any one or more of the following occurring in this state during the taxable year that ends immediately prior to the tax year:

(a) Ownership by the corporation or a related member of the corporation of tangible personal property or intangible property

located during all or any portion of the taxable year or on the 72698  
first day of the tax year at the premises of a commercial printer 72699  
with which the corporation or the corporation's related member has 72700  
a contract for printing with respect to such property or the 72701  
premises of a commercial printer's related member with which the 72702  
corporation or the corporation's related member has a contract for 72703  
printing with respect to such property; 72704

(b) Sales by the corporation or a related member of the 72705  
corporation of property produced at and shipped or distributed 72706  
from the premises of a commercial printer with which the 72707  
corporation or the corporation's related member has a contract for 72708  
printing with respect to such property or the premises of a 72709  
commercial printer's related member with which the corporation or 72710  
the corporation's related member has a contract for printing with 72711  
respect to such property; 72712

(c) Activities of employees, officers, agents, or contractors 72713  
of the corporation or a related member of the corporation on the 72714  
premises of a commercial printer with which the corporation or the 72715  
corporation's related member has a contract for printing or the 72716  
premises of a commercial printer's related member with which the 72717  
corporation or the corporation's related member has a contract for 72718  
printing, where the activities are directly and solely related to 72719  
quality control, distribution, or printing services, or any 72720  
combination thereof, performed by or at the direction of the 72721  
commercial printer or the commercial printer's related member. 72722

(3) The exemption under this division does not apply for a 72723  
taxable year to any corporation having on the first day of January 72724  
of the tax year or at any time during the taxable year ending 72725  
immediately preceding the first day of January of the tax year a 72726  
related member which, on the first day of January of the tax year 72727  
or during any portion of such taxable year of the corporation, has 72728  
nexus in or with this state under the Constitution of the United 72729

States or holds a certificate of compliance with the laws of this 72730  
state authorizing it to do business in this state. 72731

(4) With respect to allowing the exemption under this 72732  
division, the tax commissioner shall be guided by the doctrines of 72733  
"economic reality," "sham transaction," "step transaction," and 72734  
"substance over form." A corporation shall bear the burden of 72735  
establishing by a preponderance of the evidence that any 72736  
transaction giving rise to an exemption claimed under this 72737  
division did not have as a principal purpose the avoidance of any 72738  
portion of the tax imposed by section 5733.06 of the Revised Code. 72739

Application of the doctrines listed in division (D)(4) of 72740  
this section is not limited to this division. 72741

**Sec. 5733.121.** If a corporation entitled to a refund under 72742  
section 5733.11 or 5733.12 of the Revised Code is indebted to this 72743  
state for any tax, workers' compensation premium due under section 72744  
4123.35 of the Revised Code, unemployment compensation 72745  
contribution due under section 4141.25 of the Revised Code, or 72746  
unemployment compensation payment in lieu of contribution under 72747  
section 4141.241 of the Revised Code or fee ~~administered by the~~ 72748  
~~tax commissioner~~ that is paid to the state or to the clerk of 72749  
courts pursuant to section 4505.06 of the Revised Code, or any 72750  
charge, penalty, or interest arising from such a tax, workers' 72751  
compensation premium, unemployment compensation contribution, or 72752  
unemployment compensation payment in lieu of contribution under 72753  
section 4141.241 of the Revised Code or fee, the amount refundable 72754  
may be applied in satisfaction of the debt. If the amount 72755  
refundable is less than the amount of the debt, it may be applied 72756  
in partial satisfaction of the debt. If the amount refundable is 72757  
greater than the amount of the debt, the amount remaining after 72758  
satisfaction of the debt shall be refunded. If the corporation has 72759  
more than one such debt, any debt subject to section 5739.33 or 72760

division (G) of section 5747.07 of the Revised Code shall be 72761  
satisfied first. This section applies only to debts that have 72762  
become final. 72763

The tax commissioner may, with the consent of the taxpayer, 72764  
provide for the crediting, against tax due for any tax year, of 72765  
the amount of any refund due the taxpayer under this chapter for a 72766  
preceding tax year. 72767

**Sec. 5733.18.** Annually, on the day fixed for the payment of 72768  
any excise or franchise tax required to be paid by law, such tax, 72769  
together with any penalties subsequently accruing thereon, shall 72770  
become a lien on all property in this state of a corporation, 72771  
whether such property is employed by the corporation in the 72772  
prosecution of its business or is in the hands of an assignee, 72773  
trustee, or receiver for the benefit of the creditors and 72774  
stockholders. Such lien shall continue until such taxes, together 72775  
with any penalties subsequently accruing, are paid. 72776

Upon failure of such corporation to pay such tax on the day 72777  
fixed for payment, the tax commissioner may file, for which filing 72778  
no fee shall be charged, in the office of the county recorder in 72779  
each county in this state in which such corporation owns or has a 72780  
beneficial interest in real estate, notice of such lien containing 72781  
a brief description of such real estate. Such lien shall not be 72782  
valid as against any mortgagee, purchaser, or judgment creditor 72783  
whose rights have attached prior to the time such notice is so 72784  
filed in the county in which the real estate which is the subject 72785  
of such mortgage, purchase, or judgment lien is located. Such 72786  
notice shall be recorded in a book kept by the recorder, called 72787  
the corporation franchise lien record, and indexed under the name 72788  
of the corporation charged with such tax. When such tax, together 72789  
with any penalties subsequently accruing thereon, has been paid, 72790  
the tax commissioner shall furnish to the corporation an 72791

acknowledgment of such payment which the corporation may record 72792  
with the recorder of each county in which notice of such lien has 72793  
been filed, for which recording the recorder shall charge and 72794  
receive a base fee of two dollars for services and a housing trust 72795  
fund fee of two dollars pursuant to section 317.36 of the Revised 72796  
Code. 72797

**Sec. 5733.22.** (A)(1) Any corporation whose articles of 72798  
incorporation or license certificate to do or transact business in 72799  
this state has been canceled by the secretary of state pursuant to 72800  
section 5733.20 of the Revised Code for failure to make any report 72801  
or return or to pay any tax or fee, shall be reinstated and again 72802  
entitled to exercise its rights, privileges, and franchises in 72803  
this state, and the secretary of state shall cancel the entry of 72804  
cancellation to exercise its rights, privileges, and franchises 72805  
upon compliance with all of the following: 72806

(a) Payment to the secretary of state of any additional fees 72807  
and penalties required to be paid to the secretary of state; 72808

(b) Filing with the secretary of state a certificate from the 72809  
tax commissioner that it has complied with all the requirements of 72810  
law as to franchise or excise tax reports and paid all franchise 72811  
or excise taxes, fees, or penalties due thereon for every year of 72812  
its delinquency; 72813

(c) Payment to the secretary of state of an additional fee of 72814  
ten dollars. 72815

(2) The applicant for reinstatement shall be required by the 72816  
secretary of state, as a condition prerequisite to such 72817  
reinstatement, to amend its articles by changing its name if all 72818  
of the following apply: 72819

(a) The reinstatement is not made within one year from the 72820  
date of the cancellation of its articles of incorporation or date 72821

of the cancellation of its license to do business; 72822

(b) It appears that the applicant's articles of incorporation 72823  
or license certificate has been issued to another entity and is 72824  
not distinguishable upon the record from the name of the 72825  
applicant; 72826

(c) It appears that the articles of organization of a limited 72827  
liability company, registration of a foreign limited liability 72828  
company, certificate of limited partnership, registration of a 72829  
foreign limited partnership, registration of a domestic or foreign 72830  
limited liability partnership, or registration of a trade name has 72831  
been issued to another entity and is not distinguishable upon the 72832  
record from the name of the applicant. A certificate of 72833  
reinstatement may be filed in the recorder's office of any county 72834  
in the state, for which the recorder shall charge and collect a 72835  
base fee of three dollars for services and a housing trust fund 72836  
fee of three dollars pursuant to section 317.36 of the Revised 72837  
Code. 72838

Any officer, shareholder, creditor, or receiver of any such 72839  
corporation may at any time take all steps required by this 72840  
section to effect such reinstatement. 72841

(B) The rights, privileges, and franchises of a corporation 72842  
whose articles of incorporation have been reinstated in accordance 72843  
with this section, are subject to section 1701.922 of the Revised 72844  
Code. 72845

(C) Notwithstanding a violation of section 5733.21 of the 72846  
Revised Code, upon reinstatement of a corporation's articles of 72847  
incorporation in accordance with this section, neither section 72848  
5733.20 nor section 5733.21 of the Revised Code shall be applied 72849  
to invalidate the exercise or attempt to exercise any right, 72850  
privilege, or franchise on behalf of the corporation by an 72851  
officer, agent, or employee of the corporation after cancellation 72852

and prior to the reinstatement of the articles, if the conditions 72853  
set forth in divisions (B)(1)(a) and (b) of section 1701.922 of 72854  
the Revised Code are met. 72855

**Sec. 5733.45.** (A) For purposes of this section, a "qualifying 72856  
dealer in intangibles" is a dealer in intangibles that is a member 72857  
of a qualifying controlled group of which a financial institution 72858  
is also a member on the first day of the financial institution's 72859  
tax year. 72860

(B) For tax years 2002 and thereafter, there is hereby 72861  
allowed to each financial institution a nonrefundable credit 72862  
against the tax imposed by section 5733.06 of the Revised Code. 72863  
The amount of the credit shall be computed in accordance with 72864  
division (C) of this section. The credit shall be claimed in the 72865  
order prescribed by section 5733.98 of the Revised Code. The 72866  
credit shall not exceed the amount of tax otherwise due under 72867  
section 5733.06 of the Revised Code after deducting any other 72868  
credits that precede the credit claimed under this section in that 72869  
order. 72870

(C) Subject to division (D) of this section, the amount of 72871  
the nonrefundable credit is the lesser of the amount described in 72872  
division (C)(1) of this section or the amount described in 72873  
division (C)(2) of this section. 72874

(1) The amount of tax that a qualifying dealer in intangibles 72875  
paid under Chapter 5707. of the Revised Code during the calendar 72876  
year immediately preceding the financial institution's tax year. 72877  
Such amount shall be reduced, but not below zero, by any refunds 72878  
of such tax received by the qualifying dealer in intangibles under 72879  
Chapter 5703. of the Revised Code during that calendar year. 72880

(2) The product of the amounts described in division 72881  
(C)(2)(a) to (C)(2)(c) of this section. The amount described in 72882  
division (C)(2)(a) of this section shall be ascertained on the 72883

last day of the financial institution's taxable year immediately preceding the tax year. 72884  
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(a) The cost of the financial institution's direct investment in the capital stock of the qualifying dealer in intangibles. The cost does not include any appreciation or goodwill to the extent those amounts are allowed as an exempted asset on the financial institution's annual report. 72886  
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(b) The ratio described in section 5725.15 of the Revised Code for the calendar year immediately preceding the financial institution's tax year; 72891  
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(c) The tax rate imposed under division (D) of section 5707.03 of the Revised Code for the calendar year immediately preceding the financial institution's tax year. 72894  
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(D)(1) The principles and concepts set forth in section 5733.057 of the Revised Code shall apply to ascertain if a dealer in intangibles is a member of a qualifying controlled group of which the financial institution also is a member and to ascertain the cost of the financial institution's direct investment in the capital stock of the qualifying dealer in intangibles. 72897  
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(2) Notwithstanding section ~~5733.111~~ 5703.56 of the Revised Code to the contrary, a financial institution claiming the credit provided by this section has the burden to establish by a preponderance of the evidence that none of the doctrines enumerated in that section would apply to deny to the financial institution all or a part of the credit otherwise provided by this section. 72903  
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(E) For tax years 2002 and 2003, the credit allowed by this section applies only if the qualifying dealer in intangibles on account of which the financial institution is claiming the credit submits to the ~~Tax Commissioner~~ tax commissioner, not later than January 15, 2002, a written statement that the qualifying dealer 72910  
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in intangibles irrevocably agrees that it will not seek a refund 72915  
of the tax paid by the dealer under section 5707.03 of the Revised 72916  
Code in 2000 and 2001, and irrevocably agrees to continue paying 72917  
that tax in 2002, regardless of the amendment of section 5725.26 72918  
of the Revised Code by Am. Sub. H.B. 405 of the 124th general 72919  
assembly. 72920

**Sec. 5733.49.** Upon the issuance of a tax credit certificate 72921  
by the Ohio venture capital authority under section 150.07 of the 72922  
Revised Code, a credit may be claimed against the tax imposed by 72923  
section 5733.06 of the Revised Code. The credit shall be claimed 72924  
for the tax year specified in the certificate issued by the 72925  
authority and in the order required under section 5733.98 of the 72926  
Revised Code. If the taxpayer elected a refundable credit under 72927  
section 150.07 of the Revised Code, and the amount of the credit 72928  
shown on the certificate exceeds the tax otherwise due under 72929  
sections 5733.06, 5733.065, and 5733.066 of the Revised Code after 72930  
all credits, including the credit allowed under this section, are 72931  
deducted in that order, the taxpayer shall receive a refund equal 72932  
to seventy-five per cent of that excess. If the taxpayer elected a 72933  
nonrefundable credit, the amount of the credit, claimed in that 72934  
order, shall not exceed the tax otherwise due under those sections 72935  
after all the taxpayer's credits are deducted in that order. If 72936  
the taxpayer elected a nonrefundable credit and the credit to 72937  
which the taxpayer would otherwise be entitled under this section 72938  
for any tax year is greater than the tax otherwise due under 72939  
sections 5733.06, 5733.065, and 5733.066 of the Revised Code, 72940  
after allowing for any other credits that precede the credit 72941  
allowed under this section, the excess shall be allowed as a 72942  
credit in each of the ensuing ten tax years, but the amount of any 72943  
excess credit allowed in the ensuing tax year shall be deducted 72944  
from the balance carried forward to the next tax year. 72945

<u>Sec. 5733.55. (A) As used in this section:</u>	72946
<u>(1) "9-1-1 system" has the same meaning as in section 4931.40 of the Revised Code.</u>	72947 72948
<u>(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges approved by the public utilities commission for the telephone network portion of a 9-1-1 system pursuant to section 4931.47 of the Revised Code.</u>	72949 72950 72951 72952
<u>(3) "Eligible nonrecurring 9-1-1 charges" means all nonrecurring 9-1-1 charges for a 9-1-1 system, except:</u>	72953 72954
<u>(a) Charges for a system that was not established pursuant to a plan adopted under section 4931.44 of the Revised Code or an agreement under section 4931.48 of the Revised Code;</u>	72955 72956 72957
<u>(b) Charges for that part of a system established pursuant to such a plan or agreement that are excluded from the credit by division (C)(2) of section 4931.47 of the Revised Code.</u>	72958 72959 72960
<u>(4) "Telephone company" has the same meaning as in section 5727.01 of the Revised Code.</u>	72961 72962
<u>(B) Beginning in tax year 2005, a telephone company shall be allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code equal to the amount of its eligible nonrecurring 9-1-1 charges. The credit shall be claimed for the company's taxable year that covers the period in which the 9-1-1 service for which the credit is claimed becomes available for use. The credit shall be claimed in the order required by section 5733.98 of the Revised Code. If the credit exceeds the total taxes due under section 5733.06 of the Revised Code for the tax year, the commissioner shall credit the excess against taxes due under that section for succeeding tax years until the full amount of the credit is granted.</u>	72963 72964 72965 72966 72967 72968 72969 72970 72971 72972 72973 72974
<u>(C) After the last day a return, with any extensions, may be</u>	72975

filed by any telephone company that is eligible to claim a credit 72976  
under this section, the commissioner shall determine whether the 72977  
sum of the credits allowed for prior tax years commencing with tax 72978  
year 2005 plus the sum of the credits claimed for the current tax 72979  
year exceeds fifteen million dollars. If it does, the credits 72980  
allowed under this section for the current tax year shall be 72981  
reduced by a uniform percentage such that the sum of the credits 72982  
allowed for the current tax year do not exceed fifteen million 72983  
dollars claimed by all telephone companies for all tax years. 72984  
Thereafter, no credit shall be granted under this section, except 72985  
for the remaining portions of any credits allowed under division 72986  
(B) of this section. 72987

(D) A telephone company that is entitled to carry forward a 72988  
credit against its public utility excise tax liability under 72989  
section 5727.39 of the Revised Code is entitled to carry forward 72990  
any amount of that credit remaining after its last public utility 72991  
excise tax payment for the period of July 1, 2003, through June 72992  
30, 2004, and claim that amount as a credit against its 72993  
corporation franchise tax liability under this section. Nothing in 72994  
this section authorizes a telephone company to claim a credit 72995  
under this section for any eligible nonrecurring 9-1-1 charges for 72996  
which it has already claimed a credit under section 5727.39 of the 72997  
Revised Code. 72998

**Sec. 5733.56.** Beginning in tax year 2005, a telephone company 72999  
that provides any telephone service program to aid the 73000  
communicatively impaired in accessing the telephone network under 73001  
section 4905.79 of the Revised Code is allowed a nonrefundable 73002  
credit against the tax imposed by section 5733.06 of the Revised 73003  
Code. The amount of the credit is the cost incurred by the company 73004  
for providing the telephone service program during its taxable 73005  
year, excluding any costs incurred prior to July 1, 2004. If the 73006  
tax commissioner determines that the credit claimed under this 73007

section by a telephone company was not correct, the commissioner shall determine the proper credit. 73008  
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A telephone company shall claim the credit in the order required by section 5733.98 of the Revised Code. If the credit exceeds the total taxes due under section 5733.06 of the Revised Code for the tax year, the commissioner shall credit the excess against taxes due under that section for succeeding tax years until the full amount of the credit is granted. Nothing in this section authorizes a telephone company to claim a credit under this section for any costs incurred for providing a telephone service program for which it is claiming a credit under former section 5727.44 of the Revised Code. 73010  
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**Sec. 5733.57.** (A) As used in this section: 73020

(1) "Small telephone company" means a telephone company, existing as such as of January 1, 2003, with twenty-five thousand or fewer access lines as shown on the company's annual report filed under section 4905.14 of the Revised Code for the calendar year immediately preceding the tax year, and is an "incumbent local exchange carrier" under 47 U.S.C. 251(h). 73021  
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(2) "Gross receipts tax amount" means the product obtained by multiplying four and three-fourths per cent by the amount of a small telephone company's taxable gross receipts, excluding the deduction of twenty-five thousand dollars, that the tax commissioner would have determined under section 5727.33 of the Revised Code for that small telephone company for the annual period ending on the thirtieth day of June of the calendar year immediately preceding the tax year, as that section applied in the measurement period from July 1, 2002, to June 30, 2003. 73027  
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(3) "Applicable percentage" means one hundred per cent for tax year 2005; eighty per cent for tax year 2006; sixty per cent 73036  
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for tax year 2007; forty per cent for tax year 2008; twenty per 73038  
cent for tax year 2009; and zero per cent for each subsequent tax 73039  
year thereafter. 73040

(4) "Applicable amount" means the amount resulting from 73041  
subtracting the gross receipts tax amount from the tax imposed by 73042  
sections 5733.06, 5733.065, and 5733.066 of the Revised Code for 73043  
the tax year, without regard to any credits available to the small 73044  
telephone company. 73045

(B)(1) Except as provided in division (B)(2) of this section, 73046  
beginning in tax year 2005, a small telephone company is hereby 73047  
allowed a nonrefundable credit against the tax imposed by sections 73048  
5733.06, 5733.065, and 5733.066 of the Revised Code, equal to the 73049  
product obtained by multiplying the applicable percentage by the 73050  
applicable amount. The credit shall be claimed in the order 73051  
required by section 5733.98 of the Revised Code. 73052

(2) If the applicable amount for a tax year is less than 73053  
zero, a small telephone company shall not be allowed for that tax 73054  
year the credit provided under this section. 73055

**Sec. 5733.98.** (A) To provide a uniform procedure for 73056  
calculating the amount of tax imposed by section 5733.06 of the 73057  
Revised Code that is due under this chapter, a taxpayer shall 73058  
claim any credits to which it is entitled in the following order, 73059  
except as otherwise provided in section 5733.058 of the Revised 73060  
Code: 73061

(1) The credit for taxes paid by a qualifying pass-through 73062  
entity allowed under section 5733.0611 of the Revised Code; 73063

(2) The credit allowed for financial institutions under 73064  
section 5733.45 of the Revised Code; 73065

(3) The credit for qualifying affiliated groups under section 73066  
5733.068 of the Revised Code; 73067

(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;	73068 73069
(5) The savings and loan assessment credit under section 5733.063 of the Revised Code;	73070 73071
(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	73072 73073
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	73074 73075
(8) The credit for employers that reimburse employee child day-care expenses under section 5733.38 of the Revised Code;	73076 73077
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	73078 73079
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	73080 73081
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	73082 73083
(12) The credit for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of <del>th</del> <u>the</u> Revised Code if the taxpayer elected a nonrefundable credit under section 150.07 of the Revised Code;	73084 73085 73086 73087
(13) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 of the Revised Code;	73088 73089 73090
(14) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	73091 73092
(15) The job training credit under section 5733.42 of the Revised Code;	73093 73094
(16) The credit for qualified research expenses under section 5733.351 of the Revised Code;	73095 73096

(17) The enterprise zone credit under section 5709.66 of the Revised Code;	73097 73098
(18) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	73099 73100
(19) The credit for employers that establish on-site child day-care under section 5733.37 of the Revised Code;	73101 73102
(20) The ethanol plant investment credit under section 5733.46 of the Revised Code;	73103 73104
(21) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	73105 73106
(22) The export sales credit under section 5733.069 of the Revised Code;	73107 73108
(23) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	73109 73110
(24) The enterprise zone credits under section 5709.65 of the Revised Code;	73111 73112
(25) The credit for using Ohio coal under section 5733.39 of the Revised Code;	73113 73114
(26) <u>The credit for small telephone companies under section 5733.57 of the Revised Code;</u>	73115 73116
<u>(27) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;</u>	73117 73118
<u>(28) The credit for providing programs to aid the communicatively impaired under section 5733.56 of the Revised Code;</u>	73119 73120 73121
<u>(29) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;</u>	73122 73123
<del>(27)</del> (30) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	73124 73125

~~(28)~~(31) The credit for losses on loans made to the Ohio 73126  
venture capital program under sections 150.01 to 150.10 of the 73127  
Revised Code if the taxpayer elected a refundable credit under 73128  
section 150.07 of the Revised Code. 73129

(B) For any credit except the credits enumerated in divisions 73130  
(A)~~(26)~~, ~~(27)~~, ~~(29)~~, ~~(30)~~, and ~~(28)~~(31) of this section, the amount 73131  
of the credit for a tax year shall not exceed the tax due after 73132  
allowing for any other credit that precedes it in the order 73133  
required under this section. Any excess amount of a particular 73134  
credit may be carried forward if authorized under the section 73135  
creating that credit. 73136

**Sec. 5735.05.** (A) To provide revenue for maintaining the 73137  
state highway system; to widen existing surfaces on such highways; 73138  
to resurface such highways; to pay that portion of the 73139  
construction cost of a highway project which a county, township, 73140  
or municipal corporation normally would be required to pay, but 73141  
which the director of transportation, pursuant to division (B) of 73142  
section 5531.08 of the Revised Code, determines instead will be 73143  
paid from moneys in the highway operating fund; to enable the 73144  
counties of the state properly to plan, maintain, and repair their 73145  
roads and to pay principal, interest, and charges on bonds and 73146  
other obligations issued pursuant to Chapter 133. of the Revised 73147  
Code for highway improvements; to enable the municipal 73148  
corporations to plan, construct, reconstruct, repave, widen, 73149  
maintain, repair, clear, and clean public highways, roads, and 73150  
streets, and to pay the principal, interest, and charges on bonds 73151  
and other obligations issued pursuant to Chapter 133. of the 73152  
Revised Code for highway improvements; to enable the Ohio turnpike 73153  
commission to construct, reconstruct, maintain, and repair 73154  
turnpike projects; to maintain and repair bridges and viaducts; to 73155  
purchase, erect, and maintain street and traffic signs and 73156  
markers; to purchase, erect, and maintain traffic lights and 73157

signals; to pay the costs apportioned to the public under sections 73158  
4907.47 and 4907.471 of the Revised Code and to supplement revenue 73159  
already available for such purposes; to pay the costs incurred by 73160  
the public utilities commission in administering sections 4907.47 73161  
to 4907.476 of the Revised Code; to distribute equitably among 73162  
those persons using the privilege of driving motor vehicles upon 73163  
such highways and streets the cost of maintaining and repairing 73164  
them; to pay the interest, principal, and charges on highway 73165  
capital improvements bonds and other obligations issued pursuant 73166  
to Section 2m of Article VIII, Ohio Constitution, and section 73167  
151.06 of the Revised Code; to pay the interest, principal, and 73168  
charges on highway obligations issued pursuant to Section 2i of 73169  
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 73170  
of the Revised Code; ~~and~~ to provide revenue for the purposes of 73171  
sections 1547.71 to 1547.78 of the Revised Code; and to pay the 73172  
expenses of the department of taxation incident to the 73173  
administration of the motor fuel laws, a motor fuel excise tax is 73174  
hereby imposed on all motor fuel dealers upon receipt of motor 73175  
fuel within this state at the rate of two cents plus the cents per 73176  
gallon rate on each gallon so received, to be computed in the 73177  
manner set forth in section 5735.06 of the Revised Code; provided 73178  
that no tax is hereby imposed upon the following transactions: 73179

(1) The sale of dyed diesel fuel by a licensed motor fuel 73180  
dealer from a location other than a retail service station 73181  
provided the licensed motor fuel dealer places on the face of the 73182  
delivery document or invoice, or both if both are used, a 73183  
conspicuous notice stating that the fuel is dyed and is not for 73184  
taxable use, and that taxable use of that fuel is subject to a 73185  
penalty. The tax commissioner, by rule, may provide that any 73186  
notice conforming to rules or regulations issued by the United 73187  
States department of the treasury or the Internal Revenue Service 73188  
is sufficient notice for the purposes of division (A)(1) of this 73189  
section. 73190

(2) The sale of K-1 kerosene to a retail service station, 73191  
except when placed directly in the fuel supply tank of a motor 73192  
vehicle. Such sale shall be rebuttably presumed to not be 73193  
distributed or sold for use or used to generate power for the 73194  
operation of motor vehicles upon the public highways or upon the 73195  
waters within the boundaries of this state. 73196

(3) The sale of motor fuel by a licensed motor fuel dealer to 73197  
another licensed motor fuel dealer; 73198

(4) The exportation of motor fuel by a licensed motor fuel 73199  
dealer from this state to any other state or foreign country; 73200

(5) The sale of motor fuel to the United States government or 73201  
any of its agencies, except such tax as is permitted by it, where 73202  
such sale is evidenced by an exemption certificate, in a form 73203  
approved by the tax commissioner, executed by the United States 73204  
government or an agency thereof certifying that the motor fuel 73205  
therein identified has been purchased for the exclusive use of the 73206  
United States government or its agency; 73207

(6) The sale of motor fuel ~~which~~ that is in the process of 73208  
transportation in foreign or interstate commerce, except ~~in so far~~ 73209  
insofar as it may be taxable under the Constitution and statutes 73210  
of the United States, and except as may be agreed upon in writing 73211  
by the dealer and the commissioner; 73212

(7) The sale of motor fuel when sold exclusively for use in 73213  
the operation of aircraft, where such sale is evidenced by an 73214  
exemption certificate prescribed by the commissioner and executed 73215  
by the purchaser certifying that the motor fuel purchased has been 73216  
purchased for exclusive use in the operation of aircraft; 73217

(8) The sale for exportation of motor fuel by a licensed 73218  
motor fuel dealer to a licensed exporter type A; 73219

(9) The sale for exportation of motor fuel by a licensed 73220  
motor fuel dealer to a licensed exporter type B, provided that the 73221

destination state motor fuel tax has been paid or will be accrued 73222  
and paid by the licensed motor fuel dealer. 73223

(10) The sale to a consumer of diesel fuel, by a motor fuel 73224  
dealer for delivery from a bulk lot vehicle, for consumption in 73225  
operating a vessel when the use of such fuel in a vessel would 73226  
otherwise qualify for a refund under section 5735.14 of the 73227  
Revised Code. 73228

Division (A)(1) of this section does not apply to the sale or 73229  
distribution of dyed diesel fuel used to operate a motor vehicle 73230  
on the public highways or upon water within the boundaries of this 73231  
state by persons permitted under regulations of the United States 73232  
department of the treasury or of the Internal Revenue Service to 73233  
so use dyed diesel fuel. 73234

(B) The two cent motor fuel tax levied by this section is 73235  
also for the purpose of paying the expenses of administering and 73236  
enforcing the state law relating to the registration and operation 73237  
of motor vehicles. 73238

(C) After the tax provided for by this section on the receipt 73239  
of any motor fuel has been paid by the motor fuel dealer, the 73240  
motor fuel may thereafter be used, sold, or resold by any person 73241  
having lawful title to it, without incurring liability for such 73242  
tax. 73243

If a licensed motor fuel dealer sells motor fuel received by 73244  
the licensed motor fuel dealer to another licensed motor fuel 73245  
dealer, the seller may deduct on the report required by section 73246  
5735.06 of the Revised Code the number of gallons so sold for the 73247  
month within which the motor fuel was sold or delivered. In this 73248  
event the number of gallons is deemed to have been received by the 73249  
purchaser, who shall report and pay the tax imposed thereon. 73250

Sec. 5735.053. There is hereby created in the state treasury 73251

the motor fuel tax administration fund for the purpose of paying 73252  
the expenses of the department of taxation incident to the 73253  
administration of the motor fuel laws. After the treasurer of 73254  
state credits the tax refund fund out of tax receipts as required 73255  
by sections 5735.23, 5735.26, 5735.291, and 5735.30 of the Revised 73256  
Code, the treasurer of state shall transfer to the motor fuel tax 73257  
administration fund two hundred seventy-five one-thousandths per 73258  
cent of the receipts from the taxes levied by sections 5735.05, 73259  
5735.25, 5735.29, and 5735.30 of the Revised Code. 73260

**Sec. 5735.14.** (A) Any person who uses any motor fuel, on 73261  
which the tax imposed by this chapter has been paid, for the 73262  
purpose of operating stationary gas engines, tractors not used on 73263  
public highways, unlicensed motor vehicles used exclusively in 73264  
intraplant operations, vessels when used in trade, including 73265  
vessels when used in connection with an activity that constitutes 73266  
a person's chief business or means of livelihood or any other 73267  
vessel used entirely for commercial purposes, vessels used for 73268  
commercial fishing, vessels used by the sea scout department of 73269  
the boy scouts of America chiefly for training scouts in 73270  
seamanship, vessels used or owned by any railroad company, 73271  
railroad car ferry company, the United States, this state, or any 73272  
political subdivision of this state, or aircraft, or who uses any 73273  
such fuel upon which such tax has been paid, for cleaning or for 73274  
dyeing, or any purpose other than the operation of motor vehicles 73275  
upon highways or upon waters within the boundaries of this state, 73276  
shall be reimbursed in the amount of the tax so paid on such motor 73277  
fuel as provided in this section; provided, that any person 73278  
purchasing motor fuel in this state on which taxes levied under 73279  
Title LVIII of the Revised Code have been paid shall be reimbursed 73280  
for such taxes paid in this state on such fuel used by that person 73281  
in another state on which a tax is paid for such usage, except 73282

such tax used as a credit against the tax levied by section 73283  
5728.06 of the Revised Code. A person shall not be reimbursed for 73284  
taxes paid on fuel that is used while a motor vehicle is idling or 73285  
used to provide comfort or safety in the operation of a motor 73286  
vehicle. Sales of motor fuel, on which the tax imposed by this 73287  
chapter has been paid, from one person to another do not 73288  
constitute use of the fuel and are not subject to a refund under 73289  
this section. 73290

Such (B) Any person who uses in this state any motor fuel 73291  
with water intentionally added to the fuel, on which the taxes 73292  
imposed by this chapter or Chapter 5728. of the Revised Code have 73293  
been paid, shall be reimbursed in the amount of the taxes so paid 73294  
on ninety-five per cent of the water. This division applies only 73295  
to motor fuel that contains at least nine per cent water, by 73296  
volume. 73297

(C) A person claiming reimbursement under this section shall 73298  
file with the tax commissioner an application for refund within 73299  
one year from the date of purchase, stating the quantity of fuel 73300  
used for the refundable purposes other than the operation of motor 73301  
vehicles in division (A) or (B) of this section, except that no 73302  
person shall file a claim for the tax on fewer than one hundred 73303  
gallons of motor fuel. An application for refund filed for the 73304  
purpose of division (B) of this section also shall state the 73305  
quantity of water intentionally added to the motor fuel. No person 73306  
shall claim reimbursement under that division on fewer than one 73307  
hundred gallons of water. The application shall be accompanied by 73308  
the statement described in section 5735.15 of the Revised Code 73309  
showing such purchase, together with evidence of payment thereof. 73310

(D) After consideration of the application and statement, the 73311  
commissioner shall determine the amount of refund to which the 73312  
applicant is entitled. If the amount is not less than that 73313  
claimed, the commissioner shall certify the amount to the director 73314

of budget and management and treasurer of state for payment from 73315  
the tax refund fund created by section 5703.052 of the Revised 73316  
Code. If the amount is less than that claimed, the commissioner 73317  
shall proceed in accordance with section 5703.70 of the Revised 73318  
Code. 73319

No refund shall be authorized or paid under this section on a 73320  
single claim for tax on fewer than one hundred gallons of motor 73321  
fuel. And, when water has been intentionally added to fuel, no 73322  
refund shall be authorized or paid under this section on a single 73323  
claim for tax on fewer than one hundred gallons of water. The 73324  
commissioner may require that the application be supported by the 73325  
affidavit of the claimant. 73326

The refund authorized by this section or section 5703.70 of 73327  
the Revised Code shall be reduced by the cents per gallon amount 73328  
of any qualified fuel credit received under section 5735.145 of 73329  
the Revised Code, as determined by the commissioner, for each 73330  
gallon of qualified fuel included in the total gallonage of motor 73331  
fuel upon which the refund is computed. 73332

(E) The right to receive any refund under this section or 73333  
section 5703.70 of the Revised Code is not assignable. The payment 73334  
of this refund shall not be made to any person other than the 73335  
person originally entitled thereto who used the motor fuel upon 73336  
which the claim for refund is based, except that such refunds, 73337  
when allowed and certified as provided in this section, 73338  
may be paid to the executor, ~~the~~ administrator, ~~the~~ receiver, ~~the~~ trustee 73339  
in bankruptcy, or ~~the~~ assignee in insolvency proceedings of such 73340  
person. 73341

**Sec. 5735.142.** (A)(1) Any person who uses any motor fuel, on 73342  
which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 73343  
the Revised Code has been paid, for the purpose of operating a 73344  
transit bus shall be reimbursed in the amount of the tax paid on 73345

motor fuel used by public transportation systems providing transit 73346  
or paratransit service on a regular and continuing basis within 73347  
the state; 73348

(2) A city, exempted village, joint vocational, or local 73349  
school district or educational service center that ~~uses~~ purchases 73350  
any motor fuel for school district or service center operations, 73351  
on which any tax imposed by section 5735.29 of the Revised Code 73352  
that became effective on or after July 1, 2003, has been paid, 73353  
may, if an application is filed under this section, be reimbursed 73354  
in the amount of all but two cents per gallon of ~~that~~ the total 73355  
tax imposed by such section and paid on motor fuel, ~~used for~~ 73356  
~~providing transportation for pupils in a vehicle the district owns~~ 73357  
~~or leases.~~ 73358

(B) Such person, school district, or educational service 73359  
center shall file with the tax commissioner an application for 73360  
refund within one year from the date of purchase, stating the 73361  
quantity of fuel used for operating transit buses used by local 73362  
transit systems in furnishing scheduled common carrier, public 73363  
passenger land transportation service along regular routes 73364  
primarily in one or more municipal corporations or for operating 73365  
vehicles used ~~by~~ for school districts to transport pupils district 73366  
or service center operations. However, no ~~person shall file a~~ 73367  
claim shall be made for the tax on fewer than one hundred gallons 73368  
of motor fuel. A school district or educational service center 73369  
shall not apply for a refund for any tax paid on motor fuel that 73370  
is sold by the district or educational service center. The 73371  
application shall be accompanied by the statement described in 73372  
section 5735.15 of the Revised Code showing the purchase, together 73373  
with evidence of payment thereof. 73374

(C) After consideration of the application and statement, the 73375  
commissioner shall determine the amount of refund to which the 73376  
applicant is entitled. If the amount is not less than that 73377

claimed, the commissioner shall certify the amount to the director 73378  
of budget and management and treasurer of state for payment from 73379  
the tax refund fund created by section 5703.052 of the Revised 73380  
Code. If the amount is less than that claimed, the commissioner 73381  
shall proceed in accordance with section 5703.70 of the Revised 73382  
Code. 73383

The commissioner may require that the application be 73384  
supported by the affidavit of the claimant. No refund shall be 73385  
authorized or ordered for any single claim for the tax on fewer 73386  
than one hundred gallons of motor fuel. No refund shall be 73387  
authorized or ordered on motor fuel that is sold by a school 73388  
district or educational service center. 73389

(D) The refund authorized by this section or section 5703.70 73390  
of the Revised Code shall be reduced by the cents per gallon 73391  
amount of any qualified fuel credit received under section 73392  
5735.145 of the Revised Code, as determined by the commissioner, 73393  
for each gallon of qualified fuel included in the total gallonage 73394  
of motor fuel upon which the refund is computed. 73395

(E) The right to receive any refund under this section or 73396  
section 5703.70 of the Revised Code is not assignable. The payment 73397  
of this refund shall not be made to any person or entity other 73398  
than the person or entity originally entitled thereto who used the 73399  
motor fuel upon which the claim for refund is based, except that 73400  
the refund when allowed and certified, as provided in this 73401  
section, may be paid to the executor, the administrator, the 73402  
receiver, the trustee in bankruptcy, or the assignee in insolvency 73403  
proceedings of the person. 73404

**Sec. 5735.15.** When motor fuel is sold to a person who claims 73405  
to be entitled to a refund under section 5735.14 or 5735.142 of 73406  
the Revised Code, the seller of such motor fuel shall ~~make out in 73407~~  
~~duplicate on forms prescribed and supplied by the tax 73408~~

~~commissioner, which forms shall have printed thereon provide to~~ 73409  
~~the person documentation that indicates that~~ 73410  
the liability to the 73411  
state for the excise tax imposed under the motor fuel laws of this 73412  
state on such motor fuel has been assumed by the seller, and that 73413  
said excise tax has already been paid or will be paid by the 73414  
seller when the same becomes payable, ~~a statement setting. The~~ 73415  
~~documentation also shall set~~ forth the name and address of the 73416  
purchaser, the number of gallons of motor fuel sold, ~~the price~~ 73417  
~~paid for or the price per gallon of the motor fuel sold,~~ the 73418  
proposed use for which such motor fuel is purchased, and such 73419  
other information as the commissioner requires. ~~When motor fuel is~~ 73420  
~~sold to a person who claims to be entitled to reimbursement under~~ 73421  
~~division (B) of section 5735.14 of the Revised Code, the~~ 73422  
~~documentation also shall state the number of gallons of water~~ 73423  
~~intentionally added to the motor fuel.~~ The ~~original of such~~ 73424  
~~statement documentation~~ shall be given to the purchaser, and ~~the~~ 73425  
~~duplicate a copy~~ shall be retained by the seller.

**Sec. 5735.19.** (A) The tax commissioner may examine, during 73426  
the usual business hours of the day, the records, books, ~~and~~ 73427  
~~papers invoices, storage tanks, and any other equipment~~ of any 73428  
motor fuel dealer, retail dealer, exporter, terminal operator, 73429  
purchaser, or common carrier pertaining to motor fuel received, 73430  
sold, shipped, or delivered, to ~~determine whether the taxes~~ 73431  
~~imposed by this chapter have been paid and to~~ verify the truth and 73432  
accuracy of any statement, report, or return. ~~The~~ 73433

(B) ~~The tax~~ commissioner may, in the enforcement of the motor 73434  
fuel laws of this state, hold hearings, take the testimony of any 73435  
person, issue subpoenas and compel the attendance of witnesses, 73436  
and conduct such investigations as the commissioner deems 73437  
necessary, ~~but no person shall disclose the information acquired~~ 73438  
~~by the commissioner under this section, except when required to do~~ 73439  
~~so in court.~~ Such information or evidence is not privileged when 73440

used by the state or any officer thereof in any proceeding for the 73441  
collection of the tax, or any prosecution for violation of the 73442  
motor fuel laws. 73443

(C) The commissioner may prescribe all forms upon which 73444  
reports shall be made to the commissioner, forms for claims for 73445  
refund presented to the commissioner, or forms of records to be 73446  
used by motor fuel dealers. 73447

(D)(1) As used in this division, "designated inspection site" 73448  
means any state highway inspection station, weigh station, mobile 73449  
station, or other similar location designated by the tax 73450  
commissioner to be used as a fuel inspection site. 73451

(2) An employee of the department of taxation that is so 73452  
authorized by the tax commissioner may physically inspect, 73453  
examine, or otherwise search any tank, reservoir, or other 73454  
container that can or may be used for the production, storage, or 73455  
transportation of fuel, fuel dyes, or fuel markers, and books and 73456  
records, if any, that are maintained at the place of inspection 73457  
and are kept to determine tax liability under this chapter. 73458  
Inspections may be performed at any place at which motor fuel is 73459  
or may be produced or stored, or at any designated inspection 73460  
site. 73461

(3) An employee of the department of taxation who is a duly 73462  
authorized enforcement agent may detain any motor vehicle, train, 73463  
barge, ship, or vessel for the purpose of inspecting its fuel 73464  
tanks and storage tanks. Detainment shall be on the premises under 73465  
inspection or at a designated inspection site. Detainment may 73466  
continue for a reasonable period of time as is necessary to 73467  
determine the amount and composition of the fuel. 73468

(4) Any employee described in division (D)(2) or (3) of this 73469  
section who has been properly trained may take and remove samples 73470  
of fuel in quantities as are reasonably necessary to determine the 73471

composition of the fuel. 73472

(5) No person shall refuse to allow an inspection under 73473  
division (D) of this section. Any person who refuses to allow an 73474  
inspection shall be subject to revocation or cancellation of any 73475  
license or permit issued under Chapter 5728. or 5735. of the 73476  
Revised Code. 73477

**Sec. 5735.23.** (A) Out of receipts from the tax levied by 73478  
section 5735.05 of the Revised Code, the treasurer of state shall 73479  
place to the credit of the tax refund fund established by section 73480  
5703.052 of the Revised Code amounts equal to the refunds 73481  
certified by the tax commissioner pursuant to sections 5735.13, 73482  
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 73483  
treasurer of state shall then transfer the amount required by 73484  
section 5735.051 of the Revised Code to the waterways safety fund 73485  
~~and~~, the amount required by section 4907.472 of the Revised Code 73486  
to the grade crossing protection fund, and the amount required by 73487  
section 5735.053 of the Revised Code to the motor fuel tax 73488  
administration fund. 73489

(B) Except as provided in division (D) of this section, each 73490  
month the balance of the receipts from the tax levied by section 73491  
5735.05 of the Revised Code shall be credited, after receipt by 73492  
the treasurer of state of certification from the commissioners of 73493  
the sinking fund, as required by section 5528.35 of the Revised 73494  
Code, that there are sufficient moneys to the credit of the 73495  
highway obligations bond retirement fund to meet in full all 73496  
payments of interest, principal, and charges for the retirement of 73497  
highway obligations issued pursuant to Section 2i of Article VIII, 73498  
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 73499  
Code due and payable during the current calendar year, as follows: 73500

(1) To the state and local government highway distribution 73501  
fund, which is hereby created in the state treasury, an amount 73502

that is the same percentage of the balance to be credited as that 73503  
portion of the tax per gallon determined under division (B)(2)(a) 73504  
of section 5735.06 of the Revised Code is of the total tax per 73505  
gallon determined under divisions (B)(2)(a) and (b) of that 73506  
section. 73507

(2) After making the distribution to the state and local 73508  
government highway distribution fund, the remainder shall be 73509  
credited as follows: 73510

(a) Thirty per cent to the gasoline excise tax fund for 73511  
distribution pursuant to division (A)(1) of section 5735.27 of the 73512  
Revised Code; 73513

(b) Twenty-five per cent to the gasoline excise tax fund for 73514  
distribution pursuant to division (A)(3) of section 5735.27 of the 73515  
Revised Code; 73516

(c) Except as provided in division (D) of this section, 73517  
forty-five per cent to the highway operating fund for distribution 73518  
pursuant to division (B)(1) of section 5735.27 of the Revised 73519  
Code. 73520

(C) From the balance in the state and local government 73521  
highway distribution fund on the last day of each month there 73522  
shall be paid the following amounts: 73523

(1) To the local transportation improvement program fund 73524  
created by section 164.14 of the Revised Code, an amount equal to 73525  
a fraction of the balance in the state and local government 73526  
highway distribution fund, the numerator of which fraction is one 73527  
and the denominator of which fraction is that portion of the tax 73528  
per gallon determined under division (B)(2)(a) of section 5735.06 73529  
of the Revised Code; 73530

(2) An amount equal to five cents multiplied by the number of 73531  
gallons of motor fuel sold at stations operated by the Ohio 73532  
turnpike commission, such gallonage to be certified by the 73533

commission to the treasurer of state not later than the last day 73534  
of the month following. The funds paid to the commission pursuant 73535  
to this section shall be expended for the construction, 73536  
reconstruction, maintenance, and repair of turnpike projects, 73537  
except that the funds may not be expended for the construction of 73538  
new interchanges. The funds also may be expended for the 73539  
construction, reconstruction, maintenance, and repair of those 73540  
portions of connecting public roads that serve existing 73541  
interchanges and are determined by the commission and the director 73542  
of transportation to be necessary for the safe merging of traffic 73543  
between the turnpike and those public roads. 73544

The remainder of the balance shall be distributed as follows 73545  
on the fifteenth day of the following month: 73546

(a) Ten and seven-tenths per cent shall be paid to municipal 73547  
corporations for distribution pursuant to division (A)(1) of 73548  
section 5735.27 of the Revised Code and may be used for any 73549  
purpose for which payments received under that division may be 73550  
used. Beginning August 15, 2004, the sum of two hundred 73551  
forty-eight thousand six hundred twenty-five dollars shall be 73552  
~~annually~~ monthly subtracted from the amount so computed and 73553  
credited to the highway operating fund. 73554

(b) Five per cent shall be paid to townships for distribution 73555  
pursuant to division (A)(5) of section 5735.27 of the Revised Code 73556  
and may be used for any purpose for which payments received under 73557  
that division may be used. Beginning August 15, 2004, the sum of 73558  
eighty-seven thousand seven hundred fifty dollars shall be 73559  
~~annually~~ monthly subtracted from the amount so computed and 73560  
credited to the highway operating fund. 73561

(c) Nine and three-tenths per cent shall be paid to counties 73562  
for distribution pursuant to division (A)(3) of section 5735.27 of 73563  
the Revised Code and may be used for any purpose for which 73564  
payments received under that division may be used. Beginning 73565

August 15, 2004, the sum of two hundred forty-eight thousand six 73566  
hundred twenty-five dollars shall be ~~annually~~ monthly subtracted 73567  
from the amount so computed and credited to the highway operating 73568  
fund. 73569

(d) Except as provided in division (D) of this section, the 73570  
balance shall be transferred to the highway operating fund and 73571  
used for the purposes set forth in division (B)(1) of section 73572  
5735.27 of the Revised Code. 73573

(D) Beginning on the first day of September each fiscal year, 73574  
any amounts required to be credited or transferred to the highway 73575  
operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this 73576  
section shall be credited or transferred to the highway capital 73577  
improvement bond service fund created in section 151.06 of the 73578  
Revised Code, until such time as the office of budget and 73579  
management receives certification from the treasurer of state or 73580  
the treasurer of state's designee that sufficient money has been 73581  
credited or transferred to the bond service fund to meet in full 73582  
all payments of debt service and financing costs due during the 73583  
fiscal year from that fund. 73584

**Sec. 5735.26.** The treasurer of state shall place to the 73585  
credit of the tax refund fund created by section 5703.052 of the 73586  
Revised Code, out of receipts from the tax levied by section 73587  
5735.25 of the Revised Code, amounts equal to the refunds 73588  
certified by the tax commissioner pursuant to sections 5735.142 73589  
and 5735.25 of the Revised Code, which shall be paid from such 73590  
fund. ~~Receipts from the tax shall be used by the tax commissioner~~ 73591  
~~for the maintenance and administration of the motor fuel laws.~~ The 73592  
treasurer of state shall then transfer the amount required by 73593  
section 5735.051 of the Revised Code to the waterways safety fund 73594  
and the amount required by section 5735.053 of the Revised Code to 73595  
the motor fuel tax administration fund. 73596

The balance of taxes collected under section 5735.25 of the Revised Code shall be credited as follows, after the credits to the tax refund fund, ~~and after deduction of the cost of administration of the motor fuel laws,~~ and after the ~~transfer~~ transfers to the waterways safety fund and motor fuel tax administration fund, and after receipt by the treasurer of state of certifications from the commissioners of the sinking fund certifying, as required by sections 5528.15 and 5528.35 of the Revised Code, there are sufficient moneys to the credit of the highway improvement bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year, and that there are sufficient moneys to the credit of the highway obligations bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year:

(A) Sixty-seven and one-half per cent to the highway operating fund for distribution pursuant to division (B)(2) of section 5735.27 of the Revised Code;

(B) Seven and one-half per cent to the gasoline excise tax fund for distribution pursuant to division (A)(2) of such section;

(C) Seven and one-half per cent to the gasoline excise tax fund for distribution pursuant to division (A)(4) of such section;

(D) Seventeen and one-half per cent to the gasoline excise tax fund for distribution pursuant to division (A)(5) of such section.

**Sec. 5735.291.** (A) The treasurer of state shall place to the

credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the tax levied by section 5735.29 of the Revised Code, amounts equal to the refunds certified by the tax commissioner pursuant to sections 5735.142 and 5735.29 of the Revised Code. The refunds provided for by sections 5735.142 and 5735.29 of the Revised Code shall be paid from such fund. The treasurer of state shall then transfer the amount required by section 5735.051 of the Revised Code to the waterways safety fund and the amount required by section 5735.053 of the Revised Code to the motor fuel tax administration fund. ~~The~~

The specified portion of the balance of taxes collected under section 5735.29 of the Revised Code, after the credits to the tax refund fund, ~~and after the transfer~~ transfers to the waterways safety fund and the motor fuel tax administration fund, shall be credited to the gasoline excise tax fund. Subject to division (B) of this section, forty-two and eighty-six hundredths per cent of the specified portion shall be distributed among the municipal corporations within the state in accordance with division (A)(2) of section 5735.27 of the Revised Code, thirty-seven and fourteen hundredths per cent of the specified portion shall be distributed among the counties within the state in accordance with division (A)(3) of section 5735.27 of the Revised Code, and twenty per cent of the specified portion shall be combined with twenty per cent of any amounts transferred from the highway operating fund to the gasoline excise tax fund through biennial appropriations acts of the general assembly pursuant to the planned phase-in of a new source of funding for the state highway patrol, and shall be distributed among the townships within the state in accordance with division (A)(5)(b) of section 5735.27 of the Revised Code. Subject to division (B) of this section, the remainder of the tax levied by section 5735.29 of the Revised Code after receipt by the treasurer of state of certifications from the commissioners of the sinking fund certifying, as required by sections 5528.15 and

5528.35 of the Revised Code, that there are sufficient moneys to 73661  
the credit of the highway improvement bond retirement fund created 73662  
by section 5528.12 of the Revised Code to meet in full all 73663  
payments of interest, principal, and charges for the retirement of 73664  
bonds and other obligations issued pursuant to Section 2g of 73665  
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 73666  
of the Revised Code due and payable during the current calendar 73667  
year, and that there are sufficient moneys to the credit of the 73668  
highway obligations bond retirement fund created by section 73669  
5528.32 of the Revised Code to meet in full all payments of 73670  
interest, principal, and charges for the retirement of highway 73671  
obligations issued pursuant to Section 2i of Article VIII, Ohio 73672  
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 73673  
due and payable during the current calendar year, shall be 73674  
credited to the highway operating fund, which is hereby created in 73675  
the state treasury and shall be used solely for the purposes 73676  
enumerated in section 5735.29 of the Revised Code. All investment 73677  
earnings of the fund shall be credited to the fund. 73678

(B)(1) Effective August 15, 2003, prior to the distribution 73679  
from the gasoline excise tax fund to municipal corporations of the 73680  
forty-two and eighty-six hundredths per cent of the specified 73681  
portion as provided in division (A) of this section, the 73682  
department of taxation shall deduct thirty-three and one-third per 73683  
cent of the amount specified in division (A)(5)(c) of section 73684  
5735.27 of the Revised Code and use it for distribution to 73685  
townships pursuant to division (A)(5)(b) of that section. 73686

(2) Effective August 15, 2003, prior to the distribution from 73687  
the gasoline excise tax fund to counties of the thirty-seven and 73688  
fourteen hundredths per cent of the specified portion as provided 73689  
in division (A) of this section, the department of taxation shall 73690  
deduct thirty-three and one-third per cent of the amount specified 73691  
in division (A)(5)(c) of section 5735.27 of the Revised Code and 73692

use it for distribution to townships pursuant to division 73693  
(A)(5)(b) of that section. 73694

(3) Effective August 15, 2003, prior to crediting any revenue 73695  
resulting from the tax levied by section 5735.29 of the Revised 73696  
Code to the highway operating fund, the department of taxation 73697  
shall deduct thirty-three and one-third per cent of the amount 73698  
specified in division (A)(5)(c) of section 5735.27 of the Revised 73699  
Code and use it for distribution to townships pursuant to division 73700  
(A)(5)(b) of that section. 73701

(C) As used in this section, "specified portion" means all of 73702  
the following: 73703

(1) Until August 15, 2003, none of the taxes collected under 73704  
section 5735.29 of the Revised Code; 73705

(2) Effective August 15, 2003, one-eighth of the balance of 73706  
taxes collected under section 5735.29 of the Revised Code, after 73707  
the credits to the tax refund fund and ~~after the transfer~~ 73708  
transfers to the waterways safety fund and the motor fuel tax 73709  
administration fund; 73710

(3) Effective August 15, 2004, one-sixth of the balance of 73711  
taxes described in division (C)(2) of this section; 73712

(4) Effective August 15, 2005, three-sixteenths of the 73713  
balance of taxes described in division (C)(2) of this section. 73714

**Sec. 5735.30.** (A) For the purpose of providing funds to pay 73715  
the state's share of the cost of constructing and reconstructing 73716  
highways and eliminating railway grade crossings on the major 73717  
thoroughfares of the state highway system and urban extensions 73718  
thereof, to pay that portion of the construction cost of a highway 73719  
project which a county, township, or municipal corporation 73720  
normally would be required to pay, but which the director of 73721  
transportation, pursuant to division (B) of section 5531.08 of the 73722

Revised Code, determines instead will be paid from moneys in the highway operating fund, to pay the interest, principal, and charges on bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code, to pay the interest, principal, and charges on highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code, ~~and~~ to provide revenues for the purposes of sections 1547.71 to 1547.78 of the Revised Code, and to pay the expenses of the department of taxation incident to the administration of the motor fuel laws, a motor fuel excise tax is hereby imposed on all motor fuel dealers upon their receipt of motor fuel within the state, at the rate of one cent on each gallon so received, to be reported, computed, paid, collected, administered, enforced, refunded, and subject to the same exemptions and penalties as provided in this chapter of the Revised Code.

The tax imposed by this section shall be in addition to the tax imposed by sections 5735.05, 5735.25, and 5735.29 of the Revised Code.

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to this section. The refund provided for by ~~the first paragraph~~ division (A) of this section shall be paid from such fund. The treasurer shall then transfer the amount required by section 5735.051 of the Revised Code to the waterways safety fund and the amount required by section 5735.053 of the Revised Code to the motor fuel tax administration fund. The balance of taxes for which the liability has become fixed prior to July 1, 1955, under this section, after the credit to the tax refund fund, shall be credited to the

highway operating fund. 73755

(C)(1) The moneys derived from the tax levied by this 73756  
section, after ~~the credit to the tax refund fund and the waterways~~ 73757  
~~safety fund as provided~~ and transfers required by division (B) of 73758  
this section, shall, during each calendar year, be credited to the 73759  
highway improvement bond retirement fund created by section 73760  
5528.12 of the Revised Code, until the commissioners of the 73761  
sinking fund certify to the treasurer of state, as required by 73762  
section 5528.17 of the Revised Code, that there are sufficient 73763  
moneys to the credit of the highway improvement bond retirement 73764  
fund to meet in full all payments of interest, principal, and 73765  
charges for the retirement of bonds and other obligations issued 73766  
pursuant to Section 2g of Article VIII, Ohio Constitution, and 73767  
sections 5528.10 and 5528.11 of the Revised Code due and payable 73768  
during the current calendar year and during the next succeeding 73769  
calendar year. From the date of the receipt of the certification 73770  
required by section 5528.17 of the Revised Code by the treasurer 73771  
of state until the thirty-first day of December of the calendar 73772  
year in which such certification is made, all moneys received in 73773  
the state treasury from the tax levied by this section, after ~~the~~ 73774  
~~credit to the tax refund fund and the waterways safety fund as~~ 73775  
~~provided~~ and transfers required by division (B) of this section, 73776  
shall be credited to the highway obligations bond retirement fund 73777  
created by section 5528.32 of the Revised Code, until the 73778  
commissioners of the sinking fund certify to the treasurer of 73779  
state, as required by section 5528.38 of the Revised Code, that 73780  
there are sufficient moneys to the credit of the highway 73781  
obligations bond retirement fund to meet in full all payments of 73782  
interest, principal, and charges for the retirement of obligations 73783  
issued pursuant to Section 2i of Article VIII, Ohio Constitution, 73784  
and sections 5528.30 and 5528.31 of the Revised Code due and 73785  
payable during the current calendar year and during the next 73786  
succeeding calendar year. ~~From~~ 73787

(2) From the date of the receipt of the certification 73788  
required by section 5528.38 of the Revised Code by the treasurer 73789  
of state until the thirty-first day of December of the calendar 73790  
year in which such certification is made, all moneys received in 73791  
the state treasury from the tax levied by this section, after the 73792  
~~credit to the tax refund fund and the waterways safety fund as~~ 73793  
~~provided~~ and transfers required by division (B) of this section, 73794  
shall be credited to the highway operating fund, except as 73795  
provided in ~~the next succeeding paragraph~~ division (C)(3) of this 73796  
section. 73797

(3) From the date of the receipt by the treasurer of state of 73798  
certifications from the commissioners of the sinking fund, as 73799  
required by sections 5528.18 and 5528.39 of the Revised Code, 73800  
certifying that the moneys to the credit of the highway 73801  
improvement bond retirement fund are sufficient to meet in full 73802  
all payments of interest, principal, and charges for the 73803  
retirement of all bonds and other obligations which may be issued 73804  
pursuant to Section 2g of Article VIII, Ohio Constitution, and 73805  
sections 5528.10 and 5528.11 of the Revised Code, and to the 73806  
credit of the highway obligations bond retirement fund are 73807  
sufficient to meet in full all payments of interest, principal, 73808  
and charges for the retirement of all obligations issued pursuant 73809  
to Section 2i of Article VIII, Ohio Constitution, and sections 73810  
5528.30 and 5528.31 of the Revised Code, the moneys derived from 73811  
the tax levied by this section, after the ~~credit to the tax refund~~ 73812  
~~fund and the waterways safety fund as provided~~ and transfers 73813  
required by division (B) of this section, shall be credited to the 73814  
highway operating fund. 73815

**Sec. 5735.99.** (A) Whoever violates division (F) of section 73816  
5735.02, division (D) of section 5735.021, division (B) of section 73817  
5735.063, division (B) of section 5735.064, or division (A)(2) of 73818  
section 5735.20 of the Revised Code is guilty of a misdemeanor of 73819

the first degree. 73820

(B) Whoever violates division (E) of section 5735.06 of the Revised Code is guilty of a felony of the fourth degree. 73821  
73822

(C) Whoever violates section 5735.025 or division (A)(1) of section 5735.20 of the Revised Code is guilty of a misdemeanor of the first degree, if the tax owed or the fraudulent refund received is not greater than five hundred dollars. If the tax owed or the fraudulent refund received is greater than five hundred dollars but not greater than ten thousand dollars, the offender is guilty of a felony of the fourth degree; for each subsequent offense when the tax owed or the fraudulent refund received is greater than five hundred dollars but not greater than ten thousand dollars, the offender is guilty of a felony of the third degree. If the tax owed or the fraudulent refund received is greater than ten thousand dollars, the offender is guilty of a felony of the second degree. 73823  
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(D) Whoever violates a provision of this chapter for which a penalty is not otherwise prescribed under this section is guilty of a misdemeanor of the fourth degree. 73836  
73837  
73838

(E) Whoever violates division (D)(5) of section 5735.19 of the Revised Code is guilty of a misdemeanor of the first degree. 73839  
73840

**Sec. 5739.01.** As used in this chapter: 73841

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form. 73842  
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(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by 73847  
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73849

exchange, and by any means whatsoever: 73850

(1) All transactions by which title or possession, or both, 73851  
of tangible personal property, is or is to be transferred, or a 73852  
license to use or consume tangible personal property is or is to 73853  
be granted; 73854

(2) All transactions by which lodging by a hotel is or is to 73855  
be furnished to transient guests; 73856

(3) All transactions by which: 73857

(a) An item of tangible personal property is or is to be 73858  
repaired, except property, the purchase of which would not be 73859  
subject to the tax imposed by section 5739.02 of the Revised Code; 73860

(b) An item of tangible personal property is or is to be 73861  
installed, except property, the purchase of which would not be 73862  
subject to the tax imposed by section 5739.02 of the Revised Code 73863  
or property that is or is to be incorporated into and will become 73864  
a part of a production, transmission, transportation, or 73865  
distribution system for the delivery of a public utility service; 73866

(c) The service of washing, cleaning, waxing, polishing, or 73867  
painting a motor vehicle is or is to be furnished; 73868

(d) ~~Industrial~~ Until August 1, 2003, industrial laundry 73869  
cleaning services are or are to be provided and, on and after 73870  
August 1, 2003, laundry and dry cleaning services are or are to be 73871  
provided; 73872

(e) Automatic data processing, computer services, or 73873  
electronic information services are or are to be provided for use 73874  
in business when the true object of the transaction is the receipt 73875  
by the consumer of automatic data processing, computer services, 73876  
or electronic information services rather than the receipt of 73877  
personal or professional services to which automatic data 73878  
processing, computer services, or electronic information services 73879

are incidental or supplemental. Notwithstanding any other 73880  
provision of this chapter, such transactions that occur between 73881  
members of an affiliated group are not sales. An affiliated group 73882  
means two or more persons related in such a way that one person 73883  
owns or controls the business operation of another member of the 73884  
group. In the case of corporations with stock, one corporation 73885  
owns or controls another if it owns more than fifty per cent of 73886  
the other corporation's common stock with voting rights. 73887

(f) Telecommunications service, other than mobile 73888  
telecommunications service after July 31, 2002, is or is to be 73889  
provided ~~that originates or terminates in this state and is~~ 73890  
~~charged in the records of the telecommunications service vendor to~~ 73891  
~~the consumer's telephone number or account in this state, or that~~ 73892  
~~both originates and terminates in this state;~~ but does not 73893  
include transactions by which ~~telecommunications service is paid~~ 73894  
~~for by using a prepaid authorization number or prepaid telephone~~ 73895  
~~ealling card, or by which~~ local telecommunications service is 73896  
obtained from a coin-operated telephone and paid for by using 73897  
coin; 73898

(g) Landscaping and lawn care service is or is to be 73899  
provided; 73900

(h) Private investigation and security service is or is to be 73901  
provided; 73902

(i) Information services or tangible personal property is 73903  
provided or ordered by means of a nine hundred telephone call; 73904

(j) Building maintenance and janitorial service is or is to 73905  
be provided; 73906

(k) Employment service is or is to be provided; 73907

(l) Employment placement service is or is to be provided; 73908

(m) Exterminating service is or is to be provided; 73909

(n) Physical fitness facility service is or is to be provided; 73910  
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(o) Recreation and sports club service is or is to be provided. 73912  
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(p) After July 31, 2002, mobile telecommunications service is or is to be provided ~~in this state~~ when that service is situated to this state pursuant to the "Mobile Telecommunications Sourcing Act," P- Pub. L. No. 106-252, 114 Stat. 626 to 632 (2000), 4 U.S.C.A. 116 to 126, as amended. 73914  
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(q) On and after August 1, 2003, satellite broadcasting service is or is to be provided; 73919  
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(r) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. 73921  
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(s) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102; 73929  
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(t) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle. 73937  
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(u) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract. The transfer of copyrighted motion picture films for exhibition purposes is not a sale, except such films as are used solely for advertising purposes. ~~Other than as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee~~

~~and the terms of the original lease agreement remain unchanged, or 73973  
professional, insurance, or personal service transactions that 73974  
involve the transfer of tangible personal property as an 73975  
inconsequential element, for which no separate charges are made. 73976~~

As used in division (B)(5) of this section: 73977

(a) "Agricultural land tile" means fired clay or concrete 73978  
tile, or flexible or rigid perforated plastic pipe or tubing, 73979  
incorporated or to be incorporated into a subsurface drainage 73980  
system appurtenant to land used or to be used directly in 73981  
production by farming, agriculture, horticulture, or floriculture. 73982  
The term does not include such materials when they are or are to 73983  
be incorporated into a drainage system appurtenant to a building 73984  
or structure even if the building or structure is used or to be 73985  
used in such production. 73986

(b) "Portable grain bin" means a structure that is used or to 73987  
be used by a person engaged in farming or agriculture to shelter 73988  
the person's grain and that is designed to be disassembled without 73989  
significant damage to its component parts. 73990

(6) All transactions in which all of the shares of stock of a 73991  
closely held corporation are transferred, if the corporation is 73992  
not engaging in business and its entire assets consist of boats, 73993  
planes, motor vehicles, or other tangible personal property 73994  
operated primarily for the use and enjoyment of the shareholders; 73995

(7) All transactions in which a warranty, maintenance or 73996  
service contract, or similar agreement by which the vendor of the 73997  
warranty, contract, or agreement agrees to repair or maintain the 73998  
tangible personal property of the consumer is or is to be 73999  
provided; 74000

~~(8) All transactions by which a prepaid authorization number 74001  
or a prepaid telephone calling card is or is to be transferred On 74002  
and after August 1, 2003, all transactions by which tangible 74003~~

personal property is or is to be stored, except such property that 74004  
the consumer of the storage holds for sale in the regular course 74005  
of business. 74006

Except as provided in this section, "sale" and "selling" do 74007  
not include transfers of interest in leased property where the 74008  
original lessee and the terms of the original lease agreement 74009  
remain unchanged, or professional, insurance, or personal service 74010  
transactions that involve the transfer of tangible personal 74011  
property as an inconsequential element, for which no separate 74012  
charges are made. 74013

(C) "Vendor" means the person providing the service or by 74014  
whom the transfer effected or license given by a sale is or is to 74015  
be made or given and, for sales described in division (B)(3)(i) of 74016  
this section, the telecommunications service vendor that provides 74017  
the nine hundred telephone service; if two or more persons are 74018  
engaged in business at the same place of business under a single 74019  
trade name in which all collections on account of sales by each 74020  
are made, such persons shall constitute a single vendor. 74021

Physicians, dentists, hospitals, and veterinarians who are 74022  
engaged in selling tangible personal property as received from 74023  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 74024  
articles, are vendors. Veterinarians who are engaged in 74025  
transferring to others for a consideration drugs, the dispensing 74026  
of which does not require an order of a licensed veterinarian or 74027  
physician under federal law, are vendors. 74028

(D)(1) "Consumer" means the person for whom the service is 74029  
provided, to whom the transfer effected or license given by a sale 74030  
is or is to be made or given, to whom the service described in 74031  
division (B)(3)(f) or (i) of this section is charged, or to whom 74032  
the admission is granted. 74033

(2) Physicians, dentists, hospitals, and blood banks operated 74034

by nonprofit institutions and persons licensed to practice 74035  
veterinary medicine, surgery, and dentistry are consumers of all 74036  
tangible personal property and services purchased by them in 74037  
connection with the practice of medicine, dentistry, the rendition 74038  
of hospital or blood bank service, or the practice of veterinary 74039  
medicine, surgery, and dentistry. In addition to being consumers 74040  
of drugs administered by them or by their assistants according to 74041  
their direction, veterinarians also are consumers of drugs that 74042  
under federal law may be dispensed only by or upon the order of a 74043  
licensed veterinarian or physician, when transferred by them to 74044  
others for a consideration to provide treatment to animals as 74045  
directed by the veterinarian. 74046

(3) A person who performs a facility management, or similar 74047  
service contract for a contractee is a consumer of all tangible 74048  
personal property and services purchased for use in connection 74049  
with the performance of such contract, regardless of whether title 74050  
to any such property vests in the contractee. The purchase of such 74051  
property and services is not subject to the exception for resale 74052  
under division (E)(1) of this section. 74053

(4)(a) In the case of a person who purchases printed matter 74054  
for the purpose of distributing it or having it distributed to the 74055  
public or to a designated segment of the public, free of charge, 74056  
that person is the consumer of that printed matter, and the 74057  
purchase of that printed matter for that purpose is a sale. 74058

(b) In the case of a person who produces, rather than 74059  
purchases, printed matter for the purpose of distributing it or 74060  
having it distributed to the public or to a designated segment of 74061  
the public, free of charge, that person is the consumer of all 74062  
tangible personal property and services purchased for use or 74063  
consumption in the production of that printed matter. That person 74064  
is not entitled to claim ~~exception~~ exemption under division 74065  
~~(E)(8)(B)(43)(f)~~ of ~~this~~ section 5739.02 of the Revised Code for 74066

any material incorporated into the printed matter or any 74067  
equipment, supplies, or services primarily used to produce the 74068  
printed matter. 74069

(c) The distribution of printed matter to the public or to a 74070  
designated segment of the public, free of charge, is not a sale to 74071  
the members of the public to whom the printed matter is 74072  
distributed or to any persons who purchase space in the printed 74073  
matter for advertising or other purposes. 74074

(5) A person who makes sales of any of the services listed in 74075  
division (B)(3) of this section is the consumer of any tangible 74076  
personal property used in performing the service. The purchase of 74077  
that property is not subject to the resale exception under 74078  
division (E)(1) of this section. 74079

(E) "Retail sale" and "sales at retail" include all sales, 74080  
except those in which the purpose of the consumer is: 74081

~~(1) To~~ to resell the thing transferred or benefit of the 74082  
service provided, by a person engaging in business, in the form in 74083  
which the same is, or is to be, received by the person: 74084

~~(2) To incorporate the thing transferred as a material or a 74085  
part, into tangible personal property to be produced for sale by 74086  
manufacturing, assembling, processing, or refining, or to use or 74087  
consume the thing transferred directly in producing a product for 74088  
sale by mining, including without limitation the extraction from 74089  
the earth of all substances that are classed geologically as 74090  
minerals, production of crude oil and natural gas, farming, 74091  
agriculture, horticulture, or floriculture, and persons engaged in 74092  
rendering farming, agricultural, horticultural, or floricultural 74093  
services, and services in the exploration for, and production of, 74094  
crude oil and natural gas, for others are deemed engaged directly 74095  
in farming, agriculture, horticulture, and floriculture, or 74096  
exploration for, and production of, crude oil and natural gas: 74097~~

~~directly in the rendition of a public utility service, except that 74098  
the sales tax levied by section 5739.02 of the Revised Code shall 74099  
be collected upon all meals, drinks, and food for human 74100  
consumption sold upon Pullman and railroad coaches. This paragraph 74101  
does not exempt or except from "retail sale" or "sales at retail" 74102  
the sale of tangible personal property that is to be incorporated 74103  
into a structure or improvement to real property. 74104~~

~~(3) To hold the thing transferred as security for the 74105  
performance of an obligation of the vendor; 74106~~

~~(4) To use or consume the thing transferred in the process of 74107  
reclamation as required by Chapters 1513. and 1514. of the Revised 74108  
Code; 74109~~

~~(5) To resell, hold, use, or consume the thing transferred as 74110  
evidence of a contract of insurance; 74111~~

~~(6) To use or consume the thing directly in commercial 74112  
fishing; 74113~~

~~(7) To incorporate the thing transferred as a material or a 74114  
part into, or to use or consume the thing transferred directly in 74115  
the production of, magazines distributed as controlled circulation 74116  
publications; 74117~~

~~(8) To use or consume the thing transferred in the production 74118  
and preparation in suitable condition for market and sale of 74119  
printed, imprinted, overprinted, lithographic, multilithic, 74120  
blueprinted, photostatic, or other productions or reproductions of 74121  
written or graphic matter; 74122~~

~~(9) To use the thing transferred, as described in section 74123  
5739.011 of the Revised Code, primarily in a manufacturing 74124  
operation to produce tangible personal property for sale; 74125~~

~~(10) To use the benefit of a warranty, maintenance or service 74126  
contract, or similar agreement, as defined in division (B)(7) of 74127~~

~~this section, to repair or maintain tangible personal property, if 74128  
all of the property that is the subject of the warranty, contract, 74129  
or agreement would be exempt on its purchase from the tax imposed 74130  
by section 5739.02 of the Revised Code; 74131~~

~~(11) To use the thing transferred as qualified research and 74132  
development equipment; 74133~~

~~(12) To use or consume the thing transferred primarily in 74134  
storing, transporting, mailing, or otherwise handling purchased 74135  
sales inventory in a warehouse, distribution center, or similar 74136  
facility when the inventory is primarily distributed outside this 74137  
state to retail stores of the person who owns or controls the 74138  
warehouse, distribution center, or similar facility, to retail 74139  
stores of an affiliated group of which that person is a member, or 74140  
by means of direct marketing. Division (E)(12) of this section 74141  
does not apply to motor vehicles registered for operation on the 74142  
public highways. As used in division (E)(12) of this section, 74143  
"affiliated group" has the same meaning as in division (B)(3)(c) 74144  
of this section and "direct marketing" has the same meaning as in 74145  
division (B)(36) of section 5739.02 of the Revised Code. 74146~~

~~(13) To use or consume the thing transferred to fulfill a 74147  
contractual obligation incurred by a warrantor pursuant to a 74148  
warranty provided as a part of the price of the tangible personal 74149  
property sold or by a vendor of a warranty, maintenance or service 74150  
contract, or similar agreement the provision of which is defined 74151  
as a sale under division (B)(7) of this section; 74152~~

~~(14) To use or consume the thing transferred in the 74153  
production of a newspaper for distribution to the public; 74154~~

~~(15) To use tangible personal property to perform a service 74155  
listed in division (B)(3) of this section, if the property is or 74156  
is to be permanently transferred to the consumer of the service as 74157  
an integral part of the performance of the service. 74158~~

~~As used in division (E) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (c) of this section.~~ 74159  
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~~Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction, are not retail sales or sales at retail.~~ 74162  
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(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds. 74169  
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(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business. 74173  
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(H)(1)(a) "Price," except as provided in divisions (H)(2) and (3) of this section, means ~~the aggregate value in money of anything paid or delivered, or promised to be paid or delivered, in the complete performance of a retail sale, without any deduction on account of the cost of the property sold, cost of materials used, labor or service cost, interest, discount paid or allowed after the sale is consummated, or any other expense. If the retail sale consists of the rental or lease of tangible personal property, "price" means the aggregate value in money of anything paid or delivered, or promised to be paid or delivered, in the complete performance of the rental or lease, without any deduction for tax, interest, labor or service charge, damage liability waiver, termination or damage charge, discount paid or allowed after the lease is consummated, or any other expense.~~ 74177  
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~~Except as provided in division (H)(4) of this section, the sales tax shall be calculated and collected by the lessor on each payment made by the lessee. "Price" does not include the consideration received as a deposit refundable to the consumer upon return of a beverage container, the consideration received as a deposit on a carton or case that is used for such returnable containers, or the consideration received as a refundable security deposit for the use of tangible personal property to the extent that it actually is refunded, if the consideration for such refundable deposit is separately stated from the consideration received or to be received for the tangible personal property transferred in the retail sale. Such separation must appear in the sales agreement or on the initial invoice or initial billing rendered by the vendor to the consumer. "Price" also does not include delivery charges that are separately stated on the initial invoice or initial billing rendered by the vendor. Price is the amount received inclusive of the tax, provided the vendor establishes to the satisfaction of the tax commissioner that the tax was added to the price. When the price includes both a charge for tangible personal property and a charge for providing a service and the sale of the property and the charge for the service are separately taxable, or have a separately determinable tax status, the price shall be separately stated for each such charge so the tax can be correctly computed and charged.~~

~~The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized in section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or~~

~~transit authority shall derive any benefit from the collection or  
payment of such tax.~~ 74224  
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~~As used in division (H)(1) of this section, "delivery  
charges" means charges by the vendor for preparation and delivery  
to a location designated by the consumer of tangible personal  
property or a service, including transportation, shipping,  
postage, handling, crating, and packing the total amount of  
consideration, including cash, credit, property, and services, for  
which tangible personal property or services are sold, leased, or  
rented, valued in money, whether received in money or otherwise,  
without any deduction for any of the following:~~ 74226  
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(i) The vendor's cost of the property sold; 74235

(ii) The cost of materials used, labor or service costs,  
interest, losses, all costs of transportation to the vendor, all  
taxes imposed on the vendor, and any other expense of the vendor; 74236  
74237  
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(iii) Charges by the vendor for any services necessary to  
complete the sale; 74239  
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(iv) On and after August 1, 2003, delivery charges. As used  
in this division, "delivery charges" means charges by the vendor  
for preparation and delivery to a location designated by the  
consumer of tangible personal property or a service, including  
transportation, shipping, postage, handling, crating, and packing. 74241  
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(v) Installation charges; 74246

(vi) The value of exempt tangible personal property given to  
the consumer where taxable and exempt tangible personal property  
have been bundled together and sold by the vendor as a single  
product or piece of merchandise. 74247  
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(b) "Price" does not include any of the following: 74251

(i) Discounts, including cash, term, or coupons that are not  
reimbursed by a third party that are allowed by a vendor and taken 74252  
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by a consumer on a sale; 74254

(ii) Interest, financing, and carrying charges from credit 74255  
extended on the sale of tangible personal property or services, if 74256  
the amount is separately stated on the invoice, bill of sale, or 74257  
similar document given to the purchaser; 74258

(iii) Any taxes legally imposed directly on the consumer that 74259  
are separately stated on the invoice, bill of sale, or similar 74260  
document given to the consumer. 74261

(2) In the case of a sale of any new motor vehicle by a new 74262  
motor vehicle dealer, as defined in section 4517.01 of the Revised 74263  
Code, in which another motor vehicle is accepted by the dealer as 74264  
part of the consideration received, "price" has the same meaning 74265  
as in division (H)(1) of this section, reduced by the credit 74266  
afforded the consumer by the dealer for the motor vehicle received 74267  
in trade. 74268

(3) In the case of a sale of any watercraft or outboard motor 74269  
by a watercraft dealer licensed in accordance with section 74270  
1547.543 of the Revised Code, in which another watercraft, 74271  
watercraft and trailer, or outboard motor is accepted by the 74272  
dealer as part of the consideration received, "price" has the same 74273  
meaning as in division (H)(1) of this section, reduced by the 74274  
credit afforded the consumer by the dealer for the watercraft, 74275  
watercraft and trailer, or outboard motor received in trade. As 74276  
used in this division, "watercraft" includes an outdrive unit 74277  
attached to the watercraft. 74278

~~(4) In the case of the lease of any motor vehicle designed by~~ 74279  
~~the manufacturer to carry a load of not more than one ton,~~ 74280  
~~watercraft, outboard motor, or aircraft, or the lease of any~~ 74281  
~~tangible personal property, other than motor vehicles designed by~~ 74282  
~~the manufacturer to carry a load of more than one ton, to be used~~ 74283  
~~by the lessee primarily for business purposes, the sales tax shall~~ 74284

~~be collected by the vendor at the time the lease is consummated 74285  
and shall be calculated by the vendor on the basis of the total 74286  
amount to be paid by the lessee under the lease agreement. If the 74287  
total amount of the consideration for the lease includes amounts 74288  
that are not calculated at the time the lease is executed, the tax 74289  
shall be calculated and collected by the vendor at the time such 74290  
amounts are billed to the lessee. In the case of an open end 74291  
lease, the sales tax shall be calculated by the vendor on the 74292  
basis of the total amount to be paid during the initial fixed term 74293  
of the lease, and then for each subsequent renewal period as it 74294  
comes due. 74295~~

~~As used in divisions (H)(3) and (4) of this section, "motor 74296  
vehicle" has the same meaning as in section 4501.01 of the Revised 74297  
Code, and "watercraft" includes an outdrive unit attached to the 74298  
watercraft. 74299~~

In the case of a transaction in which telecommunications 74300  
service, mobile telecommunications service, or cable television 74301  
service is sold in a bundled transaction with other distinct 74302  
services for a single price that is not itemized, the entire price 74303  
is subject to the taxes levied under sections 5739.02, 5739.021, 74304  
5739.023, and 5739.026 of the Revised Code, unless the vendor can 74305  
reasonably identify the nontaxable portion from its books and 74306  
records kept in the regular course of business. Upon the request 74307  
of the consumer, the vendor shall disclose to the consumer the 74308  
selling price for the taxable services included in the selling 74309  
price for the taxable and nontaxable services billed on an 74310  
aggregated basis. The burden of proving any nontaxable charges is 74311  
on the vendor. 74312

(I) "Receipts" means the total amount of the prices of the 74313  
sales of vendors, provided that cash discounts allowed and taken 74314  
on sales at the time they are consummated are not included, minus 74315  
any amount deducted as a bad debt pursuant to section 5739.121 of 74316

the Revised Code. "Receipts" does not include the sale price of 74317  
property returned or services rejected by consumers when the full 74318  
sale price and tax are refunded either in cash or by credit. 74319

(J) "Place of business" means any location at which a person 74320  
engages in business. 74321

(K) "Premises" includes any real property or portion thereof 74322  
upon which any person engages in selling tangible personal 74323  
property at retail or making retail sales and also includes any 74324  
real property or portion thereof designated for, or devoted to, 74325  
use in conjunction with the business engaged in by such person. 74326

(L) "Casual sale" means a sale of an item of tangible 74327  
personal property that was obtained by the person making the sale, 74328  
through purchase or otherwise, for the person's own use and was 74329  
previously subject to any state's taxing jurisdiction on its sale 74330  
or use, and includes such items acquired for the seller's use that 74331  
are sold by an auctioneer employed directly by the person for such 74332  
purpose, provided the location of such sales is not the 74333  
auctioneer's permanent place of business. As used in this 74334  
division, "permanent place of business" includes any location 74335  
where such auctioneer has conducted more than two auctions during 74336  
the year. 74337

(M) "Hotel" means every establishment kept, used, maintained, 74338  
advertised, or held out to the public to be a place where sleeping 74339  
accommodations are offered to guests, in which five or more rooms 74340  
are used for the accommodation of such guests, whether the rooms 74341  
are in one or several structures. 74342

(N) "Transient guests" means persons occupying a room or 74343  
rooms for sleeping accommodations for less than thirty consecutive 74344  
days. 74345

(O) "Making retail sales" means the effecting of transactions 74346  
wherein one party is obligated to pay the price and the other 74347

party is obligated to provide a service or to transfer title to or 74348  
possession of the item sold. "Making retail sales" does not 74349  
include the preliminary acts of promoting or soliciting the retail 74350  
sales, other than the distribution of printed matter which 74351  
displays or describes and prices the item offered for sale, nor 74352  
does it include delivery of a predetermined quantity of tangible 74353  
personal property or transportation of property or personnel to or 74354  
from a place where a service is performed, regardless of whether 74355  
the vendor is a delivery vendor. 74356

(P) "Used directly in the rendition of a public utility 74357  
service" means that property ~~which~~ that is to be incorporated into 74358  
and will become a part of the consumer's production, transmission, 74359  
transportation, or distribution system and that retains its 74360  
classification as tangible personal property after such 74361  
incorporation; fuel or power used in the production, transmission, 74362  
transportation, or distribution system; and tangible personal 74363  
property used in the repair and maintenance of the production, 74364  
transmission, transportation, or distribution system, including 74365  
only such motor vehicles as are specially designed and equipped 74366  
for such use. Tangible personal property and services used 74367  
primarily in providing highway transportation for hire are not 74368  
used directly in ~~providing the rendition of~~ a public utility 74369  
service ~~as defined in this division.~~ 74370

(Q) "Refining" means removing or separating a desirable 74371  
product from raw or contaminated materials by distillation or 74372  
physical, mechanical, or chemical processes. 74373

(R) "Assembly" and "assembling" mean attaching or fitting 74374  
together parts to form a product, but do not include packaging a 74375  
product. 74376

(S) "Manufacturing operation" means a process in which 74377  
materials are changed, converted, or transformed into a different 74378  
state or form from which they previously existed and includes 74379

refining materials, assembling parts, and preparing raw materials 74380  
and parts by mixing, measuring, blending, or otherwise committing 74381  
such materials or parts to the manufacturing process. 74382

"Manufacturing operation" does not include packaging. 74383

(T) "Fiscal officer" means, with respect to a regional 74384  
transit authority, the secretary-treasurer thereof, and with 74385  
respect to a county that is a transit authority, the fiscal 74386  
officer of the county transit board if one is appointed pursuant 74387  
to section 306.03 of the Revised Code or the county auditor if the 74388  
board of county commissioners operates the county transit system. 74389

(U) "Transit authority" means a regional transit authority 74390  
created pursuant to section 306.31 of the Revised Code or a county 74391  
in which a county transit system is created pursuant to section 74392  
306.01 of the Revised Code. For the purposes of this chapter, a 74393  
transit authority must extend to at least the entire area of a 74394  
single county. A transit authority that includes territory in more 74395  
than one county must include all the area of the most populous 74396  
county that is a part of such transit authority. County population 74397  
shall be measured by the most recent census taken by the United 74398  
States census bureau. 74399

(V) "Legislative authority" means, with respect to a regional 74400  
transit authority, the board of trustees thereof, and with respect 74401  
to a county that is a transit authority, the board of county 74402  
commissioners. 74403

(W) "Territory of the transit authority" means all of the 74404  
area included within the territorial boundaries of a transit 74405  
authority as they from time to time exist. Such territorial 74406  
boundaries must at all times include all the area of a single 74407  
county or all the area of the most populous county that is a part 74408  
of such transit authority. County population shall be measured by 74409  
the most recent census taken by the United States census bureau. 74410

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where

the service provider receives data or information and studies,	74441
alters, analyzes, interprets, or adjusts such material;	74442
(b) Analyzing business policies and procedures;	74443
(c) Identifying management information needs;	74444
(d) Feasibility studies, including economic and technical	74445
analysis of existing or potential computer hardware or software	74446
needs and alternatives;	74447
(e) Designing policies, procedures, and custom software for	74448
collecting business information, and determining how data should	74449
be summarized, sequenced, formatted, processed, controlled, and	74450
reported so that it will be meaningful to management;	74451
(f) Developing policies and procedures that document how	74452
business events and transactions are to be authorized, executed,	74453
and controlled;	74454
(g) Testing of business procedures;	74455
(h) Training personnel in business procedure applications;	74456
(i) Providing credit information to users of such information	74457
by a consumer reporting agency, as defined in the "Fair Credit	74458
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	74459
as hereafter amended, including but not limited to gathering,	74460
organizing, analyzing, recording, and furnishing such information	74461
by any oral, written, graphic, or electronic medium;	74462
(j) Providing debt collection services by any oral, written,	74463
graphic, or electronic means.	74464
The services listed in divisions (Y)(2)(a) to (j) of this	74465
section are not automatic data processing or computer services.	74466
(Z) "Highway transportation for hire" means the	74467
transportation of personal property belonging to others for	74468
consideration by any of the following:	74469

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare; 74470  
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(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section; 74475  
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(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section. 74482  
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(AA) "Telecommunications service" means the transmission of any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium such as wires, cables, microwaves, cellular radio, radio waves, light waves, or any combination of those or similar media. 74484  
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"Telecommunications service" includes message toll service even though the vendor provides the message toll service by means of wide area transmission type service or private communications service purchased from another telecommunications service provider, but and other related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling. 74489  
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"Telecommunications service" does not include any of the following: 74497  
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~~(1) Sales of incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight hundred type service, to the person contracting~~ 74499  
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~~for the receipt of that service;~~ 74502

~~(2) Sales of private communications service to the person~~ 74503  
~~contracting for the receipt of that service that entitles the~~ 74504  
~~purchaser to exclusive or priority use of a communications channel~~ 74505  
~~or group of channels between exchanges;~~ 74506

~~(3) Sales of telecommunications service billed to persons~~ 74507  
~~before January 1, 2004, by telephone companies subject to the~~ 74508  
~~excise tax imposed by Chapter 5727. of the Revised Code;~~ 74509

~~(4)(2) Sales of telecommunications service to a provider of~~ 74510  
~~telecommunications service or of mobile telecommunications~~ 74511  
~~service, including access services, for use in providing~~ 74512  
~~telecommunications service or mobile telecommunications service;~~ 74513

~~(5)(3) Value-added nonvoice services in which computer~~ 74514  
~~processing applications are used to act on the form, content,~~ 74515  
~~code, or protocol of the information to be transmitted;~~ 74516

~~(6)(4) Transmission of interactive video programming by a~~ 74517  
~~cable television system as defined in section 505.90 of the~~ 74518  
~~Revised Code;~~ 74519

~~(7)(5) After July 31, 2002, mobile telecommunications~~ 74520  
~~service.~~ 74521

(BB) "~~Industrial laundry~~ Laundry and dry cleaning services" 74522  
means removing soil or dirt from ~~or supplying~~ towels, linens, ~~or~~ 74523  
articles of clothing, or other fabric items that belong to others 74524  
and ~~are used in a trade or business~~ supplying towels, linens, 74525  
articles of clothing, or other fabric items. "Laundry and dry 74526  
cleaning services" does not include the provision of self-service 74527  
facilities for use by consumers to remove soil or dirt from 74528  
towels, linens, articles of clothing, or other fabric items. 74529

(CC) "Magazines distributed as controlled circulation 74530  
publications" means magazines containing at least twenty-four 74531

pages, at least twenty-five per cent editorial content, issued at 74532  
regular intervals four or more times a year, and circulated 74533  
without charge to the recipient, provided that such magazines are 74534  
not owned or controlled by individuals or business concerns which 74535  
conduct such publications as an auxiliary to, and essentially for 74536  
the advancement of the main business or calling of, those who own 74537  
or control them. 74538

(DD) "Landscaping and lawn care service" means the services 74539  
of planting, seeding, sodding, removing, cutting, trimming, 74540  
pruning, mulching, aerating, applying chemicals, watering, 74541  
fertilizing, and providing similar services to establish, promote, 74542  
or control the growth of trees, shrubs, flowers, grass, ground 74543  
cover, and other flora, or otherwise maintaining a lawn or 74544  
landscape grown or maintained by the owner for ornamentation or 74545  
other nonagricultural purpose. However, "landscaping and lawn care 74546  
service" does not include the providing of such services by a 74547  
person who has less than five thousand dollars in sales of such 74548  
services during the calendar year. 74549

(EE) "Private investigation and security service" means the 74550  
performance of any activity for which the provider of such service 74551  
is required to be licensed pursuant to Chapter 4749. of the 74552  
Revised Code, or would be required to be so licensed in performing 74553  
such services in this state, and also includes the services of 74554  
conducting polygraph examinations and of monitoring or overseeing 74555  
the activities on or in, or the condition of, the consumer's home, 74556  
business, or other facility by means of electronic or similar 74557  
monitoring devices. "Private investigation and security service" 74558  
does not include special duty services provided by off-duty police 74559  
officers, deputy sheriffs, and other peace officers regularly 74560  
employed by the state or a political subdivision. 74561

(FF) "Information services" means providing conversation, 74562  
giving consultation or advice, playing or making a voice or other 74563

recording, making or keeping a record of the number of callers, 74564  
and any other service provided to a consumer by means of a nine 74565  
hundred telephone call, except when the nine hundred telephone 74566  
call is the means by which the consumer makes a contribution to a 74567  
recognized charity. 74568

(GG) "Research and development" means designing, creating, or 74569  
formulating new or enhanced products, equipment, or manufacturing 74570  
processes, and also means conducting scientific or technological 74571  
inquiry and experimentation in the physical sciences with the goal 74572  
of increasing scientific knowledge which may reveal the bases for 74573  
new or enhanced products, equipment, or manufacturing processes. 74574

(HH) "Qualified research and development equipment" means 74575  
capitalized tangible personal property, and leased personal 74576  
property that would be capitalized if purchased, used by a person 74577  
primarily to perform research and development. Tangible personal 74578  
property primarily used in testing, as defined in division (A)(4) 74579  
of section 5739.011 of the Revised Code, or used for recording or 74580  
storing test results, is not qualified research and development 74581  
equipment unless such property is primarily used by the consumer 74582  
in testing the product, equipment, or manufacturing process being 74583  
created, designed, or formulated by the consumer in the research 74584  
and development activity or in recording or storing such test 74585  
results. 74586

(II) "Building maintenance and janitorial service" means 74587  
cleaning the interior or exterior of a building and any tangible 74588  
personal property located therein or thereon, including any 74589  
services incidental to such cleaning for which no separate charge 74590  
is made. However, "building maintenance and janitorial service" 74591  
does not include the providing of such service by a person who has 74592  
less than five thousand dollars in sales of such service during 74593  
the calendar year. 74594

(JJ) "Employment service" means providing or supplying 74595

personnel, on a temporary or long-term basis, to perform work or 74596  
labor under the supervision or control of another, when the 74597  
personnel so supplied receive their wages, salary, or other 74598  
compensation from the provider of the service. "Employment 74599  
service" does not include: 74600

(1) Acting as a contractor or subcontractor, where the 74601  
personnel performing the work are not under the direct control of 74602  
the purchaser. 74603

(2) Medical and health care services. 74604

(3) Supplying personnel to a purchaser pursuant to a contract 74605  
of at least one year between the service provider and the 74606  
purchaser that specifies that each employee covered under the 74607  
contract is assigned to the purchaser on a permanent basis. 74608

(4) Transactions between members of an affiliated group, as 74609  
defined in division (B)(3)(e) of this section. 74610

(KK) "Employment placement service" means locating or finding 74611  
employment for a person or finding or locating an employee to fill 74612  
an available position. 74613

(LL) "Exterminating service" means eradicating or attempting 74614  
to eradicate vermin infestations from a building or structure, or 74615  
the area surrounding a building or structure, and includes 74616  
activities to inspect, detect, or prevent vermin infestation of a 74617  
building or structure. 74618

(MM) "Physical fitness facility service" means all 74619  
transactions by which a membership is granted, maintained, or 74620  
renewed, including initiation fees, membership dues, renewal fees, 74621  
monthly minimum fees, and other similar fees and dues, by a 74622  
physical fitness facility such as an athletic club, health spa, or 74623  
gymnasium, which entitles the member to use the facility for 74624  
physical exercise. 74625

(NN) "Recreation and sports club service" means all 74626  
transactions by which a membership is granted, maintained, or 74627  
renewed, including initiation fees, membership dues, renewal fees, 74628  
monthly minimum fees, and other similar fees and dues, by a 74629  
recreation and sports club, which entitles the member to use the 74630  
facilities of the organization. "Recreation and sports club" means 74631  
an organization that has ownership of, or controls or leases on a 74632  
continuing, long-term basis, the facilities used by its members 74633  
and includes an aviation club, gun or shooting club, yacht club, 74634  
card club, swimming club, tennis club, golf club, country club, 74635  
riding club, amateur sports club, or similar organization. 74636

(OO) "Livestock" means farm animals commonly raised for food 74637  
or food production, and includes but is not limited to cattle, 74638  
sheep, goats, swine, and poultry. "Livestock" does not include 74639  
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 74640  
animals for use in laboratories or for exhibition, or other 74641  
animals not commonly raised for food or food production. 74642

(PP) "Livestock structure" means a building or structure used 74643  
exclusively for the housing, raising, feeding, or sheltering of 74644  
livestock, and includes feed storage or handling structures and 74645  
structures for livestock waste handling. 74646

(QQ) "Horticulture" means the growing, cultivation, and 74647  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 74648  
and nursery stock. As used in this division, "nursery stock" has 74649  
the same meaning as in section 927.51 of the Revised Code. 74650

(RR) "Horticulture structure" means a building or structure 74651  
used exclusively for the commercial growing, raising, or 74652  
overwintering of horticultural products, and includes the area 74653  
used for stocking, storing, and packing horticultural products 74654  
when done in conjunction with the production of those products. 74655

(SS) "Newspaper" means an unbound publication bearing a title 74656

or name that is regularly published, at least as frequently as 74657  
biweekly, and distributed from a fixed place of business to the 74658  
public in a specific geographic area, and that contains a 74659  
substantial amount of news matter of international, national, or 74660  
local events of interest to the general public. 74661

(TT) "Professional racing team" means a person that employs 74662  
at least twenty full-time employees for the purpose of conducting 74663  
a motor vehicle racing business for profit. The person must 74664  
conduct the business with the purpose of racing one or more motor 74665  
racing vehicles in at least ten competitive professional racing 74666  
events each year that comprise all or part of a motor racing 74667  
series sanctioned by one or more motor racing sanctioning 74668  
organizations. A "motor racing vehicle" means a vehicle for which 74669  
the chassis, engine, and parts are designed exclusively for motor 74670  
racing, and does not include a stock or production model vehicle 74671  
that may be modified for use in racing. For the purposes of this 74672  
division: 74673

(1) A "competitive professional racing event" is a motor 74674  
vehicle racing event sanctioned by one or more motor racing 74675  
sanctioning organizations, at which aggregate cash prizes in 74676  
excess of eight hundred thousand dollars are awarded to the 74677  
competitors. 74678

(2) "Full-time employee" means an individual who is employed 74679  
for consideration for thirty-five or more hours a week, or who 74680  
renders any other standard of service generally accepted by custom 74681  
or specified by contract as full-time employment. 74682

(UU)(1) ~~"Prepaid authorization number" means a numeric or 74683  
alphanumeric combination that represents a prepaid account that 74684  
can be used by the account holder solely to obtain 74685  
telecommunications service, and includes any renewals or increases 74686  
in the prepaid account. 74687~~

~~(2) "Prepaid telephone calling card" means a tangible item that contains a prepaid authorization number that can be used solely to obtain telecommunications service, and includes any renewals or increases in the prepaid account.~~

~~(VV) "Lease" or "rental" means any transfer for a consideration of the possession or control of and right to use, but not title to, tangible personal property for a fixed period of time greater than thirty days or for an open ended period of time with a minimum fixed period of more than thirty days or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:~~

~~(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the required payments;~~

~~(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars or one per cent of the total required payments;~~

~~(c) Providing tangible personal property along with an operator for a fixed or indefinite period of time, if the operator is necessary for the property to perform as designed. For purposes of this division, the operator must do more than maintain, inspect, or set-up the tangible personal property.~~

~~(2) "Lease" and "rental," as defined in division (UU) of this section, shall not apply to leases or rentals that exist before~~

the effective date of this amendment. 74719

(3) "Lease" and "rental" have the same meaning as in division (UU)(1) of this section regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, Title XIII of the Revised Code, or other federal, state, or local laws. 74720  
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~~(WW)~~(VV) "Mobile telecommunications service" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling. 74725  
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~~(XX)~~(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 74733  
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(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service. 74735  
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(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software. 74744  
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(ZZ) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

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(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

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(BBB) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

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(CCC) "Delivered electronically" means delivery of computer software from the seller to the purchaser by means other than tangible storage media.

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(DDD) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a

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prewritten portion thereof that is modified or enhanced to any 74782  
degree, where such modification or enhancement is designed and 74783  
developed to the specifications of a specific purchaser, remains 74784  
prewritten computer software; provided, however, that where there 74785  
is a reasonable, separately stated charge or an invoice or other 74786  
statement of the price given to the purchaser for the modification 74787  
or enhancement, the modification or enhancement shall not 74788  
constitute prewritten computer software. 74789

(EEE)(1) Prior to July 1, 2004, "food" means cereals and 74790  
cereal products, milk and milk products including ice cream, meat 74791  
and meat products, fish and fish products, eggs and egg products, 74792  
vegetables and vegetable products, fruits, fruit products, and 74793  
pure fruit juices, condiments, sugar and sugar products, coffee 74794  
and coffee substitutes, tea, and cocoa and cocoa products. "Food" 74795  
does not include spirituous liquors, wine, mixed beverages, or 74796  
beer; soft drinks; sodas and beverages that are ordinarily 74797  
dispensed at or in connection with bars and soda fountains, other 74798  
than coffee, tea, and cocoa; root beer and root beer extracts; 74799  
malt and malt extracts; mineral oils, cod liver oils, and halibut 74800  
liver oil; medicines, including tonics, vitamin preparations, and 74801  
other products sold primarily for their medicinal properties; and 74802  
water, including mineral, bottled, and carbonated waters, and ice. 74803

(2) On and after July 1, 2004, "food" means substances, 74804  
whether in liquid, concentrated, solid, frozen, dried, or 74805  
dehydrated form, that are sold for ingestion or chewing by humans 74806  
and are consumed for their taste or nutritional value. "Food" does 74807  
not include alcoholic beverages, dietary supplements, soft drinks, 74808  
or tobacco. 74809

(3) As used in division (EEE)(2) of this section: 74810

(a) "Alcoholic beverages" means beverages that are suitable 74811  
for human consumption and contain one-half of one per cent or more 74812  
of alcohol by volume. 74813

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(3)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official

national formulary, and supplements to them; is intended for use 74844  
in the diagnosis, cure, mitigation, treatment, or prevention of 74845  
disease; or is intended to affect the structure or any function of 74846  
the body. 74847

(GGG) "Prescription" means an order, formula, or recipe 74848  
issued in any form of oral, written, electronic, or other means of 74849  
transmission by a duly licensed practitioner authorized by the 74850  
laws of this state to issue a prescription. 74851

(HHH) "Durable medical equipment" means equipment, including 74852  
repair and replacement parts for such equipment, that can 74853  
withstand repeated use, is primarily and customarily used to serve 74854  
a medical purpose, generally is not useful to a person in the 74855  
absence of illness or injury, and is not worn in or on the body. 74856

(III) "Mobility enhancing equipment" means equipment, 74857  
including repair and replacement parts for such equipment, that is 74858  
primarily and customarily used to provide or increase the ability 74859  
to move from one place to another and is appropriate for use 74860  
either in a home or a motor vehicle, that is not generally used by 74861  
persons with normal mobility, and that does not include any motor 74862  
vehicle or equipment on a motor vehicle normally provided by a 74863  
motor vehicle manufacturer. 74864

(JJJ) "Prosthetic device" means a replacement, corrective, or 74865  
supportive device, including repair and replacement parts for the 74866  
device, worn on or in the human body to artificially replace a 74867  
missing portion of the body, prevent or correct physical deformity 74868  
or malfunction, or support a weak or deformed portion of the body. 74869  
As used in this division, "prosthetic device" does not include 74870  
corrective eyeglasses, contact lenses, or dental prosthesis. 74871

(KKK)(1) "Fractional aircraft ownership program" means a 74872  
program in which persons within an affiliated group sell and 74873  
manage fractional ownership program aircraft, provided that at 74874

least one hundred airworthy aircraft are operated in the program 74875  
and the program meets all of the following criteria: 74876

(a) Management services are provided by at least one program 74877  
manager within an affiliated group on behalf of the fractional 74878  
owners. 74879

(b) Each program aircraft is owned or possessed by at least 74880  
one fractional owner. 74881

(c) Each fractional owner owns or possesses at least a 74882  
one-sixteenth interest in at least one fixed-wing program 74883  
aircraft. 74884

(d) A dry-lease aircraft interchange arrangement is in effect 74885  
among all of the fractional owners. 74886

(e) Multi-year program agreements are in effect regarding the 74887  
fractional ownership, management services, and dry-lease aircraft 74888  
interchange arrangement aspects of the program. 74889

(2) As used in division (KKK)(1) of this section: 74890

(a) "Affiliated group" has the same meaning as in division 74891  
(B)(3)(e) of this section. 74892

(b) "Fractional owner" means a person that owns or possesses 74893  
at least a one-sixteenth interest in a program aircraft and has 74894  
entered into the agreements described in division (KKK)(1)(e) of 74895  
this section. 74896

(c) "Fractional ownership program aircraft" or "program 74897  
aircraft" means a turbojet aircraft that is owned or possessed by 74898  
a fractional owner and that has been included in a dry-lease 74899  
aircraft interchange arrangement and agreement under divisions 74900  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 74901  
manager owns or possesses primarily for use in a fractional 74902  
aircraft ownership program. 74903

(d) "Management services" means administrative and aviation 74904

support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

**Sec. 5739.011.** (A) As used in this section: 74920

(1) "Manufacturer" means a person who is engaged in manufacturing, processing, assembling, or refining a product for sale. 74921  
74922  
74923

(2) "Manufacturing facility" means a single location where a manufacturing operation is conducted, including locations consisting of one or more buildings or structures in a contiguous area owned or controlled by the manufacturer. 74924  
74925  
74926  
74927

(3) "Materials handling" means the movement of the product being or to be manufactured, during which movement the product is not undergoing any substantial change or alteration in its state or form. 74928  
74929  
74930  
74931

(4) "Testing" means a process or procedure to identify the properties or assure the quality of a material or product. 74932  
74933

(5) "Completed product" means a manufactured item that is in 74934

the form and condition as it will be sold by the manufacturer. An 74935  
item is completed when all processes that change or alter its 74936  
state or form or enhance its value are finished, even though the 74937  
item subsequently will be tested to ensure its quality or be 74938  
packaged for storage or shipment. 74939

(6) "Continuous manufacturing operation" means the process in 74940  
which raw materials or components are moved through the steps 74941  
whereby manufacturing occurs. Materials handling of raw materials 74942  
or parts from the point of receipt or preproduction storage or of 74943  
a completed product, to or from storage, to or from packaging, or 74944  
to the place from which the completed product will be shipped, is 74945  
not a part of a continuous manufacturing operation. 74946

(B) For purposes of division ~~(E)(9)(B)(43)(g)~~ of section 74947  
~~5739.01~~ 5739.02 of the Revised Code, the "thing transferred" 74948  
includes, but is not limited to, any of the following: 74949

(1) Production machinery and equipment that act upon the 74950  
product or machinery and equipment that treat the materials or 74951  
parts in preparation for the manufacturing operation; 74952

(2) Materials handling equipment that moves the product 74953  
through a continuous manufacturing operation; equipment that 74954  
temporarily stores the product during the manufacturing operation; 74955  
or, excluding motor vehicles licensed to operate on public 74956  
highways, equipment used in intraplant or interplant transfers of 74957  
work in process where the plant or plants between which such 74958  
transfers occur are manufacturing facilities operated by the same 74959  
person; 74960

(3) Catalysts, solvents, water, acids, oil, and similar 74961  
consumables that interact with the product and that are an 74962  
integral part of the manufacturing operation; 74963

(4) Machinery, equipment, and other tangible personal 74964  
property used during the manufacturing operation that control, 74965

physically support, produce power for, lubricate, or are otherwise	74966
necessary for the functioning of production machinery and	74967
equipment and the continuation of the manufacturing operation;	74968
(5) Machinery, equipment, fuel, power, material, parts, and	74969
other tangible personal property used to manufacture machinery,	74970
equipment, or other tangible personal property used in	74971
manufacturing a product for sale;	74972
(6) Machinery, equipment, and other tangible personal	74973
property used by a manufacturer to test raw materials, the product	74974
being manufactured, or the completed product;	74975
(7) Machinery and equipment used to handle or temporarily	74976
store scrap that is intended to be reused in the manufacturing	74977
operation at the same manufacturing facility;	74978
(8) Coke, gas, water, steam, and similar substances used in	74979
the manufacturing operation; machinery and equipment used for, and	74980
fuel consumed in, producing or extracting those substances;	74981
machinery, equipment, and other tangible personal property used to	74982
treat, filter, pump, or otherwise make the substance suitable for	74983
use in the manufacturing operation; and machinery and equipment	74984
used for, and fuel consumed in, producing electricity for use in	74985
the manufacturing operation;	74986
(9) Machinery, equipment, and other tangible personal	74987
property used to transport or transmit electricity, coke, gas,	74988
water, steam, or similar substances used in the manufacturing	74989
operation from the point of generation, if produced by the	74990
manufacturer, or from the point where the substance enters the	74991
manufacturing facility, if purchased by the manufacturer, to the	74992
manufacturing operation;	74993
(10) Machinery, equipment, and other tangible personal	74994
property that treats, filters, cools, refines, or otherwise	74995
renders water, steam, acid, oil, solvents, or similar substances	74996

used in the manufacturing operation reusable, provided that the	74997
substances are intended for reuse and not for disposal, sale, or	74998
transportation from the manufacturing facility;	74999
(11) Parts, components, and repair and installation services	75000
for items described in division (B) of this section.	75001
(C) For purposes of division <del>(E)(9)</del> <u>(B)(43)(g)</u> of section	75002
<del>5739.01</del> <u>5739.02</u> of the Revised Code, the "thing transferred" does	75003
not include any of the following:	75004
(1) Tangible personal property used in administrative,	75005
personnel, security, inventory control, record-keeping, ordering,	75006
billing, or similar functions;	75007
(2) Tangible personal property used in storing raw materials	75008
or parts prior to the commencement of the manufacturing operation	75009
or used to handle or store a completed product, including storage	75010
that actively maintains a completed product in a marketable state	75011
or form;	75012
(3) Tangible personal property used to handle or store scrap	75013
or waste intended for disposal, sale, or other disposition, other	75014
than reuse in the manufacturing operation at the same	75015
manufacturing facility;	75016
(4) Tangible personal property that is or is to be	75017
incorporated into realty;	75018
(5) Machinery, equipment, and other tangible personal	75019
property used for ventilation, dust or gas collection, humidity or	75020
temperature regulation, or similar environmental control, except	75021
machinery, equipment, and other tangible personal property that	75022
totally regulates the environment in a special and limited area of	75023
the manufacturing facility where the regulation is essential for	75024
production to occur;	75025
(6) Tangible personal property used for the protection and	75026

safety of workers, unless the property is attached to or 75027  
incorporated into machinery and equipment used in a continuous 75028  
manufacturing operation; 75029

(7) Tangible personal property used to store fuel, water, 75030  
solvents, acid, oil, or similar items consumed in the 75031  
manufacturing operation; 75032

(8) Machinery, equipment, and other tangible personal 75033  
property used to clean, repair, or maintain real or personal 75034  
property in the manufacturing facility; 75035

(9) Motor vehicles registered for operation on public 75036  
highways. 75037

(D) For purposes of division ~~(E)(9)~~(B)(43)(g) of section 75038  
~~5739.01~~ 5739.02 of the Revised Code, if the "thing transferred" is 75039  
a machine used by a manufacturer in both a taxable and an exempt 75040  
manner, it shall be totally taxable or totally exempt from 75041  
taxation based upon its quantified primary use. If the "things 75042  
transferred" are fungibles, they shall be taxed based upon the 75043  
proportion of the fungibles used in a taxable manner. 75044

**Sec. 5739.02.** For the purpose of providing revenue with which 75045  
to meet the needs of the state, for the use of the general revenue 75046  
fund of the state, for the purpose of securing a thorough and 75047  
efficient system of common schools throughout the state, for the 75048  
purpose of affording revenues, in addition to those from general 75049  
property taxes, permitted under constitutional limitations, and 75050  
from other sources, for the support of local governmental 75051  
functions, and for the purpose of reimbursing the state for the 75052  
expense of administering this chapter, an excise tax is hereby 75053  
levied on each retail sale made in this state. 75054

(A)(1) The tax shall be collected ~~pursuant to the schedules~~ 75055  
as provided in section 5739.025 of the Revised Code, provided that 75056

on and after July 1, 2003, and on or before June 30, 2005, the 75057  
rate of tax shall be six per cent. On and after July 1, 2005, the 75058  
rate of the tax shall be five per cent. The 75059

The tax applies and is collectible when the sale is made, 75060  
regardless of the time when the price is paid or delivered. 75061

In (2) In the case of the lease or rental, with a fixed term 75062  
of more than thirty days or an indefinite term with a minimum 75063  
period of more than thirty days, of any motor vehicles designed by 75064  
the manufacturer to carry a load of not more than one ton, 75065  
watercraft, outboard motor, or aircraft, or of any tangible 75066  
personal property, other than motor vehicles designed by the 75067  
manufacturer to carry a load of more than one ton, to be used by 75068  
the lessee or renter primarily for business purposes, the tax 75069  
shall be collected by the vendor at the time the lease or rental 75070  
is consummated and shall be calculated by the vendor on the basis 75071  
of the total amount to be paid by the lessee or renter under the 75072  
lease agreement. If the total amount of the consideration for the 75073  
lease or rental includes amounts that are not calculated at the 75074  
time the lease or rental is executed, the tax shall be calculated 75075  
and collected by the vendor at the time such amounts are billed to 75076  
the lessee or renter. In the case of an open-end lease or rental, 75077  
the tax shall be calculated by the vendor on the basis of the 75078  
total amount to be paid during the initial fixed term of the lease 75079  
or rental, and for each subsequent renewal period as it comes due. 75080  
As used in this division, "motor vehicle" has the same meaning as 75081  
in section 4501.01 of the Revised Code, and "watercraft" includes 75082  
an outdrive unit attached to the watercraft. 75083

A lease with a renewal clause and a termination penalty or 75084  
similar provision that applies if the renewal clause is not 75085  
exercised is presumed to be a sham transaction. In such a case, 75086  
the tax shall be calculated and paid on the basis of the entire 75087  
length of the lease period, including any renewal periods, until 75088

the termination penalty or similar provision no longer applies. 75089  
The taxpayer shall bear the burden, by a preponderance of the 75090  
evidence, that the transaction or series of transactions is not a 75091  
sham transaction. 75092

(3) Except as provided in division (A)(2) of this section, in 75093  
the case of a sale, the price of which consists in whole or in 75094  
part of ~~rentals for the use of the thing transferred~~ the lease or 75095  
rental of tangible personal property, the tax, ~~as regards those~~ 75096  
~~rentals,~~ shall be measured by the installments of ~~those rentals~~ 75097  
that lease or rental. 75098

(4) In the case of a sale of a physical fitness facility 75099  
service or recreation and sports club service defined under 75100  
~~division (MM) or (NN) of section 5739.01 of the Revised Code,~~ the 75101  
price of which consists in whole or in part of a membership for 75102  
the receipt of the benefit of the service, the tax applicable to 75103  
the sale shall be measured by the installments thereof. 75104

(B) The tax does not apply to the following: 75105

(1) Sales to the state or any of its political subdivisions, 75106  
or to any other state or its political subdivisions if the laws of 75107  
that state exempt from taxation sales made to this state and its 75108  
political subdivisions; 75109

(2) Sales of food for human consumption off the premises 75110  
where sold; 75111

(3) Sales of food sold to students only in a cafeteria, 75112  
dormitory, fraternity, or sorority maintained in a private, 75113  
public, or parochial school, college, or university; 75114

(4) Sales of newspapers and of magazine subscriptions and 75115  
sales or transfers of magazines distributed as controlled 75116  
circulation publications; 75117

(5) The furnishing, preparing, or serving of meals without 75118

charge by an employer to an employee provided the employer records 75119  
the meals as part compensation for services performed or work 75120  
done; 75121

(6) Sales of motor fuel upon receipt, use, distribution, or 75122  
sale of which in this state a tax is imposed by the law of this 75123  
state, but this exemption shall not apply to the sale of motor 75124  
fuel on which a refund of the tax is allowable under division (A) 75125  
of section 5735.14 of the Revised Code; and the tax commissioner 75126  
may deduct the amount of tax levied by this section applicable to 75127  
the price of motor fuel when granting a refund of motor fuel tax 75128  
pursuant to division (A) of section 5735.14 of the Revised Code 75129  
and shall cause the amount deducted to be paid into the general 75130  
revenue fund of this state; 75131

(7) Sales of natural gas by a natural gas company, of water 75132  
by a water-works company, or of steam by a heating company, if in 75133  
each case the thing sold is delivered to consumers through pipes 75134  
or conduits, and all sales of communications services by a 75135  
~~telephone or~~ telegraph company, all terms as defined in section 75136  
5727.01 of the Revised Code, and sales of electricity delivered 75137  
through wires; 75138

(8) Casual sales by a person, or auctioneer employed directly 75139  
by the person to conduct such sales, except as to such sales of 75140  
motor vehicles, watercraft or outboard motors required to be 75141  
titled under section 1548.06 of the Revised Code, watercraft 75142  
documented with the United States coast guard, snowmobiles, and 75143  
all-purpose vehicles as defined in section 4519.01 of the Revised 75144  
Code; 75145

(9) Sales of services or tangible personal property, other 75146  
than motor vehicles, mobile homes, and manufactured homes, by 75147  
churches, organizations exempt from taxation under section 75148  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 75149  
organizations operated exclusively for charitable purposes as 75150

defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization, except that sales made by separate student clubs and other groups of students of a primary or secondary school, and sales made by a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school, shall not be considered to be sales of such school, and sales by each such club, group, association, or organization shall be counted separately for purposes of the six-day limitation. This division does not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution of the United States;

(11) The Except for transactions that are sales under division (B)(3)(s) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no

substantial part of the activities of which consists of carrying 75183  
on propaganda or otherwise attempting to influence legislation; 75184  
sales to offices administering one or more homes for the aged or 75185  
one or more hospital facilities exempt under section 140.08 of the 75186  
Revised Code; and sales to organizations described in division (D) 75187  
of section 5709.12 of the Revised Code. 75188

"Charitable purposes" means the relief of poverty; the 75189  
improvement of health through the alleviation of illness, disease, 75190  
or injury; the operation of an organization exclusively for the 75191  
provision of professional, laundry, printing, and purchasing 75192  
services to hospitals or charitable institutions; the operation of 75193  
a home for the aged, as defined in section 5701.13 of the Revised 75194  
Code; the operation of a radio or television broadcasting station 75195  
that is licensed by the federal communications commission as a 75196  
noncommercial educational radio or television station; the 75197  
operation of a nonprofit animal adoption service or a county 75198  
humane society; the promotion of education by an institution of 75199  
learning that maintains a faculty of qualified instructors, 75200  
teaches regular continuous courses of study, and confers a 75201  
recognized diploma upon completion of a specific curriculum; the 75202  
operation of a parent-teacher association, booster group, or 75203  
similar organization primarily engaged in the promotion and 75204  
support of the curricular or extracurricular activities of a 75205  
primary or secondary school; the operation of a community or area 75206  
center in which presentations in music, dramatics, the arts, and 75207  
related fields are made in order to foster public interest and 75208  
education therein; the production of performances in music, 75209  
dramatics, and the arts; or the promotion of education by an 75210  
organization engaged in carrying on research in, or the 75211  
dissemination of, scientific and technological knowledge and 75212  
information primarily for the public. 75213

Nothing in this division shall be deemed to exempt sales to 75214

any organization for use in the operation or carrying on of a 75215  
trade or business, or sales to a home for the aged for use in the 75216  
operation of independent living facilities as defined in division 75217  
(A) of section 5709.12 of the Revised Code. 75218

(13) Building and construction materials and services sold to 75219  
construction contractors for incorporation into a structure or 75220  
improvement to real property under a construction contract with 75221  
this state or a political subdivision of this state, or with the 75222  
United States government or any of its agencies; building and 75223  
construction materials and services sold to construction 75224  
contractors for incorporation into a structure or improvement to 75225  
real property that are accepted for ownership by this state or any 75226  
of its political subdivisions, or by the United States government 75227  
or any of its agencies at the time of completion of the structures 75228  
or improvements; building and construction materials sold to 75229  
construction contractors for incorporation into a horticulture 75230  
structure or livestock structure for a person engaged in the 75231  
business of horticulture or producing livestock; building 75232  
materials and services sold to a construction contractor for 75233  
incorporation into a house of public worship or religious 75234  
education, or a building used exclusively for charitable purposes 75235  
under a construction contract with an organization whose purpose 75236  
is as described in division (B)(12) of this section; building 75237  
materials and services sold to a construction contractor for 75238  
incorporation into a building under a construction contract with 75239  
an organization exempt from taxation under section 501(c)(3) of 75240  
the Internal Revenue Code of 1986 when the building is to be used 75241  
exclusively for the organization's exempt purposes; building and 75242  
construction materials sold for incorporation into the original 75243  
construction of a sports facility under section 307.696 of the 75244  
Revised Code; and building and construction materials and services 75245  
sold to a construction contractor for incorporation into real 75246  
property outside this state if such materials and services, when 75247

sold to a construction contractor in the state in which the real 75248  
property is located for incorporation into real property in that 75249  
state, would be exempt from a tax on sales levied by that state; 75250

(14) Sales of ships or vessels or rail rolling stock used or 75251  
to be used principally in interstate or foreign commerce, and 75252  
repairs, alterations, fuel, and lubricants for such ships or 75253  
vessels or rail rolling stock; 75254

(15) Sales to persons engaged in any of the activities 75255  
mentioned in division ~~(E)(2)(B)(43)(a)~~ or ~~(9)(g)~~ of this section 75256  
~~5739.01 of the Revised Code~~, to persons engaged in making retail 75257  
sales, or to persons who purchase for sale from a manufacturer 75258  
tangible personal property that was produced by the manufacturer 75259  
in accordance with specific designs provided by the purchaser, of 75260  
packages, including material, labels, and parts for packages, and 75261  
of machinery, equipment, and material for use primarily in 75262  
packaging tangible personal property produced for sale, including 75263  
any machinery, equipment, and supplies used to make labels or 75264  
packages, to prepare packages or products for labeling, or to 75265  
label packages or products, by or on the order of the person doing 75266  
the packaging, or sold at retail. "Packages" includes bags, 75267  
baskets, cartons, crates, boxes, cans, bottles, bindings, 75268  
wrappings, and other similar devices and containers, and 75269  
"packaging" means placing therein. 75270

(16) Sales of food to persons using food stamp benefits to 75271  
purchase the food. As used in this division ~~(B)(16)~~ of ~~this~~ 75272  
~~section~~, "food" has the same meaning as in the "Food Stamp Act of 75273  
1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal 75274  
regulations adopted pursuant to that act. 75275

(17) Sales to persons engaged in farming, agriculture, 75276  
horticulture, or floriculture, of tangible personal property for 75277  
use or consumption directly in the production by farming, 75278  
agriculture, horticulture, or floriculture of other tangible 75279

personal property for use or consumption directly in the 75280  
production of tangible personal property for sale by farming, 75281  
agriculture, horticulture, or floriculture; or material and parts 75282  
for incorporation into any such tangible personal property for use 75283  
or consumption in production; and of tangible personal property 75284  
for such use or consumption in the conditioning or holding of 75285  
products produced by and for such use, consumption, or sale by 75286  
persons engaged in farming, agriculture, horticulture, or 75287  
floriculture, except where such property is incorporated into real 75288  
property; 75289

(18) Sales of drugs for a human being, dispensed by a 75290  
~~licensed pharmacist upon the order of a licensed health~~ 75291  
~~professional authorized to prescribe drugs to a human being, as~~ 75292  
~~the term "licensed health professional authorized to prescribe~~ 75293  
~~drugs" is defined in section 4729.01 of the Revised Code pursuant~~ 75294  
to a prescription; insulin as recognized in the official United 75295  
States pharmacopoeia; urine and blood testing materials when used 75296  
by diabetics or persons with hypoglycemia to test for glucose or 75297  
acetone; hypodermic syringes and needles when used by diabetics 75298  
for insulin injections; epoetin alfa when purchased for use in the 75299  
treatment of persons with ~~end-stage renal~~ medical disease; 75300  
hospital beds when purchased for use by persons with medical 75301  
problems for medical purposes; and medical oxygen and medical 75302  
oxygen-dispensing equipment when purchased for use by persons with 75303  
medical problems for medical purposes; 75304

(19)(a) Sales of ~~artificial limbs or portion thereof, breast~~ 75305  
~~prostheses, and other~~ prosthetic devices for humans; ~~braces or~~ 75306  
~~other devices for supporting weakened or nonfunctioning parts of~~ 75307  
~~the human body; crutches or other devices to aid human~~ 75308  
~~perambulation; and items of tangible personal property used to~~ 75309  
~~supplement impaired functions of the human body such as~~ 75310  
~~respiration, hearing, or elimination;~~ 75311

~~(b) Sales of wheelchairs; items incorporated into or used in conjunction with a motor vehicle for the purpose of transporting wheelchairs, other than transportation conducted in connection with the sale or delivery of wheelchairs; and items incorporated into or used in conjunction with a motor vehicle that are specifically designed to assist a person with a disability to access or operate the motor vehicle. As used in this division, "person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or disabled to the extent that the person is unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other disabling condition.~~

~~(c) No exemption under this division shall be allowed for nonprescription drugs, medicines, or remedies; items or devices used to supplement vision; items or devices whose function is solely or primarily cosmetic; or physical fitness equipment. This division does not apply to sales to a physician or medical facility for use in the treatment of a patient, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.~~

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the

same from this state in a vehicle owned by the purchaser; 75344

(22) Sales of services provided by the state or any of its 75345  
political subdivisions, agencies, instrumentalities, institutions, 75346  
or authorities, or by governmental entities of the state or any of 75347  
its political subdivisions, agencies, instrumentalities, 75348  
institutions, or authorities; 75349

(23) Sales of motor vehicles to nonresidents of this state 75350  
upon the presentation of an affidavit executed in this state by 75351  
the nonresident purchaser affirming that the purchaser is a 75352  
nonresident of this state, that possession of the motor vehicle is 75353  
taken in this state for the sole purpose of immediately removing 75354  
it from this state, that the motor vehicle will be permanently 75355  
titled and registered in another state, and that the motor vehicle 75356  
will not be used in this state; 75357

(24) Sales to persons engaged in the preparation of eggs for 75358  
sale of tangible personal property used or consumed directly in 75359  
such preparation, including such tangible personal property used 75360  
for cleaning, sanitizing, preserving, grading, sorting, and 75361  
classifying by size; packages, including material and parts for 75362  
packages, and machinery, equipment, and material for use in 75363  
packaging eggs for sale; and handling and transportation equipment 75364  
and parts therefor, except motor vehicles licensed to operate on 75365  
public highways, used in intraplant or interplant transfers or 75366  
shipment of eggs in the process of preparation for sale, when the 75367  
plant or plants within or between which such transfers or 75368  
shipments occur are operated by the same person. "Packages" 75369  
includes containers, cases, baskets, flats, fillers, filler flats, 75370  
cartons, closure materials, labels, and labeling materials, and 75371  
"packaging" means placing therein. 75372

(25)(a) Sales of water to a consumer for residential use, 75373  
except the sale of bottled water, distilled water, mineral water, 75374  
carbonated water, or ice; 75375

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	75376 75377 75378 75379
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	75380 75381
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	75382 75383 75384 75385
(a) To prepare food for human consumption for sale;	75386
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	75387 75388 75389 75390
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	75391 75392
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	75393 75394
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	75395 75396 75397 75398
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	75399 75400 75401
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	75402 75403 75404
(32) The sale, lease, repair, and maintenance of, parts for,	75405

or items attached to or incorporated in, motor vehicles that are 75406  
primarily used for transporting tangible personal property by a 75407  
person engaged in highway transportation for hire; 75408

(33) Sales to the state headquarters of any veterans' 75409  
organization in this state that is either incorporated and issued 75410  
a charter by the congress of the United States or is recognized by 75411  
the United States veterans administration, for use by the 75412  
headquarters; 75413

(34) Sales to a telecommunications service vendor, mobile 75414  
telecommunications service vendor, or satellite broadcasting 75415  
service vendor of tangible personal property and services used 75416  
directly and primarily in transmitting, receiving, switching, or 75417  
recording any interactive, one- or two-way electromagnetic 75418  
communications, including voice, image, data, and information, 75419  
through the use of any medium, including, but not limited to, 75420  
poles, wires, cables, switching equipment, computers, and record 75421  
storage devices and media, and component parts for the tangible 75422  
personal property. The exemption provided in this division ~~(B)(34)~~ 75423  
~~of this section~~ shall be in lieu of all other ~~exceptions~~ 75424  
exemptions under division ~~(E)(2)(B)(43)(a)~~ of this section 5739.01 75425  
~~of the Revised Code~~ to which a ~~telecommunications service~~ the 75426  
vendor may otherwise be entitled, based upon the use of the thing 75427  
purchased in providing the telecommunications, mobile 75428  
telecommunications, or satellite broadcasting service. 75429

(35) Sales of investment metal bullion and investment coins. 75430  
"Investment metal bullion" means any elementary precious metal 75431  
that has been put through a process of smelting or refining, 75432  
including, but not limited to, gold, silver, platinum, and 75433  
palladium, and which is in such state or condition that its value 75434  
depends upon its content and not upon its form. "Investment metal 75435  
bullion" does not include fabricated precious metal that has been 75436  
processed or manufactured for one or more specific and customary 75437

industrial, professional, or artistic uses. "Investment coins" 75438  
means numismatic coins or other forms of money and legal tender 75439  
manufactured of gold, silver, platinum, palladium, or other metal 75440  
under the laws of the United States or any foreign nation with a 75441  
fair market value greater than any statutory or nominal value of 75442  
such coins. 75443

(36)(a) Sales where the purpose of the consumer is to use or 75444  
consume the things transferred in making retail sales and 75445  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 75446  
certificates, or other advertising material that prices and 75447  
describes tangible personal property offered for retail sale. 75448

(b) Sales to direct marketing vendors of preliminary 75449  
materials such as photographs, artwork, and typesetting that will 75450  
be used in printing advertising material; of printed matter that 75451  
offers free merchandise or chances to win sweepstake prizes and 75452  
that is mailed to potential customers with advertising material 75453  
described in division (B)(36)(a) of this section; and of equipment 75454  
such as telephones, computers, facsimile machines, and similar 75455  
tangible personal property primarily used to accept orders for 75456  
direct marketing retail sales. 75457

(c) Sales of automatic food vending machines that preserve 75458  
food with a shelf life of forty-five days or less by refrigeration 75459  
and dispense it to the consumer. 75460

For purposes of division (B)(36) of this section, "direct 75461  
marketing" means the method of selling where consumers order 75462  
tangible personal property by United States mail, delivery 75463  
service, or telecommunication and the vendor delivers or ships the 75464  
tangible personal property sold to the consumer from a warehouse, 75465  
catalogue distribution center, or similar fulfillment facility by 75466  
means of the United States mail, delivery service, or common 75467  
carrier. 75468

(37) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;	75469 75470 75471
<del>(38) The sale of a motor vehicle that is used exclusively for a vanpool ridesharing arrangement to persons participating in the vanpool ridesharing arrangement when the vendor is selling the vehicle pursuant to a contract between the vendor and the department of transportation;</del>	75472 75473 75474 75475 75476
<del>(39)</del> Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	75477 75478 75479 75480 75481
<del>(40)</del> <u>(39)</u> Sales to a professional racing team of any of the following:	75482 75483
(a) Motor racing vehicles;	75484
(b) Repair services for motor racing vehicles;	75485
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	75486 75487 75488 75489 75490 75491 75492 75493
<del>(41)</del> <u>(40)</u> Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	75494 75495 75496
<del>(42)</del> <u>(41)</u> Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily	75497 75498

in generating, transmitting, or distributing electricity for use 75499  
by others, including property that is or is to be incorporated 75500  
into and will become a part of the consumer's production, 75501  
transmission, or distribution system and that retains its 75502  
classification as tangible personal property after incorporation; 75503  
fuel or power used in the production, transmission, or 75504  
distribution of electricity; and tangible personal property and 75505  
services used in the repair and maintenance of the production, 75506  
transmission, or distribution system, including only those motor 75507  
vehicles as are specially designed and equipped for such use. The 75508  
exemption provided in this division shall be in lieu of all other 75509  
~~exceptions~~ exemptions in division ~~(E)(2)~~(B)(43)(a) of this section 75510  
~~5739.01 of the Revised Code~~ to which a provider of electricity may 75511  
otherwise be entitled based on the use of the tangible personal 75512  
property or service purchased in generating, transmitting, or 75513  
distributing electricity. 75514

(42) Sales to a person providing services under division 75515  
(B)(3)(s) of section 5739.01 of the Revised Code of tangible 75516  
personal property and services used directly and primarily in 75517  
providing taxable services under that section. 75518

(43) Sales where the purpose of the purchaser is to do any of 75519  
the following: 75520

(a) To incorporate the thing transferred as a material or a 75521  
part into tangible personal property to be produced for sale by 75522  
manufacturing, assembling, processing, or refining; or to use or 75523  
consume the thing transferred directly in producing tangible 75524  
personal property for sale by mining, including, without 75525  
limitation, the extraction from the earth of all substances that 75526  
are classed geologically as minerals, production of crude oil and 75527  
natural gas, farming, agriculture, horticulture, or floriculture, 75528  
or directly in the rendition of a public utility service, except 75529  
that the sales tax levied by this section shall be collected upon 75530

all meals, drinks, and food for human consumption sold when 75531  
transporting persons. Persons engaged in rendering farming, 75532  
agricultural, horticultural, or floricultural services, and 75533  
services in the exploration for, and production of, crude oil and 75534  
natural gas, for others are deemed engaged directly in farming, 75535  
agriculture, horticulture, and floriculture, or exploration for, 75536  
and production of, crude oil and natural gas. This paragraph does 75537  
not exempt from "retail sale" or "sales at retail" the sale of 75538  
tangible personal property that is to be incorporated into a 75539  
structure or improvement to real property. 75540

(b) To hold the thing transferred as security for the 75541  
performance of an obligation of the vendor; 75542

(c) To resell, hold, use, or consume the thing transferred as 75543  
evidence of a contract of insurance; 75544

(d) To use or consume the thing directly in commercial 75545  
fishing; 75546

(e) To incorporate the thing transferred as a material or a 75547  
part into, or to use or consume the thing transferred directly in 75548  
the production of, magazines distributed as controlled circulation 75549  
publications; 75550

(f) To use or consume the thing transferred in the production 75551  
and preparation in suitable condition for market and sale of 75552  
printed, imprinted, overprinted, lithographic, multilithic, 75553  
blueprinted, photostatic, or other productions or reproductions of 75554  
written or graphic matter; 75555

(g) To use the thing transferred, as described in section 75556  
5739.011 of the Revised Code, primarily in a manufacturing 75557  
operation to produce tangible personal property for sale; 75558

(h) To use the benefit of a warranty, maintenance or service 75559  
contract, or similar agreement, as described in division (B)(7) of 75560  
section 5739.01 of the Revised Code, to repair or maintain 75561

tangible personal property, if all of the property that is the 75562  
subject of the warranty, contract, or agreement would not be 75563  
subject to the tax imposed by this section; 75564

(i) To use the thing transferred as qualified research and 75565  
development equipment; 75566

(j) To use or consume the thing transferred primarily in 75567  
storing, transporting, mailing, or otherwise handling purchased 75568  
sales inventory in a warehouse, distribution center, or similar 75569  
facility when the inventory is primarily distributed outside this 75570  
state to retail stores of the person who owns or controls the 75571  
warehouse, distribution center, or similar facility, to retail 75572  
stores of an affiliated group of which that person is a member, or 75573  
by means of direct marketing. This division does not apply to 75574  
motor vehicles registered for operation on the public highways. As 75575  
used in this division, "affiliated group" has the same meaning as 75576  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 75577  
"direct marketing" has the same meaning as in division (B)(36) of 75578  
this section. 75579

(k) To use or consume the thing transferred to fulfill a 75580  
contractual obligation incurred by a warrantor pursuant to a 75581  
warranty provided as a part of the price of the tangible personal 75582  
property sold or by a vendor of a warranty, maintenance or service 75583  
contract, or similar agreement the provision of which is defined 75584  
as a sale under division (B)(7) of section 5739.01 of the Revised 75585  
Code; 75586

(l) To use or consume the thing transferred in the production 75587  
of a newspaper for distribution to the public; 75588

(m) To use tangible personal property to perform a service 75589  
listed in division (B)(3) of section 5739.01 of the Revised Code, 75590  
if the property is or is to be permanently transferred to the 75591  
consumer of the service as an integral part of the performance of 75592

the service. 75593

As used in division (B)(43) of this section, "thing" includes 75594  
all transactions included in divisions (B)(3)(a), (b), and (e) of 75595  
section 5739.01 of the Revised Code. 75596

(44) Sales conducted through a coin operated device that 75597  
activates vacuum equipment or equipment that dispenses water, 75598  
whether or not in combination with soap or other cleaning agents 75599  
or wax, to the consumer for the consumer's use on the premises in 75600  
washing, cleaning, or waxing a motor vehicle, provided no other 75601  
personal property or personal service is provided as part of the 75602  
transaction. 75603

(45) Sales of replacement and modification parts for engines, 75604  
airframes, instruments, and interiors in, and paint for, aircraft 75605  
used primarily in a fractional aircraft ownership program, and 75606  
sales of services for the repair, modification, and maintenance of 75607  
such aircraft, and machinery, equipment, and supplies primarily 75608  
used to provide those services. 75609

(46) Sales of telecommunications service that is used 75610  
directly and primarily to perform the functions of a call center. 75611  
As used in this division, "call center" means any physical 75612  
location where telephone calls are placed or received in high 75613  
volume for the purpose of making sales, marketing, customer 75614  
service, technical support, or other specialized business 75615  
activity, and that employs at least fifty individuals that engage 75616  
in call center activities on a full-time basis, or sufficient 75617  
individuals to fill fifty full-time equivalent positions. 75618

(C) For the purpose of the proper administration of this 75619  
chapter, and to prevent the evasion of the tax, it is presumed 75620  
that all sales made in this state are subject to the tax until the 75621  
contrary is established. 75622

~~As used in this section, except in division (B)(16) of this~~ 75623

~~section, "food" includes cereals and cereal products, milk and 75624  
milk products including ice cream, meat and meat products, fish 75625  
and fish products, eggs and egg products, vegetables and vegetable 75626  
products, fruits, fruit products, and pure fruit juices, 75627  
condiments, sugar and sugar products, coffee and coffee 75628  
substitutes, tea, and cocoa and cocoa products. It does not 75629  
include: spirituous liquors, wine, mixed beverages, or beer; soft 75630  
drinks; sodas and beverages that are ordinarily dispensed at or in 75631  
connection with bars and soda fountains, other than coffee, tea, 75632  
and cocoa; root beer and root beer extracts; malt and malt 75633  
extracts; mineral oils, cod liver oils, and halibut liver oil; 75634  
medicines, including tonics, vitamin preparations, and other 75635  
products sold primarily for their medicinal properties; and water, 75636  
including mineral, bottled, and carbonated waters, and ice. 75637~~

~~(C)(D) The levy of this tax on retail sales of recreation and 75638  
sports club service shall not prevent a municipal corporation from 75639  
levying any tax on recreation and sports club dues or on any 75640  
income generated by recreation and sports club dues. 75641~~

~~(E) The tax collected by the vendor from the consumer under 75642  
this chapter is not part of the price, but is a tax collection for 75643  
the benefit of the state, and of counties levying an additional 75644  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 75645  
Code and of transit authorities levying an additional sales tax 75646  
pursuant to section 5739.023 of the Revised Code. Except for the 75647  
discount authorized under section 5739.12 of the Revised Code and 75648  
the effects of any rounding pursuant to section 5703.055 of the 75649  
Revised Code, no person other than the state or such a county or 75650  
transit authority shall derive any benefit from the collection or 75651  
payment of the tax levied by this section or section 5739.021, 75652  
5739.023, or 5739.026 of the Revised Code. 75653~~

**Sec. 5739.021.** (A) For the purpose of providing additional 75654

general revenues for the county or supporting criminal and 75655  
administrative justice services in the county, or both, and to pay 75656  
the expenses of administering such levy, any county may levy a tax 75657  
at the rate of not more than one per cent at any multiple of 75658  
one-fourth of one per cent upon every retail sale made in the 75659  
county, except sales of watercraft and outboard motors required to 75660  
be titled pursuant to Chapter 1548. of the Revised Code and sales 75661  
of motor vehicles, and may increase the rate of an existing tax to 75662  
not more than one per cent at any multiple of one-fourth of one 75663  
per cent. 75664

The tax shall be levied and the rate increased pursuant to a 75665  
resolution of the board of county commissioners. The resolution 75666  
shall state the purpose for which the tax is to be levied and the 75667  
number of years for which the tax is to be levied, or that it is 75668  
for a continuing period of time. If the tax is to be levied for 75669  
the purpose of providing additional general revenues and for the 75670  
purpose of supporting criminal and administrative justice 75671  
services, the resolution shall state the rate or amount of the tax 75672  
to be apportioned to each such purpose. The rate or amount may be 75673  
different for each year the tax is to be levied, but the rates or 75674  
amounts actually apportioned each year shall not be different from 75675  
that stated in the resolution for that year. If the resolution is 75676  
adopted as an emergency measure necessary for the immediate 75677  
preservation of the public peace, health, or safety, it must 75678  
receive an affirmative vote of all of the members of the board of 75679  
county commissioners and shall state the reasons for such 75680  
necessity. A The board shall deliver a certified copy of the 75681  
resolution shall be delivered to the tax commissioner ~~either~~ 75682  
~~personally or by certified mail,~~ not later than the ~~sixtieth~~ 75683  
sixty-fifth day prior to the date on which the tax is to become 75684  
effective, which shall be the first day of the calendar quarter. 75685

Prior to the adoption of any resolution under this section, 75686

the board of county commissioners shall conduct two public 75687  
hearings on the resolution, the second hearing to be not less than 75688  
three nor more than ten days after the first. Notice of the date, 75689  
time, and place of the hearings shall be given by publication in a 75690  
newspaper of general circulation in the county once a week on the 75691  
same day of the week for two consecutive weeks, the second 75692  
publication being not less than ten nor more than thirty days 75693  
prior to the first hearing. 75694

Except as provided in division (B)(3) of this section, the 75695  
resolution shall ~~become effective on the first day of a calendar~~ 75696  
~~quarter following the expiration of sixty days from the date of~~ 75697  
~~its adoption,~~ be subject to a referendum as provided in sections 75698  
305.31 to 305.41 of the Revised Code. 75699

If a petition for a referendum is filed, the county auditor 75700  
with whom the petition was filed shall, within five days, notify 75701  
the board of county commissioners and the tax commissioner of the 75702  
filing of the petition by certified mail. If the board of 75703  
elections with which the petition was filed declares the petition 75704  
invalid, the board of elections, within five days, shall notify 75705  
the board of county commissioners and the tax commissioner of that 75706  
declaration by certified mail. If the petition is declared to be 75707  
invalid, the effective date of the tax or increased rate of tax 75708  
levied by this section shall be the first day of a calendar 75709  
quarter following the expiration of sixty-five days from the date 75710  
the ~~petition was declared invalid by~~ commissioner receives notice 75711  
from the board of elections that the petition is invalid. 75712

(B)(1) A resolution that is not adopted as an emergency 75713  
measure may direct the board of elections to submit the question 75714  
of levying the tax or increasing the rate of tax to the electors 75715  
of the county at a special election held on the date specified by 75716  
the board of county commissioners in the resolution, provided that 75717  
the election occurs not less than seventy-five days after a 75718

certified copy of such resolution is transmitted to the board of 75719  
elections and the election is not held in February or August of 75720  
any year. Upon transmission of the resolution to the board of 75721  
elections, the board of county commissioners shall notify the tax 75722  
commissioner in writing of the levy question to be submitted to 75723  
the electors. No resolution adopted under this division shall go 75724  
into effect unless approved by a majority of those voting upon it, 75725  
and, except as provided in division (B)(3) of this section, shall 75726  
become effective on the first day of a calendar quarter following 75727  
the expiration of sixty-five days from the date ~~of notice to~~ the 75728  
tax commissioner ~~by~~ receives notice from the board of elections of 75729  
the affirmative vote. 75730

(2) A resolution that is adopted as an emergency measure 75731  
shall go into effect as provided in division (A) of this section, 75732  
but may direct the board of elections to submit the question of 75733  
repealing the tax or increase in the rate of the tax to the 75734  
electors of the county at the next general election in the county 75735  
occurring not less than seventy-five days after a certified copy 75736  
of the resolution is transmitted to the board of elections. Upon 75737  
transmission of the resolution to the board of elections, the 75738  
board of county commissioners shall notify the tax commissioner in 75739  
writing of the levy question to be submitted to the electors. The 75740  
ballot question shall be the same as that prescribed in section 75741  
5739.022 of the Revised Code. The board of elections shall notify 75742  
the board of county commissioners and the tax commissioner of the 75743  
result of the election immediately after the result has been 75744  
declared. If a majority of the qualified electors voting on the 75745  
question of repealing the tax or increase in the rate of the tax 75746  
vote for repeal of the tax or repeal of the increase, the board of 75747  
county commissioners, on the first day of a calendar quarter 75748  
following the expiration of sixty-five days after the date ~~it~~ 75749  
~~received~~ the board and tax commissioner receive notice of the 75750  
result of the election, shall, in the case of a repeal of the tax, 75751

cease to levy the tax, or, in the case of a repeal of an increase 75752  
in the rate of the tax, cease to levy the increased rate and levy 75753  
the tax at the rate at which it was imposed immediately prior to 75754  
the increase in rate. 75755

(3) If a vendor that is registered with the central 75756  
electronic registration system provided for in section 5740.05 of 75757  
the Revised Code makes a sale in this state by printed catalog and 75758  
the consumer computed the tax on the sale based on local rates 75759  
published in the catalog, any tax levied or repealed or rate 75760  
changed under this section shall not apply to such ~~sales~~ a sale 75761  
until the first day of a calendar quarter following the expiration 75762  
of one hundred twenty days from the date of notice by the tax 75763  
commissioner ~~to the vendor, or to the vendor's certified service~~ 75764  
~~provider, if the vendor has selected one~~ pursuant to division (H) 75765  
of this section. 75766

(C) If a resolution is rejected at a referendum or if a 75767  
resolution adopted after January 1, 1982, as an emergency measure 75768  
is repealed by the electors pursuant to division (B)(2) of this 75769  
section or section 5739.022 of the Revised Code, then for one year 75770  
after the date of the election at which the resolution was 75771  
rejected or repealed the board of county commissioners may not 75772  
adopt any resolution authorized by this section as an emergency 75773  
measure. 75774

(D) The board of county commissioners, at any time while a 75775  
tax levied under this section is in effect, may by resolution 75776  
reduce the rate at which the tax is levied to a lower rate 75777  
authorized by this section. Any reduction in the rate at which the 75778  
tax is levied shall be made effective on the first day of a 75779  
calendar quarter next following the ~~sixtieth~~ sixty-fifth day after 75780  
~~the certification~~ a certified copy of the resolution is delivered 75781  
to the tax commissioner. 75782

(E) The tax on every retail sale subject to a tax levied 75783

pursuant to this section shall be in addition to the tax levied by 75784  
section 5739.02 of the Revised Code and any tax levied pursuant to 75785  
section 5739.023 or 5739.026 of the Revised Code. 75786

A county that levies a tax pursuant to this section shall 75787  
levy a tax at the same rate pursuant to section 5741.021 of the 75788  
Revised Code. 75789

The additional tax levied by the county shall be collected 75790  
pursuant to section 5739.025 of the Revised Code. If the 75791  
additional tax or some portion thereof is levied for the purpose 75792  
of criminal and administrative justice services, the revenue from 75793  
the tax, or the amount or rate apportioned to that purpose, shall 75794  
be credited to a special fund created in the county treasury for 75795  
receipt of that revenue. 75796

Any tax levied pursuant to this section is subject to the 75797  
exemptions provided in section 5739.02 of the Revised Code and in 75798  
addition shall not be applicable to sales not within the taxing 75799  
power of a county under the Constitution of the United States or 75800  
the Ohio Constitution. 75801

(F) For purposes of this section, a copy of a resolution is 75802  
"certified" when it contains a written statement attesting that 75803  
the copy is a true and exact reproduction of the original 75804  
resolution. 75805

(G) If a board of commissioners intends to adopt a resolution 75806  
to levy a tax in whole or in part for the purpose of criminal and 75807  
administrative justice services, the board shall prepare and make 75808  
available at the first public hearing at which the resolution is 75809  
considered a statement containing the following information: 75810

(1) For each of the two preceding fiscal years, the amount of 75811  
expenditures made by the county from the county general fund for 75812  
the purpose of criminal and administrative justice services; 75813

(2) For the fiscal year in which the resolution is adopted, 75814

the board's estimate of the amount of expenditures to be made by 75815  
the county from the county general fund for the purpose of 75816  
criminal and administrative justice services; 75817

(3) For each of the two fiscal years after the fiscal year in 75818  
which the resolution is adopted, the board's preliminary plan for 75819  
expenditures to be made from the county general fund for the 75820  
purpose of criminal and administrative justice services, both 75821  
under the assumption that the tax will be imposed for that purpose 75822  
and under the assumption that the tax would not be imposed for 75823  
that purpose, and for expenditures to be made from the special 75824  
fund created under division (E) of this section under the 75825  
assumption that the tax will be imposed for that purpose. 75826

The board shall prepare the statement and the preliminary 75827  
plan using the best information available to the board at the time 75828  
the statement is prepared. Neither the statement nor the 75829  
preliminary plan shall be used as a basis to challenge the 75830  
validity of the tax in any court of competent jurisdiction, nor 75831  
shall the statement or preliminary plan limit the authority of the 75832  
board to appropriate, pursuant to section 5705.38 of the Revised 75833  
Code, an amount different from that specified in the preliminary 75834  
plan. 75835

(H) Upon receipt from a board of county commissioners of a 75836  
certified copy of a resolution required by division (A) or (D) of 75837  
this section, or from the board of elections of a notice of the 75838  
results of an election required by division (A) or (B)(1) or (2) 75839  
of this section, the tax commissioner shall provide notice of a 75840  
tax rate change in a manner that is reasonably accessible to all 75841  
affected vendors. The commissioner shall provide this notice at 75842  
least sixty days prior to the effective date of the rate change. 75843  
The commissioner, by rule, may establish the method by which 75844  
notice will be provided. 75845

(I) As used in this section, "criminal and administrative 75846

justice services" means the exercise by the county sheriff of all 75847  
powers and duties vested in that office by law; the exercise by 75848  
the county prosecuting attorney of all powers and duties vested in 75849  
that office by law; the exercise by any court in the county of all 75850  
powers and duties vested in that court; the exercise by the clerk 75851  
of the court of common pleas, any clerk of a municipal court 75852  
having jurisdiction throughout the county, or the clerk of any 75853  
county court of all powers and duties vested in the clerk by law 75854  
except, in the case of the clerk of the court of common pleas, the 75855  
titling of motor vehicles or watercraft pursuant to Chapter 1548. 75856  
or 4505. of the Revised Code; the exercise by the county coroner 75857  
of all powers and duties vested in that office by law; making 75858  
payments to any other public agency or a private, nonprofit 75859  
agency, the purposes of which in the county include the diversion, 75860  
adjudication, detention, or rehabilitation of criminals or 75861  
juvenile offenders; the operation and maintenance of any detention 75862  
facility, as defined in section 2921.01 of the Revised Code; and 75863  
the construction, acquisition, equipping, or repair of such a 75864  
detention facility, including the payment of any debt charges 75865  
incurred in the issuance of securities pursuant to Chapter 133. of 75866  
the Revised Code for the purpose of constructing, acquiring, 75867  
equipping, or repairing such a facility. 75868

**Sec. 5739.022.** (A) The question of repeal of either a county 75869  
permissive tax or an increase in the rate of a county permissive 75870  
tax that was adopted as an emergency measure pursuant to section 75871  
5739.021 or 5739.026 of the Revised Code may be initiated by 75872  
filing with the board of elections of the county not less than 75873  
seventy-five days before the general election in any year a 75874  
petition requesting that an election be held on the question. The 75875  
question of repealing an increase in the rate of the county 75876  
permissive tax shall be submitted to the electors as a separate 75877  
question from the repeal of the tax in effect prior to the 75878

increase in the rate. Any petition filed under this section shall 75879  
be signed by qualified electors residing in the county equal in 75880  
number to ten per cent of those voting for governor at the most 75881  
recent gubernatorial election. 75882

After determination by it that the petition is valid, the 75883  
board of elections shall submit the question to the electors of 75884  
the county at the next general election. The election shall be 75885  
conducted, canvassed, and certified in the same manner as regular 75886  
elections for county offices in the county. The board of elections 75887  
shall notify the tax commissioner, in writing, of the election 75888  
upon determining that the petition is valid. Notice of the 75889  
election shall also be published in a newspaper of general 75890  
circulation in the district once a week for four consecutive weeks 75891  
prior to the election, stating the purpose, the time, and the 75892  
place of the election. The form of the ballot cast at the election 75893  
shall be prescribed by the secretary of state; however, the ballot 75894  
question shall read, "shall the tax (or, increase in the rate of 75895  
the tax) be retained? 75896

	Yes
	No

"

The question covered by the petition shall be submitted as a 75901  
separate proposition, but it may be printed on the same ballot 75902  
with any other proposition submitted at the same election other 75903  
than the election of officers. 75904

(B) If a majority of the qualified electors voting on the 75905  
question of repeal of either a county permissive tax or an 75906  
increase in the rate of a county permissive tax approve the 75907  
repeal, the board of elections shall notify the board of county 75908  
commissioners and the tax commissioner of the result of the 75909

election immediately after the result has been declared. The board 75910  
of county commissioners shall, on the first day of the month 75911  
calendar quarter following the expiration of ~~thirty~~ sixty-five 75912  
days after the date ~~it receives~~ the board and the tax commissioner 75913  
receive the notice, in the case of a repeal of a county permissive 75914  
tax, cease to levy the tax, or, in the case of a repeal of an 75915  
increase in the rate of a county permissive tax, levy the tax at 75916  
the rate at which it was imposed immediately prior to the increase 75917  
in rate and cease to levy the increased rate. 75918

(C) Upon receipt from a board of elections of a notice of the 75919  
results of an election required by division (B) of this section, 75920  
the tax commissioner shall provide notice of a tax repeal or rate 75921  
change in a manner that is reasonably accessible to all affected 75922  
vendors. The commissioner shall provide this notice at least sixty 75923  
days prior to the effective date of the rate change. The 75924  
commissioner, by rule, may establish the method by which notice 75925  
will be provided. 75926

(D) If a vendor that is registered with the central 75927  
electronic registration system provided for in section 5740.05 of 75928  
the Revised Code makes a sale in this state by printed catalog and 75929  
the consumer computed the tax on the sale based on local rates 75930  
published in the catalog, any tax repealed or rate changed under 75931  
this section shall not apply to such a sale until the first day of 75932  
a calendar quarter following the expiration of one hundred twenty 75933  
days from the date of notice by the tax commissioner pursuant to 75934  
division (C) of this section. 75935

**Sec. 5739.023.** (A)(1) For the purpose of providing additional 75936  
general revenues for a transit authority and paying the expenses 75937  
of administering such levy, any transit authority as defined in 75938  
division (U) of section 5739.01 of the Revised Code may levy a tax 75939  
upon every retail sale made in the territory of the transit 75940

authority, except sales of watercraft and outboard motors required 75941  
to be titled pursuant to Chapter 1548. of the Revised Code and 75942  
sales of motor vehicles, at a rate of not more than one and 75943  
one-half per cent at any multiple of one-fourth of one per cent 75944  
and may increase the existing rate of tax to not more than one and 75945  
one-half per cent at any multiple of one-fourth of one per cent. 75946  
The tax shall be levied and the rate increased pursuant to a 75947  
resolution of the legislative authority of the transit authority 75948  
and a certified copy of the resolution shall be delivered by the 75949  
fiscal officer to the board of elections as provided in section 75950  
3505.071 of the Revised Code and to the tax commissioner. The 75951  
resolution shall specify the number of years for which the tax is 75952  
to be in effect or that the tax is for a continuing period of 75953  
time, and the date of the election on the question of the tax 75954  
pursuant to section 306.70 of the Revised Code. The board of 75955  
elections shall certify the results of the election to the transit 75956  
authority and tax commissioner. 75957

(2) Except as provided in division (C) of this section, the 75958  
tax levied by the resolution shall become effective on the first 75959  
day of a calendar quarter next following the ~~sixtieth~~ sixty-fifth 75960  
day following the date the tax commissioner receives from the 75961  
board of elections the certification of the results of the 75962  
election on the question of the tax ~~by the board of elections.~~ 75963

(B) The legislative authority may, at any time while the tax 75964  
is in effect, by resolution fix the rate of the tax at any rate 75965  
authorized by this section and not in excess of that approved by 75966  
the voters pursuant to section 306.70 of the Revised Code. Except 75967  
as provided in division (C) of this section, any change in the 75968  
rate of the tax shall be made effective on the first day of a 75969  
calendar quarter next following the ~~sixtieth~~ sixty-fifth day 75970  
following the date the tax commissioner receives the certification 75971  
of the resolution ~~to the tax commissioner~~; provided, that in any 75972

case where bonds, or notes in anticipation of bonds, of a regional transit authority have been issued under section 306.40 of the Revised Code without a vote of the electors while the tax proposed to be reduced was in effect, the board of trustees of the regional transit authority shall continue to levy and collect under authority of the original election authorizing the tax a rate of tax that the board of trustees reasonably estimates will produce an amount in that year equal to the amount of principal of and interest on those bonds as is payable in that year.

(C) Upon receipt from the board of elections of the certification of the results of the election required by division (A) of this section, or from the legislative authority of the certification of a resolution under division (B) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(D) If a vendor that is registered with the central electronic registration system provided for in section 5740.05 of the Revised Code makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner ~~to the vendor, or to the vendor's certified service provider, if the vendor has selected one~~ pursuant to division (C) of this section.

~~(D)~~(E) The tax on every retail sale subject to a tax levied pursuant to this section is in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to

section 5739.021 or 5739.026 of the Revised Code. 76005

~~(E)~~(F) The additional tax levied by the transit authority 76006  
shall be collected pursuant to section 5739.025 of the Revised 76007  
Code. 76008

~~(F)~~(G) Any tax levied pursuant to this section is subject to 76009  
the exemptions provided in section 5739.02 of the Revised Code and 76010  
in addition shall not be applicable to sales not within the taxing 76011  
power of a transit authority under the constitution of the United 76012  
States or the constitution of this state. 76013

~~(G)~~(H) The rate of a tax levied under this section is subject 76014  
to reduction under section 5739.028 of the Revised Code, if a 76015  
ballot question is approved by voters pursuant to that section. 76016

**Sec. 5739.025.** As used in this section, "local tax" means a 76017  
tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 76018  
5741.021, 5741.022, or 5741.023 of the Revised Code. 76019

(A) The taxes levied by sections 5739.02 and 5741.02 of the 76020  
Revised Code shall be collected as follows: 76021

(1) On and after July 1, 2003, and on or before June 30, 76022  
2005, in accordance with the following schedule: 76023

<u>If the price</u>		<u>The amount of</u>	
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76024
<u>.16</u>	<u>.16</u>	<u>1¢</u>	76025
<u>.17</u>	<u>.33</u>	<u>2¢</u>	76026
<u>.34</u>	<u>.50</u>	<u>3¢</u>	76027
<u>.51</u>	<u>.66</u>	<u>4¢</u>	76028
<u>.67</u>	<u>.83</u>	<u>5¢</u>	76029
<u>.84</u>	<u>1.00</u>	<u>6¢</u>	76030

If the price exceeds one dollar, the tax is six cents on each 76033  
one dollar. If the price exceeds one dollar or a multiple thereof 76034

by not more than seventeen cents, the amount of tax is six cents 76035  
for each one dollar plus one cent. If the price exceeds one dollar 76036  
or a multiple thereof by more than seventeen cents, the amount of 76037  
tax is six cents for each one dollar plus the amount of tax for 76038  
prices eighteen cents through ninety-nine cents in accordance with 76039  
the schedule above. 76040

(2) On and after July 1, 2005, and on and before December 31, 76041  
2005, in accordance with the following schedule: 76042

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	76045
.16	.20	1¢	76046
.21	.40	2¢	76047
.41	.60	3¢	76048
.61	.80	4¢	76049
.81	1.00	5¢	76050

If the price exceeds one dollar, the tax is five cents on 76051  
each one dollar. If the price exceeds one dollar or a multiple 76052  
thereof by not more than twenty cents, the amount of tax is five 76053  
cents for each one dollar plus one cent. If the price exceeds one 76054  
dollar or a multiple thereof by more than twenty cents, the amount 76055  
of tax is five cents for each one dollar plus the amount of tax 76056  
for prices twenty-one cents through ninety-nine cents in 76057  
accordance with the schedule above. 76058

(B) ~~The~~ On and after July 1, 2003, and on and before June 30, 76059  
2005, the combined taxes levied by sections 5739.02 and 5741.02 76060  
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 76061  
5741.022, and 5741.023 of the Revised Code shall be collected in 76062  
accordance with the following schedules: 76063

(1) When the combined rate of state and local tax is six and 76064  
one-fourth per cent: 76065

<u>If the price</u>		<u>The amount of</u>	76066
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	76067
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76068
<u>.16</u>	<u>.16</u>	<u>1¢</u>	76069
<u>.17</u>	<u>.32</u>	<u>2¢</u>	76070
<u>.33</u>	<u>.48</u>	<u>3¢</u>	76071
<u>.49</u>	<u>.64</u>	<u>4¢</u>	76072
<u>.65</u>	<u>.80</u>	<u>5¢</u>	76073
<u>.81</u>	<u>.96</u>	<u>6¢</u>	76074
<u>.97</u>	<u>1.12</u>	<u>7¢</u>	76075
<u>1.13</u>	<u>1.28</u>	<u>8¢</u>	76076
<u>1.29</u>	<u>1.44</u>	<u>9¢</u>	76077
<u>1.45</u>	<u>1.60</u>	<u>10¢</u>	76078
<u>1.61</u>	<u>1.76</u>	<u>11¢</u>	76079
<u>1.77</u>	<u>1.92</u>	<u>12¢</u>	76080
<u>1.93</u>	<u>2.08</u>	<u>13¢</u>	76081
<u>2.09</u>	<u>2.24</u>	<u>14¢</u>	76082
<u>2.25</u>	<u>2.40</u>	<u>15¢</u>	76083
<u>2.41</u>	<u>2.56</u>	<u>16¢</u>	76084
<u>2.57</u>	<u>2.72</u>	<u>17¢</u>	76085
<u>2.73</u>	<u>2.88</u>	<u>18¢</u>	76086
<u>2.89</u>	<u>3.04</u>	<u>19¢</u>	76087
<u>3.05</u>	<u>3.20</u>	<u>20¢</u>	76088
<u>3.21</u>	<u>3.36</u>	<u>21¢</u>	76089
<u>3.37</u>	<u>3.52</u>	<u>22¢</u>	76090
<u>3.53</u>	<u>3.68</u>	<u>23¢</u>	76091
<u>3.69</u>	<u>3.84</u>	<u>24¢</u>	76092
<u>3.85</u>	<u>4.00</u>	<u>25¢</u>	76093
<u>If the price exceeds four dollars, the tax is twenty-five</u>			76094
<u>cents on each four dollars. If the price exceeds four dollars or a</u>			76095
<u>multiple thereof by not more than sixteen cents, the amount of tax</u>			76096
<u>is twenty-five cents for each four dollars plus one cent. If the</u>			76097
<u>price exceeds four dollars or a multiple thereof by more than</u>			76098

sixteen cents, the amount of tax is twenty-five cents for each 76099  
four dollars plus the amount of tax for prices seventeen cents 76100  
through three dollars and ninety-nine cents in accordance with the 76101  
schedule above. 76102

(2) When the combined rate of state and local tax is six and 76103  
one-half per cent: 76104

<u>If the price</u>		<u>The amount of</u>	
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76107
<u>.16</u>	<u>.30</u>	<u>2¢</u>	76108
<u>.31</u>	<u>.46</u>	<u>3¢</u>	76109
<u>.47</u>	<u>.61</u>	<u>4¢</u>	76110
<u>.62</u>	<u>.76</u>	<u>5¢</u>	76111
<u>.77</u>	<u>.92</u>	<u>6¢</u>	76112
<u>.93</u>	<u>1.07</u>	<u>7¢</u>	76113
<u>1.08</u>	<u>1.23</u>	<u>8¢</u>	76114
<u>1.24</u>	<u>1.38</u>	<u>9¢</u>	76115
<u>1.39</u>	<u>1.53</u>	<u>10¢</u>	76116
<u>1.54</u>	<u>1.69</u>	<u>11¢</u>	76117
<u>1.70</u>	<u>1.84</u>	<u>12¢</u>	76118
<u>1.85</u>	<u>2.00</u>	<u>13¢</u>	76119

If the price exceeds two dollars, the tax is thirteen cents 76120  
on each two dollars. If the price exceeds two dollars or a 76121  
multiple thereof by not more than fifteen cents, the amount of tax 76122  
is thirteen cents for each two dollars plus one cent. If the price 76123  
exceeds two dollars or a multiple thereof by more than fifteen 76124  
cents, the amount of tax is thirteen cents for each two dollars 76125  
plus the amount of tax for prices sixteen cents through one dollar 76126  
and ninety-nine cents in accordance with the schedule above. 76127

(3) When the combined rate of state and local tax is six and 76128  
three-fourths per cent: 76129

If the price 76130  
The amount of

<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	
\$ .01	\$ .15	No tax	76131
.16	.29	2¢	76132
.30	.44	3¢	76133
.45	.59	4¢	76134
.60	.74	5¢	76135
.75	.88	6¢	76136
.89	1.03	7¢	76137
1.04	1.18	8¢	76138
1.19	1.33	9¢	76139
1.34	1.48	10¢	76140
1.49	1.62	11¢	76141
1.63	1.77	12¢	76142
1.78	1.92	13¢	76143
1.93	2.07	14¢	76144
2.08	2.22	15¢	76145
2.23	2.37	16¢	76146
2.38	2.51	17¢	76147
2.52	2.66	18¢	76148
2.67	2.81	19¢	76149
2.82	2.96	20¢	76150
2.97	3.11	21¢	76151
3.12	3.25	22¢	76152
3.26	3.40	23¢	76153
3.41	3.55	24¢	76154
3.56	3.70	25¢	76155
3.71	3.85	26¢	76156
3.86	4.00	27¢	76157
<u>If the price exceeds four dollars, the tax is twenty-seven</u>			76158
<u>cents on each four dollars. If the price exceeds four dollars or a</u>			76159
<u>multiple thereof by not more than fourteen cents, the amount of</u>			76160
<u>tax is twenty-seven cents for each four dollars plus one cent. If</u>			76161
<u>the price exceeds four dollars or a multiple thereof by more than</u>			76162
			76163

fourteen but by not more than twenty-nine cents, the amount of tax 76164  
is twenty-seven cents for each four dollars plus two cents. If the 76165  
price exceeds four dollars or a multiple thereof by more than 76166  
twenty-nine cents the amount of tax is twenty-seven cents for each 76167  
four dollars plus the amount of tax for prices thirty cents 76168  
through three dollars and ninety-nine cents in accordance with the 76169  
schedule above. 76170

(4) When the combined rate of state and local tax is seven 76171  
per cent: 76172

<u>If the price</u>		<u>The amount of</u>	
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76173
<u>.16</u>	<u>.28</u>	<u>2¢</u>	76174
<u>.29</u>	<u>.42</u>	<u>3¢</u>	76175
<u>.43</u>	<u>.57</u>	<u>4¢</u>	76176
<u>.58</u>	<u>.71</u>	<u>5¢</u>	76177
<u>.72</u>	<u>.85</u>	<u>6¢</u>	76178
<u>.86</u>	<u>1.00</u>	<u>7¢</u>	76179

If the price exceeds one dollar, the tax is seven cents on 76182  
each one dollar. If the price exceeds one dollar or a multiple 76183  
thereof by not more than fifteen cents, the amount of tax is seven 76184  
cents for each one dollar plus one cent. If the price exceeds one 76185  
dollar or a multiple thereof by more than fifteen cents, the 76186  
amount of tax is seven cents for each one dollar plus the amount 76187  
of tax for prices sixteen cents through ninety-nine cents in 76188  
accordance with the schedule above. 76189

(5) When the combined rate of state and local tax is seven 76190  
and one-fourth per cent: 76191

<u>If the price</u>		<u>The amount of</u>	
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76192
<u>.16</u>	<u>.27</u>	<u>2¢</u>	76193

<u>.28</u>	<u>.41</u>	<u>3¢</u>	76196
<u>.42</u>	<u>.55</u>	<u>4¢</u>	76197
<u>.56</u>	<u>.68</u>	<u>5¢</u>	76198
<u>.69</u>	<u>.82</u>	<u>6¢</u>	76199
<u>.83</u>	<u>.96</u>	<u>7¢</u>	76200
<u>.97</u>	<u>1.10</u>	<u>8¢</u>	76201
<u>1.11</u>	<u>1.24</u>	<u>9¢</u>	76202
<u>1.25</u>	<u>1.37</u>	<u>10¢</u>	76203
<u>1.38</u>	<u>1.51</u>	<u>11¢</u>	76204
<u>1.52</u>	<u>1.65</u>	<u>12¢</u>	76205
<u>1.66</u>	<u>1.79</u>	<u>13¢</u>	76206
<u>1.80</u>	<u>1.93</u>	<u>14¢</u>	76207
<u>1.94</u>	<u>2.06</u>	<u>15¢</u>	76208
<u>2.07</u>	<u>2.20</u>	<u>16¢</u>	76209
<u>2.21</u>	<u>2.34</u>	<u>17¢</u>	76210
<u>2.35</u>	<u>2.48</u>	<u>18¢</u>	76211
<u>2.49</u>	<u>2.62</u>	<u>19¢</u>	76212
<u>2.63</u>	<u>2.75</u>	<u>20¢</u>	76213
<u>2.76</u>	<u>2.89</u>	<u>21¢</u>	76214
<u>2.90</u>	<u>3.03</u>	<u>22¢</u>	76215
<u>3.04</u>	<u>3.17</u>	<u>23¢</u>	76216
<u>3.18</u>	<u>3.31</u>	<u>24¢</u>	76217
<u>3.32</u>	<u>3.44</u>	<u>25¢</u>	76218
<u>3.45</u>	<u>3.58</u>	<u>26¢</u>	76219
<u>3.59</u>	<u>3.72</u>	<u>27¢</u>	76220
<u>3.73</u>	<u>3.86</u>	<u>28¢</u>	76221
<u>3.87</u>	<u>4.00</u>	<u>29¢</u>	76222

If the price exceeds four dollars, the tax is twenty-nine 76223  
cents on each four dollars. If the price exceeds four dollars or a 76224  
multiple thereof by not more than thirteen cents, the amount of 76225  
tax is twenty-nine cents for each four dollars plus one cent. If 76226  
the price exceeds four dollars or a multiple thereof by more than 76227  
thirteen cents but by not more than twenty-seven cents, the amount 76228

of tax is twenty-nine cents for each four dollars plus two cents. 76229  
If the price exceeds four dollars or a multiple thereof by more 76230  
than twenty-seven cents, the amount of tax is twenty-nine cents 76231  
for each four dollars plus the amount of tax for prices 76232  
twenty-eight cents through three dollars and ninety-nine cents in 76233  
accordance with the schedule above. 76234

(6) When the combined rate of state and local tax is seven 76235  
and one-half per cent: 76236

<u>If the price</u>		<u>The amount of</u>	
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76239
<u>.16</u>	<u>.26</u>	<u>2¢</u>	76240
<u>.27</u>	<u>.40</u>	<u>3¢</u>	76241
<u>.41</u>	<u>.53</u>	<u>4¢</u>	76242
<u>.54</u>	<u>.65</u>	<u>5¢</u>	76243
<u>.66</u>	<u>.80</u>	<u>6¢</u>	76244
<u>.81</u>	<u>.93</u>	<u>7¢</u>	76245
<u>.94</u>	<u>1.06</u>	<u>8¢</u>	76246
<u>1.07</u>	<u>1.20</u>	<u>9¢</u>	76247
<u>1.21</u>	<u>1.33</u>	<u>10¢</u>	76248
<u>1.34</u>	<u>1.46</u>	<u>11¢</u>	76249
<u>1.47</u>	<u>1.60</u>	<u>12¢</u>	76250
<u>1.61</u>	<u>1.73</u>	<u>13¢</u>	76251
<u>1.74</u>	<u>1.86</u>	<u>14¢</u>	76252
<u>1.87</u>	<u>2.00</u>	<u>15¢</u>	76253

If the price exceeds two dollars, the tax is fifteen cents on 76254  
each two dollars. If the price exceeds two dollars or a multiple 76255  
thereof by not more than fifteen cents, the amount of tax is 76256  
fifteen cents for each two dollars plus one cent. If the price 76257  
exceeds two dollars or a multiple thereof by more than fifteen 76258  
cents, the amount of tax is fifteen cents for each two dollars 76259  
plus the amount of tax for prices sixteen cents through one dollar 76260

<u>and ninety-nine cents in accordance with the schedule above.</u>			76261
<u>(7) When the combined rate of state and local tax is seven</u>			76262
<u>and three-fourths per cent:</u>			76263
<u>If the price</u>		<u>The amount of</u>	76264
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	76265
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76266
<u>.16</u>	<u>.25</u>	<u>2¢</u>	76267
<u>.26</u>	<u>.38</u>	<u>3¢</u>	76268
<u>.39</u>	<u>.51</u>	<u>4¢</u>	76269
<u>.52</u>	<u>.64</u>	<u>5¢</u>	76270
<u>.65</u>	<u>.77</u>	<u>6¢</u>	76271
<u>.78</u>	<u>.90</u>	<u>7¢</u>	76272
<u>.91</u>	<u>1.03</u>	<u>8¢</u>	76273
<u>1.04</u>	<u>1.16</u>	<u>9¢</u>	76274
<u>1.17</u>	<u>1.29</u>	<u>10¢</u>	76275
<u>1.30</u>	<u>1.41</u>	<u>11¢</u>	76276
<u>1.42</u>	<u>1.54</u>	<u>12¢</u>	76277
<u>1.55</u>	<u>1.67</u>	<u>13¢</u>	76278
<u>1.68</u>	<u>1.80</u>	<u>14¢</u>	76279
<u>1.81</u>	<u>1.93</u>	<u>15¢</u>	76280
<u>1.94</u>	<u>2.06</u>	<u>16¢</u>	76281
<u>2.07</u>	<u>2.19</u>	<u>17¢</u>	76282
<u>2.20</u>	<u>2.32</u>	<u>18¢</u>	76283
<u>2.33</u>	<u>2.45</u>	<u>19¢</u>	76284
<u>2.46</u>	<u>2.58</u>	<u>20¢</u>	76285
<u>2.59</u>	<u>2.70</u>	<u>21¢</u>	76286
<u>2.71</u>	<u>2.83</u>	<u>22¢</u>	76287
<u>2.84</u>	<u>2.96</u>	<u>23¢</u>	76288
<u>2.97</u>	<u>3.09</u>	<u>24¢</u>	76289
<u>3.10</u>	<u>3.22</u>	<u>25¢</u>	76290
<u>3.23</u>	<u>3.35</u>	<u>26¢</u>	76291
<u>3.36</u>	<u>3.48</u>	<u>27¢</u>	76292

<u>3.49</u>	<u>3.61</u>	<u>28¢</u>	76293
<u>3.62</u>	<u>3.74</u>	<u>29¢</u>	76294
<u>3.75</u>	<u>3.87</u>	<u>30¢</u>	76295
<u>3.88</u>	<u>4.00</u>	<u>31¢</u>	76296

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of state and local tax is eight per cent:

<u>If the price</u>		<u>The amount of</u>	76311
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	76312
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76313
<u>.16</u>	<u>.25</u>	<u>2¢</u>	76314
<u>.26</u>	<u>.37</u>	<u>3¢</u>	76315
<u>.38</u>	<u>.50</u>	<u>4¢</u>	76316
<u>.51</u>	<u>.62</u>	<u>5¢</u>	76317
<u>.63</u>	<u>.75</u>	<u>6¢</u>	76318
<u>.76</u>	<u>.87</u>	<u>7¢</u>	76319
<u>.88</u>	<u>1.00</u>	<u>8¢</u>	76320

If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one

dollar or a multiple thereof by more than twelve cents but not 76325  
more than twenty-five cents, the amount of tax is eight cents for 76326  
each one dollar plus two cents. If the price exceeds one dollar or 76327  
a multiple thereof by more than twenty-five cents, the amount of 76328  
tax is eight cents for each one dollar plus the amount of tax for 76329  
prices twenty-six cents through ninety-nine cents in accordance 76330  
with the schedule above. 76331

(9) When the combined rate of state and local tax is eight 76332  
and one-fourth per cent: 76333

<u>If the price</u>		<u>The amount of</u>	
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76334
<u>.16</u>	<u>.24</u>	<u>2¢</u>	76335
<u>.25</u>	<u>.36</u>	<u>3¢</u>	76336
<u>.37</u>	<u>.48</u>	<u>4¢</u>	76337
<u>.49</u>	<u>.60</u>	<u>5¢</u>	76338
<u>.61</u>	<u>.72</u>	<u>6¢</u>	76339
<u>.73</u>	<u>.84</u>	<u>7¢</u>	76340
<u>.85</u>	<u>.96</u>	<u>8¢</u>	76341
<u>.97</u>	<u>1.09</u>	<u>9¢</u>	76342
<u>1.10</u>	<u>1.21</u>	<u>10¢</u>	76343
<u>1.22</u>	<u>1.33</u>	<u>11¢</u>	76344
<u>1.34</u>	<u>1.45</u>	<u>12¢</u>	76345
<u>1.46</u>	<u>1.57</u>	<u>13¢</u>	76346
<u>1.58</u>	<u>1.69</u>	<u>14¢</u>	76347
<u>1.70</u>	<u>1.81</u>	<u>15¢</u>	76348
<u>1.82</u>	<u>1.93</u>	<u>16¢</u>	76349
<u>1.94</u>	<u>2.06</u>	<u>17¢</u>	76350
<u>2.07</u>	<u>2.18</u>	<u>18¢</u>	76351
<u>2.19</u>	<u>2.30</u>	<u>19¢</u>	76352
<u>2.31</u>	<u>2.42</u>	<u>20¢</u>	76353
<u>2.43</u>	<u>2.54</u>	<u>21¢</u>	76354

<u>2.55</u>	<u>2.66</u>	<u>22¢</u>	76357
<u>2.67</u>	<u>2.78</u>	<u>23¢</u>	76358
<u>2.79</u>	<u>2.90</u>	<u>24¢</u>	76359
<u>2.91</u>	<u>3.03</u>	<u>25¢</u>	76360
<u>3.04</u>	<u>3.15</u>	<u>26¢</u>	76361
<u>3.16</u>	<u>3.27</u>	<u>27¢</u>	76362
<u>3.28</u>	<u>3.39</u>	<u>28¢</u>	76363
<u>3.40</u>	<u>3.51</u>	<u>29¢</u>	76364
<u>3.52</u>	<u>3.63</u>	<u>30¢</u>	76365
<u>3.64</u>	<u>3.75</u>	<u>31¢</u>	76366
<u>3.76</u>	<u>3.87</u>	<u>32¢</u>	76367
<u>3.88</u>	<u>4.00</u>	<u>33¢</u>	76368

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of state and local tax is eight and one-half per cent:

<u>If the price</u>		<u>The amount of</u>	
<u>is at least</u>	<u>But not more than</u>	<u>the tax is</u>	
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76385
<u>.16</u>	<u>.23</u>	<u>2¢</u>	76386
<u>.24</u>	<u>.35</u>	<u>3¢</u>	76387
<u>.36</u>	<u>.47</u>	<u>4¢</u>	76388

<u>.48</u>	<u>.58</u>	<u>5¢</u>	76389
<u>.59</u>	<u>.70</u>	<u>6¢</u>	76390
<u>.71</u>	<u>.82</u>	<u>7¢</u>	76391
<u>.83</u>	<u>.94</u>	<u>8¢</u>	76392
<u>.95</u>	<u>1.05</u>	<u>9¢</u>	76393
<u>1.06</u>	<u>1.17</u>	<u>10¢</u>	76394
<u>1.18</u>	<u>1.29</u>	<u>11¢</u>	76395
<u>1.30</u>	<u>1.41</u>	<u>12¢</u>	76396
<u>1.42</u>	<u>1.52</u>	<u>13¢</u>	76397
<u>1.53</u>	<u>1.64</u>	<u>14¢</u>	76398
<u>1.65</u>	<u>1.76</u>	<u>15¢</u>	76399
<u>1.77</u>	<u>1.88</u>	<u>16¢</u>	76400
<u>1.89</u>	<u>2.00</u>	<u>17¢</u>	76401

If the price exceeds two dollars, the tax is seventeen cents 76402  
on each two dollars. If the price exceeds two dollars or a 76403  
multiple thereof by not more than eleven cents, the amount of tax 76404  
is seventeen cents for each two dollars plus one cent. If the 76405  
price exceeds two dollars or a multiple thereof by more than 76406  
eleven cents but by not more than twenty-three cents, the amount 76407  
of tax is seventeen cents for each two dollars plus two cents. If 76408  
the price exceeds two dollars or a multiple thereof by more than 76409  
twenty-three cents, the amount of tax is seventeen cents for each 76410  
two dollars plus the amount of tax for prices twenty-four cents 76411  
through one dollar and ninety-nine cents in accordance with the 76412  
schedule above. 76413

(11) When the combined rate of state and local tax is eight 76414  
and three-fourths per cent: 76415

<u>If the price</u>	<u>But not more than</u>	<u>The amount of</u>	
<u>is at least</u>		<u>the tax is</u>	
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76418
<u>.16</u>	<u>.22</u>	<u>2¢</u>	76419
<u>.23</u>	<u>.34</u>	<u>3¢</u>	76420

<u>.35</u>	<u>.45</u>	<u>4¢</u>	76421
<u>.46</u>	<u>.57</u>	<u>5¢</u>	76422
<u>.58</u>	<u>.68</u>	<u>6¢</u>	76423
<u>.69</u>	<u>.80</u>	<u>7¢</u>	76424
<u>.81</u>	<u>.91</u>	<u>8¢</u>	76425
<u>.92</u>	<u>1.02</u>	<u>9¢</u>	76426
<u>1.03</u>	<u>1.14</u>	<u>10¢</u>	76427
<u>1.15</u>	<u>1.25</u>	<u>11¢</u>	76428
<u>1.26</u>	<u>1.37</u>	<u>12¢</u>	76429
<u>1.38</u>	<u>1.48</u>	<u>13¢</u>	76430
<u>1.49</u>	<u>1.60</u>	<u>14¢</u>	76431
<u>1.61</u>	<u>1.71</u>	<u>15¢</u>	76432
<u>1.72</u>	<u>1.82</u>	<u>16¢</u>	76433
<u>1.83</u>	<u>1.94</u>	<u>17¢</u>	76434
<u>1.95</u>	<u>2.05</u>	<u>18¢</u>	76435
<u>2.06</u>	<u>2.17</u>	<u>19¢</u>	76436
<u>2.18</u>	<u>2.28</u>	<u>20¢</u>	76437
<u>2.29</u>	<u>2.40</u>	<u>21¢</u>	76438
<u>2.41</u>	<u>2.51</u>	<u>22¢</u>	76439
<u>2.52</u>	<u>2.62</u>	<u>23¢</u>	76440
<u>2.63</u>	<u>2.74</u>	<u>24¢</u>	76441
<u>2.75</u>	<u>2.85</u>	<u>25¢</u>	76442
<u>2.86</u>	<u>2.97</u>	<u>26¢</u>	76443
<u>2.98</u>	<u>3.08</u>	<u>27¢</u>	76444
<u>3.09</u>	<u>3.20</u>	<u>28¢</u>	76445
<u>3.21</u>	<u>3.31</u>	<u>29¢</u>	76446
<u>3.32</u>	<u>3.42</u>	<u>30¢</u>	76447
<u>3.43</u>	<u>3.54</u>	<u>31¢</u>	76448
<u>3.55</u>	<u>3.65</u>	<u>32¢</u>	76449
<u>3.66</u>	<u>3.77</u>	<u>33¢</u>	76450
<u>3.78</u>	<u>3.88</u>	<u>34¢</u>	76451
<u>3.89</u>	<u>4.00</u>	<u>35¢</u>	76452
<u>If the price exceeds four dollars, the tax is thirty-five</u>			76453

cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-two cents, the amount of tax is thirty-five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-two cents, the amount of tax is thirty-five cents for each four dollars plus the amount of tax for prices twenty-three cents through three dollars and ninety-nine cents in accordance with the schedule above.

(12) When the combined rate of state and local tax is nine per cent:

<u>If the price</u>	<u>But not more than</u>	<u>The amount of</u>	
<u>is at least</u>		<u>the tax is</u>	
<u>\$ .01</u>	<u>\$ .15</u>	<u>No tax</u>	76469
<u>.16</u>	<u>.22</u>	<u>2¢</u>	76470
<u>.23</u>	<u>.33</u>	<u>3¢</u>	76471
<u>.34</u>	<u>.44</u>	<u>4¢</u>	76472
<u>.45</u>	<u>.55</u>	<u>5¢</u>	76473
<u>.56</u>	<u>.66</u>	<u>6¢</u>	76474
<u>.67</u>	<u>.77</u>	<u>7¢</u>	76475
<u>.78</u>	<u>.88</u>	<u>8¢</u>	76476
<u>.89</u>	<u>1.00</u>	<u>9¢</u>	76477

If the price exceeds one dollar, the tax is nine cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than eleven cents, the amount of tax is nine cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than eleven cents but by not more than twenty-two cents, the amount of tax is nine cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty-two cents, the amount of

tax is nine cents for each one dollar plus the amount of tax for 76486  
prices twenty-three cents through ninety-nine cents in accordance 76487  
with the schedule above. 76488

(C) On and after July 1, 2005, and on and before December 31, 76489  
2005, the combined taxes levied by sections 5739.02 and 5741.02 76490  
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 76491  
5741.022, and 5741.023 of the Revised Code shall be collected in 76492  
accordance with the following schedules: 76493

(1) When the total rate of local tax is one-fourth per cent: 76494

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	76497
.16	.19	1¢	76498
.20	.38	2¢	76499
.39	.57	3¢	76500
.58	.76	4¢	76501
.77	.95	5¢	76502
.96	1.14	6¢	76503
1.15	1.33	7¢	76504
1.34	1.52	8¢	76505
1.53	1.71	9¢	76506
1.72	1.90	10¢	76507
1.91	2.09	11¢	76508
2.10	2.28	12¢	76509
2.29	2.47	13¢	76510
2.48	2.66	14¢	76511
2.67	2.85	15¢	76512
2.86	3.04	16¢	76513
3.05	3.23	17¢	76514
3.24	3.42	18¢	76515
3.43	3.61	19¢	76516
3.62	3.80	20¢	76517

3.81 4.00 21¢ 76518

If the price exceeds four dollars, the tax is twenty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than nineteen cents, the amount of tax is twenty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than nineteen cents, the amount of tax is twenty-one cents for each four dollars plus the amount of tax for prices twenty cents through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of local tax is one-half per cent: 76528

If the price is at least	But not more than	The amount of the tax is	
\$ .01	\$ .15	No tax	76531
.16	.18	1¢	76532
.19	.36	2¢	76533
.37	.54	3¢	76534
.55	.72	4¢	76535
.73	.90	5¢	76536
.91	1.09	6¢	76537
1.10	1.27	7¢	76538
1.28	1.46	8¢	76539
1.47	1.64	9¢	76540
1.65	1.82	10¢	76541
1.83	2.00	11¢	76542

If the price exceeds two dollars, the tax is eleven cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eighteen cents, the amount of tax is eleven cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eighteen cents, the amount of tax is eleven cents for each two dollars plus the amount of tax for prices nineteen cents through one dollar and

ninety-nine cents in accordance with the schedule above. 76550

(3) When the combined rate of local tax is three-fourths per cent: 76551  
76552

If the price is at least	But not more than	The amount of the tax is	
\$ .01	\$ .15	No tax	76553 76554 76555
.16	.17	1¢	76556
.18	.34	2¢	76557
.35	.52	3¢	76558
.53	.69	4¢	76559
.70	.86	5¢	76560
.87	1.04	6¢	76561
1.05	1.21	7¢	76562
1.22	1.39	8¢	76563
1.40	1.56	9¢	76564
1.57	1.73	10¢	76565
1.74	1.91	11¢	76566
1.92	2.08	12¢	76567
2.09	2.26	13¢	76568
2.27	2.43	14¢	76569
2.44	2.60	15¢	76570
2.61	2.78	16¢	76571
2.79	2.95	17¢	76572
2.96	3.13	18¢	76573
3.14	3.30	19¢	76574
3.31	3.47	20¢	76575
3.48	3.65	21¢	76576
3.66	3.82	22¢	76577
3.83	4.00	23¢	76578

If the price exceeds four dollars, the tax is twenty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of 76579  
76580  
76581

tax is twenty-three cents for each four dollars plus one cent. If 76582  
the price exceeds four dollars or a multiple thereof by more than 76583  
seventeen cents, the amount of tax is twenty-three cents for each 76584  
four dollars plus the amount of tax for prices eighteen cents 76585  
through three dollars and ninety-nine cents in accordance with the 76586  
schedule above. 76587

(4) When the combined rate of local tax is one per cent: 76588

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	76591
.16	.17	1¢	76592
.18	.34	2¢	76593
.35	.50	3¢	76594
.51	.67	4¢	76595
.68	.83	5¢	76596
.84	1.00	6¢	76597

If the price exceeds one dollar, the tax is six cents on each 76598  
one dollar. If the price exceeds one dollar or a multiple thereof 76599  
by not more than seventeen cents, the amount of tax is six cents 76600  
for each one dollar plus one cent. If the price exceeds one dollar 76601  
or a multiple thereof by more than seventeen cents, the amount of 76602  
tax is six cents for each one dollar plus the amount of tax for 76603  
prices eighteen cents through ninety-nine cents in accordance with 76604  
the schedule above. 76605

(5) When the combined rate of local tax is one and one-fourth 76606  
per cent: 76607

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	76610
.16	.16	1¢	76611
.17	.32	2¢	76612
.33	.48	3¢	76613

.49	.64	4¢	76614
.65	.80	5¢	76615
.81	.96	6¢	76616
.97	1.12	7¢	76617
1.13	1.28	8¢	76618
1.29	1.44	9¢	76619
1.45	1.60	10¢	76620
1.61	1.76	11¢	76621
1.77	1.92	12¢	76622
1.93	2.08	13¢	76623
2.09	2.24	14¢	76624
2.25	2.40	15¢	76625
2.41	2.56	16¢	76626
2.57	2.72	17¢	76627
2.73	2.88	18¢	76628
2.89	3.04	19¢	76629
3.05	3.20	20¢	76630
3.21	3.36	21¢	76631
3.37	3.52	22¢	76632
3.53	3.68	23¢	76633
3.69	3.84	24¢	76634
3.85	4.00	25¢	76635

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(6) When the combined rate of local tax is one and one-half per cent:

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	76647
.16	.30	2¢	76648
.31	.46	3¢	76649
.47	.61	4¢	76650
.62	.76	5¢	76651
.77	.92	6¢	76652
.93	1.07	7¢	76653
1.08	1.23	8¢	76654
1.24	1.38	9¢	76655
1.39	1.53	10¢	76656
1.54	1.69	11¢	76657
1.70	1.84	12¢	76658
1.85	2.00	13¢	76659

If the price exceeds two dollars, the tax is thirteen cents 76662  
on each two dollars. If the price exceeds two dollars or a 76663  
multiple thereof by not more than fifteen cents, the amount of tax 76664  
is thirteen cents for each two dollars plus one cent. If the price 76665  
exceeds two dollars or a multiple thereof by more than fifteen 76666  
cents, the amount of tax is thirteen cents for each two dollars 76667  
plus the amount of tax for prices sixteen cents through one dollar 76668  
and ninety-nine cents in accordance with the schedule above. 76669

(7) When the combined rate of local tax is one and 76670  
three-fourths per cent: 76671

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	76672
.16	.29	2¢	76673
.30	.44	3¢	76674
.45	.59	4¢	76675
.60	.74	5¢	76676

.75	.88	6¢	76679
.89	1.03	7¢	76680
1.04	1.18	8¢	76681
1.19	1.33	9¢	76682
1.34	1.48	10¢	76683
1.49	1.62	11¢	76684
1.63	1.77	12¢	76685
1.78	1.92	13¢	76686
1.93	2.07	14¢	76687
2.08	2.22	15¢	76688
2.23	2.37	16¢	76689
2.38	2.51	17¢	76690
2.52	2.66	18¢	76691
2.67	2.81	19¢	76692
2.82	2.96	20¢	76693
2.97	3.11	21¢	76694
3.12	3.25	22¢	76695
3.26	3.40	23¢	76696
3.41	3.55	24¢	76697
3.56	3.70	25¢	76698
3.71	3.85	26¢	76699
3.86	4.00	27¢	76700

If the price exceeds four dollars, the tax is twenty-seven 76701  
cents on each four dollars. If the price exceeds four dollars or a 76702  
multiple thereof by not more than fourteen cents, the amount of 76703  
tax is twenty-seven cents for each four dollars plus one cent. If 76704  
the price exceeds four dollars or a multiple thereof by more than 76705  
fourteen but by not more than twenty-nine cents, the amount of tax 76706  
is twenty-seven cents for each four dollars plus two cents. If the 76707  
price exceeds four dollars or a multiple thereof by more than 76708  
twenty-nine cents the amount of tax is twenty-seven cents for each 76709  
four dollars plus the amount of tax for prices thirty cents 76710  
through three dollars and ninety-nine cents in accordance with the 76711

schedule above. 76712

(8) When the combined rate of local tax is two per cent: 76713

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	76716
.16	.28	2¢	76717
.29	.42	3¢	76718
.43	.57	4¢	76719
.58	.71	5¢	76720
.72	.85	6¢	76721
.86	1.00	7¢	76722

If the price exceeds one dollar, the tax is seven cents on 76723  
each one dollar. If the price exceeds one dollar or a multiple 76724  
thereof by not more than fifteen cents, the amount of tax is seven 76725  
cents for each one dollar plus one cent. If the price exceeds one 76726  
dollar or a multiple thereof by more than fifteen cents, the 76727  
amount of tax is seven cents for each one dollar plus the amount 76728  
of tax for prices sixteen cents through ninety-nine cents in 76729  
accordance with the schedule above. 76730

(9) When the combined rate of local tax is two and one-fourth 76731  
per cent: 76732

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	76735
.16	.27	2¢	76736
.28	.41	3¢	76737
.42	.55	4¢	76738
.56	.68	5¢	76739
.69	.82	6¢	76740
.83	.96	7¢	76741
.97	1.10	8¢	76742
1.11	1.24	9¢	76743

1.25	1.37	10¢	76744
1.38	1.51	11¢	76745
1.52	1.65	12¢	76746
1.66	1.79	13¢	76747
1.80	1.93	14¢	76748
1.94	2.06	15¢	76749
2.07	2.20	16¢	76750
2.21	2.34	17¢	76751
2.35	2.48	18¢	76752
2.49	2.62	19¢	76753
2.63	2.75	20¢	76754
2.76	2.89	21¢	76755
2.90	3.03	22¢	76756
3.04	3.17	23¢	76757
3.18	3.31	24¢	76758
3.32	3.44	25¢	76759
3.45	3.58	26¢	76760
3.59	3.72	27¢	76761
3.73	3.86	28¢	76762
3.87	4.00	29¢	76763

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of local tax is two and one-half

per cent:			76777
If the price	But not	The amount	76778
is at least	more than	of the tax is	76779
\$ .01	\$ .15	No tax	76780
.16	.26	2¢	76781
.27	.40	3¢	76782
.41	.53	4¢	76783
.54	.65	5¢	76784
.66	.80	6¢	76785
.81	.93	7¢	76786
.94	1.06	8¢	76787
1.07	1.20	9¢	76788
1.21	1.33	10¢	76789
1.34	1.46	11¢	76790
1.47	1.60	12¢	76791
1.61	1.73	13¢	76792
1.74	1.86	14¢	76793
1.87	2.00	15¢	76794

If the price exceeds two dollars, the tax is fifteen cents on 76795  
each two dollars. If the price exceeds two dollars or a multiple 76796  
thereof by not more than fifteen cents, the amount of tax is 76797  
fifteen cents for each two dollars plus one cent. If the price 76798  
exceeds two dollars or a multiple thereof by more than fifteen 76799  
cents, the amount of tax is fifteen cents for each two dollars 76800  
plus the amount of tax for prices sixteen cents through one dollar 76801  
and ninety-nine cents in accordance with the schedule above. 76802

(11) When the combined rate of local tax is two and 76803  
three-fourths per cent: 76804

If the price	But not	The amount	76805
is at least	more than	of the tax is	76806
\$ .01	\$ .15	No tax	76807
.16	.25	2¢	76808

.26	.38	3¢	76809
.39	.51	4¢	76810
.52	.64	5¢	76811
.65	.77	6¢	76812
.78	.90	7¢	76813
.91	1.03	8¢	76814
1.04	1.16	9¢	76815
1.17	1.29	10¢	76816
1.30	1.41	11¢	76817
1.42	1.54	12¢	76818
1.55	1.67	13¢	76819
1.68	1.80	14¢	76820
1.81	1.93	15¢	76821
1.94	2.06	16¢	76822
2.07	2.19	17¢	76823
2.20	2.32	18¢	76824
2.33	2.45	19¢	76825
2.46	2.58	20¢	76826
2.59	2.70	21¢	76827
2.71	2.83	22¢	76828
2.84	2.96	23¢	76829
2.97	3.09	24¢	76830
3.10	3.22	25¢	76831
3.23	3.35	26¢	76832
3.36	3.48	27¢	76833
3.49	3.61	28¢	76834
3.62	3.74	29¢	76835
3.75	3.87	30¢	76836
3.88	4.00	31¢	76837

If the price exceeds four dollars, the tax is thirty-one 76838  
cents on each four dollars. If the price exceeds four dollars or a 76839  
multiple thereof by not more than twelve cents, the amount of tax 76840  
is thirty-one cents for each four dollars plus one cent. If the 76841

price exceeds four dollars or a multiple thereof by more than 76842  
twelve cents but not more than twenty-five cents, the amount of 76843  
tax is thirty-one cents for each four dollars plus two cents. If 76844  
the price exceeds four dollars or a multiple thereof by more than 76845  
twenty-five cents, the amount of tax is thirty-one cents for each 76846  
four dollars plus the amount of tax for prices twenty-six cents 76847  
through three dollars and ninety-nine cents in accordance with the 76848  
schedule above. 76849

(12) When the combined rate of local tax is three per cent: 76850

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	76853
.16	.25	2¢	76854
.26	.37	3¢	76855
.38	.50	4¢	76856
.51	.62	5¢	76857
.63	.75	6¢	76858
.76	.87	7¢	76859
.88	1.00	8¢	76860

If the price exceeds one dollar, the tax is eight cents on 76861  
each one dollar. If the price exceeds one dollar or a multiple 76862  
thereof by not more than twelve cents, the amount of tax is eight 76863  
cents for each one dollar plus one cent. If the price exceeds one 76864  
dollar or a multiple thereof by more than twelve cents but not 76865  
more than twenty-five cents, the amount of tax is eight cents for 76866  
each one dollar plus two cents. If the price exceeds one dollar or 76867  
a multiple thereof by more than twenty-five cents, the amount of 76868  
tax is eight cents for each one dollar plus the amount of tax for 76869  
prices twenty-six cents through ninety-nine cents in accordance 76870  
with the schedule above. 76871

~~(C)~~(D) In lieu of collecting the tax pursuant to the 76872  
schedules set forth in divisions (A) ~~and~~, (B), ~~and~~ (C) of this 76873

section, a vendor may compute the tax on each sale as follows: 76874

(1) On sales of fifteen cents or less, no tax shall apply. 76875

(2) On sales in excess of fifteen cents, multiply the price 76876  
by the aggregate rate of taxes in effect under sections ~~5739.01~~ 76877  
5739.02 and 5741.02 and sections 5739.021, 5739.023, 5739.026, 76878  
5741.021, 5741.022, and 5741.023 of the Revised Code. The 76879  
computation shall be carried out to six decimal places. If the 76880  
result is a fractional amount of a cent, the calculated tax shall 76881  
be increased to the next highest cent and that amount shall be 76882  
collected by the vendor. 76883

~~(D)~~(E) On and after January 1, 2006, a vendor shall compute 76884  
the tax on each sale by multiplying the price by the aggregate 76885  
rate of taxes in effect under sections 5739.02 and 5741.02, and 76886  
sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 76887  
5741.023 of the Revised Code. The computation shall be carried out 76888  
to three decimal places. If the result is a fractional amount of a 76889  
cent, the calculated tax shall be rounded to a whole cent using a 76890  
method that rounds up to the next cent whenever the third decimal 76891  
place is greater than four. A vendor may elect to compute the tax 76892  
due on a transaction on an item or an invoice basis. 76893

(F) In auditing a vendor, the tax commissioner shall consider 76894  
the method prescribed by this section that was used by the vendor 76895  
in determining and collecting the tax due under this chapter on 76896  
taxable transactions. If the vendor correctly collects and remits 76897  
the tax due under this chapter in accordance with the schedules in 76898  
divisions (A) ~~and~~, (B), and (C) of this section or in accordance 76899  
with the computation prescribed in division ~~(C)~~(D) or (E) of this 76900  
section, the commissioner shall not assess any additional tax on 76901  
those transactions. 76902

(G)(1) With respect to a sale of a fractional ownership 76903  
program aircraft used primarily in a fractional aircraft ownership 76904

program, including all accessories attached to such aircraft, the 76905  
tax shall be calculated pursuant to divisions (A) to (E) of this 76906  
section, provided that the tax commissioner shall modify those 76907  
calculations so that the maximum tax on each program aircraft is 76908  
eight hundred dollars. In the case of a sale of a fractional 76909  
interest that is less than one hundred per cent of the program 76910  
aircraft, the tax charged on the transaction shall be eight 76911  
hundred dollars multiplied by a fraction, the numerator of which 76912  
is the percentage of ownership or possession in the aircraft being 76913  
purchased in the transaction, and the denominator of which is one 76914  
hundred per cent. 76915

(2) Notwithstanding any other provision of law to the 76916  
contrary, the tax calculated under division (G)(1) of this section 76917  
and paid with respect to the sale of a fractional ownership 76918  
program aircraft used primarily in a fractional aircraft ownership 76919  
program shall be credited to the general revenue fund. 76920

**Sec. 5739.026.** (A) A board of county commissioners may levy a 76921  
tax of one-fourth or one-half of one per cent on every retail sale 76922  
in the county, except sales of watercraft and outboard motors 76923  
required to be titled pursuant to Chapter 1548. of the Revised 76924  
Code and sales of motor vehicles, and may increase an existing 76925  
rate of one-fourth of one per cent to one-half of one per cent, to 76926  
pay the expenses of administering the tax and, except as provided 76927  
in division (A)(6) of this section, for any one or more of the 76928  
following purposes provided that the aggregate levy for all such 76929  
purposes does not exceed one-half of one per cent: 76930

(1) To provide additional revenues for the payment of bonds 76931  
or notes issued in anticipation of bonds issued by a convention 76932  
facilities authority established by the board of county 76933  
commissioners under Chapter 351. of the Revised Code and to 76934  
provide additional operating revenues for the convention 76935

facilities authority;	76936
(2) To provide additional revenues for a transit authority operating in the county;	76937 76938
(3) To provide additional revenue for the county's general fund;	76939 76940
(4) To provide additional revenue for permanent improvements within the county to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code;	76941 76942 76943 76944 76945
(5) To provide additional revenue for the acquisition, construction, equipping, or repair of any specific permanent improvement or any class or group of permanent improvements, which improvement or class or group of improvements shall be enumerated in the resolution required by division (D) of this section, and to pay principal, interest, premium, and other costs associated with the issuance of bonds or notes in anticipation of bonds issued pursuant to Chapter 133. of the Revised Code for the acquisition, construction, equipping, or repair of the specific permanent improvement or class or group of permanent improvements;	76946 76947 76948 76949 76950 76951 76952 76953 76954 76955
(6) To provide revenue for the implementation and operation of a 9-1-1 system in the county. If the tax is levied or the rate increased exclusively for such purpose, the tax shall not be levied or the rate increased for more than five years. At the end of the last year the tax is levied or the rate increased, any balance remaining in the special fund established for such purpose shall remain in that fund and be used exclusively for such purpose until the fund is completely expended, and, notwithstanding section 5705.16 of the Revised Code, the board of county commissioners shall not petition for the transfer of money from such special fund, and the tax commissioner shall not approve such	76956 76957 76958 76959 76960 76961 76962 76963 76964 76965 76966

a petition. 76967

If the tax is levied or the rate increased for such purpose 76968  
for more than five years, the board of county commissioners also 76969  
shall levy the tax or increase the rate of the tax for one or more 76970  
of the purposes described in divisions (A)(1) to (5) of this 76971  
section and shall prescribe the method for allocating the revenues 76972  
from the tax each year in the manner required by division (C) of 76973  
this section. 76974

(7) To provide additional revenue for the operation or 76975  
maintenance of a detention facility, as that term is defined under 76976  
division (F) of section 2921.01 of the Revised Code; 76977

(8) To provide revenue to finance the construction or 76978  
renovation of a sports facility, but only if the tax is levied for 76979  
that purpose in the manner prescribed by section 5739.028 of the 76980  
Revised Code. 76981

As used in division (A)(8) of this section: 76982

(a) "Sports facility" means a facility intended to house 76983  
major league professional athletic teams. 76984

(b) "Constructing" or "construction" includes providing 76985  
fixtures, furnishings, and equipment. 76986

(9) To provide additional revenue for the acquisition of 76987  
agricultural easements, as defined in section 5301.67 of the 76988  
Revised Code; to pay principal, interest, and premium on bonds 76989  
issued under section 133.60 of the Revised Code; and for the 76990  
supervision and enforcement of agricultural easements held by the 76991  
county. 76992

Pursuant to section 755.171 of the Revised Code, a board of 76993  
county commissioners may pledge and contribute revenue from a tax 76994  
levied for the purpose of division (A)(5) of this section to the 76995  
payment of debt charges on bonds issued under section 755.17 of 76996

the Revised Code. 76997

The rate of tax shall be a multiple of one-fourth of one per 76998  
cent, unless a portion of the rate of an existing tax levied under 76999  
section 5739.023 of the Revised Code has been reduced, and the 77000  
rate of tax levied under this section has been increased, pursuant 77001  
to section 5739.028 of the Revised Code, in which case the 77002  
aggregate of the rates of tax levied under this section and 77003  
section 5739.023 of the Revised Code shall be a multiple of 77004  
one-fourth of one per cent. The tax shall be levied and the rate 77005  
increased pursuant to a resolution adopted by a majority of the 77006  
members of the board. The board shall deliver a certified copy of 77007  
the resolution to the tax commissioner, not later than the 77008  
sixty-fifth day prior to the date on which the tax is to become 77009  
effective, which shall be the first day of a calendar quarter. 77010

Prior to the adoption of any resolution to levy the tax or to 77011  
increase the rate of tax exclusively for the purpose set forth in 77012  
division (A)(3) of this section, the board of county commissioners 77013  
shall conduct two public hearings on the resolution, the second 77014  
hearing to be no fewer than three nor more than ten days after the 77015  
first. Notice of the date, time, and place of the hearings shall 77016  
be given by publication in a newspaper of general circulation in 77017  
the county once a week on the same day of the week for two 77018  
consecutive weeks, the second publication being no fewer than ten 77019  
nor more than thirty days prior to the first hearing. Except as 77020  
provided in division (E) of this section, the resolution shall 77021  
~~become effective on the first day of a calendar quarter following~~ 77022  
~~the expiration of sixty days from the date of its adoption, be~~ 77023  
subject to a referendum as provided in sections 305.31 to 305.41 77024  
of the Revised Code. If the resolution is adopted as an emergency 77025  
measure necessary for the immediate preservation of the public 77026  
peace, health, or safety, it must receive an affirmative vote of 77027  
all of the members of the board of county commissioners and shall 77028

state the reasons for the necessity. 77029

If the tax is for more than one of the purposes set forth in 77030  
divisions (A)(1) to (7) and (9) of this section or is exclusively 77031  
for one of the purposes set forth in division (A)(1), (2), (4), 77032  
(5), (6), (7), or (9) of this section, the resolution shall not go 77033  
into effect unless it is approved by a majority of the electors 77034  
voting on the question of the tax. 77035

(B) The board of county commissioners shall adopt a 77036  
resolution under section 351.02 of the Revised Code creating the 77037  
convention facilities authority, or under section 307.283 of the 77038  
Revised Code creating the community improvements board, before 77039  
adopting a resolution levying a tax for the purpose of a 77040  
convention facilities authority under division (A)(1) of this 77041  
section or for the purpose of a community improvements board under 77042  
division (A)(4) of this section. 77043

(C)(1) If the tax is to be used for more than one of the 77044  
purposes set forth in divisions (A)(1) to (7) and (9) of this 77045  
section, the board of county commissioners shall establish the 77046  
method that will be used to determine the amount or proportion of 77047  
the tax revenue received by the county during each year that will 77048  
be distributed for each of those purposes, including, if 77049  
applicable, provisions governing the reallocation of a convention 77050  
facilities authority's allocation if the authority is dissolved 77051  
while the tax is in effect. The allocation method may provide that 77052  
different proportions or amounts of the tax shall be distributed 77053  
among the purposes in different years, but it shall clearly 77054  
describe the method that will be used for each year. Except as 77055  
otherwise provided in division (C)(2) of this section, the 77056  
allocation method established by the board is not subject to 77057  
amendment during the life of the tax. 77058

(2) Subsequent to holding a public hearing on the proposed 77059  
amendment, the board of county commissioners may amend the 77060

allocation method established under division (C)(1) of this 77061  
section for any year, if the amendment is approved by the 77062  
governing board of each entity whose allocation for the year would 77063  
be reduced by the proposed amendment. In the case of a tax that is 77064  
levied for a continuing period of time, the board may not so amend 77065  
the allocation method for any year before the sixth year that the 77066  
tax is in effect. 77067

(a) If the additional revenues provided to the convention 77068  
facilities authority are pledged by the authority for the payment 77069  
of convention facilities authority revenue bonds for as long as 77070  
such bonds are outstanding, no reduction of the authority's 77071  
allocation of the tax shall be made for any year except to the 77072  
extent that the reduced authority allocation, when combined with 77073  
the authority's other revenues pledged for that purpose, is 77074  
sufficient to meet the debt service requirements for that year on 77075  
such bonds. 77076

(b) If the additional revenues provided to the county are 77077  
pledged by the county for the payment of bonds or notes described 77078  
in division (A)(4) or (5) of this section, for as long as such 77079  
bonds or notes are outstanding, no reduction of the county's or 77080  
the community improvements board's allocation of the tax shall be 77081  
made for any year, except to the extent that the reduced county or 77082  
community improvements board allocation is sufficient to meet the 77083  
debt service requirements for that year on such bonds or notes. 77084

(c) If the additional revenues provided to the transit 77085  
authority are pledged by the authority for the payment of revenue 77086  
bonds issued under section 306.37 of the Revised Code, for as long 77087  
as such bonds are outstanding, no reduction of the authority's 77088  
allocation of tax shall be made for any year, except to the extent 77089  
that the authority's reduced allocation, when combined with the 77090  
authority's other revenues pledged for that purpose, is sufficient 77091  
to meet the debt service requirements for that year on such bonds. 77092

(d) If the additional revenues provided to the county are 77093  
pledged by the county for the payment of bonds or notes issued 77094  
under section 133.60 of the Revised Code, for so long as the bonds 77095  
or notes are outstanding, no reduction of the county's allocation 77096  
of the tax shall be made for any year, except to the extent that 77097  
the reduced county allocation is sufficient to meet the debt 77098  
service requirements for that year on the bonds or notes. 77099

(D)(1) The resolution levying the tax or increasing the rate 77100  
of tax shall state the rate of the tax or the rate of the 77101  
increase; the purpose or purposes for which it is to be levied; 77102  
the number of years for which it is to be levied or that it is for 77103  
a continuing period of time; the allocation method required by 77104  
division (C) of this section; and if required to be submitted to 77105  
the electors of the county under division (A) of this section, the 77106  
date of the election at which the proposal shall be submitted to 77107  
the electors of the county, which shall be not less than 77108  
seventy-five days after the certification of a copy of the 77109  
resolution to the board of elections and, if the tax is to be 77110  
levied exclusively for the purpose set forth in division (A)(3) of 77111  
this section, shall not occur in February or August of any year. 77112  
Upon certification of the resolution to the board of elections, 77113  
the board of county commissioners shall notify the tax 77114  
commissioner in writing of the levy question to be submitted to 77115  
the electors. If approved by a majority of the electors, the tax 77116  
shall become effective on the first day of a calendar quarter next 77117  
following the ~~sixtieth~~ sixty-fifth day following the ~~certification~~ 77118  
~~of the results of the election to date~~ the board of county 77119  
commissioners and ~~the tax commissioner~~ by receive from the board 77120  
of elections the certification of the results of the election, 77121  
except as provided in division (E) of this section. 77122

(2)(a) A resolution specifying that the tax is to be used 77123  
exclusively for the purpose set forth in division (A)(3) of this 77124

section that is not adopted as an emergency measure may direct the board of elections to submit the question of levying the tax or increasing the rate of the tax to the electors of the county at a special election held on the date specified by the board of county commissioners in the resolution, provided that the election occurs not less than seventy-five days after the resolution is certified to the board of elections and the election is not held in February or August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under division (D)(2)(a) of this section shall go into effect unless approved by a majority of those voting upon it and, except as provided in division (E) of this section, not until the first day of a calendar quarter following the expiration of sixty-five days from the date ~~of the notice to~~ the tax commissioner ~~by~~ receives notice from the board of elections of the affirmative vote.

(b) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is adopted as an emergency measure shall become effective as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than seventy-five days after the resolution is certified to the board of elections. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. The ballot question shall be the same as that prescribed in section 5739.022 of the Revised Code. The board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. If a majority of the qualified

electors voting on the question of repealing the tax or increase 77158  
in the rate of the tax vote for repeal of the tax or repeal of the 77159  
increase, the board of county commissioners, on the first day of a 77160  
calendar quarter following the expiration of sixty-five days after 77161  
the date ~~it~~ the board and tax commissioner received notice of the 77162  
result of the election, shall, in the case of a repeal of the tax, 77163  
cease to levy the tax, or, in the case of a repeal of an increase 77164  
in the rate of the tax, cease to levy the increased rate and levy 77165  
the tax at the rate at which it was imposed immediately prior to 77166  
the increase in rate. 77167

(c) A board of county commissioners, by resolution, may 77168  
reduce the rate of a tax levied exclusively for the purpose set 77169  
forth in division (A)(3) of this section to a lower rate 77170  
authorized by this section. Any such reduction shall be made 77171  
effective on the first day of the calendar quarter ~~specified in~~ 77172  
~~the resolution, but not sooner than the first day of the month~~ 77173  
next following the ~~sixtieth~~ sixty-fifth day after the ~~resolution~~ 77174  
~~is certified to the tax commissioner~~ receives a certified copy of 77175  
the resolution from the board. 77176

(E) If a vendor that is registered with the central 77177  
electronic registration system provided for in section 5740.05 of 77178  
the Revised Code makes a sale in this state by printed catalog and 77179  
the consumer computed the tax on the sale based on local rates 77180  
published in the catalog, any tax levied or repealed or rate 77181  
changed under this section shall not apply to such a sale until 77182  
the first day of a calendar quarter following the expiration of 77183  
one hundred twenty days from the date of notice by the tax 77184  
commissioner ~~to the vendor, or to the vendor's certified service~~ 77185  
~~provider, if the vendor has selected one~~ pursuant to division (G) 77186  
of this section. 77187

(F) The tax levied pursuant to this section shall be in 77188  
addition to the tax levied by section 5739.02 of the Revised Code 77189

and any tax levied pursuant to section 5739.021 or 5739.023 of the Revised Code. 77190  
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A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.023 of the Revised Code. 77192  
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The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code. 77195  
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Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution. 77197  
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(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided. 77202  
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**Sec. 5739.03.** Except as provided in section 5739.05 of the Revised Code, the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code shall be paid by the consumer to the vendor, and each vendor shall collect from the consumer, as a trustee for the state of Ohio, the full and exact amount of the tax payable on each taxable sale, in the manner and at the times provided as follows: 77212  
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(A) If the price is, at or prior to the provision of the 77219

service or the delivery of possession of the thing sold to the 77220  
consumer, paid in currency passed from hand to hand by the 77221  
consumer or the consumer's agent to the vendor or the vendor's 77222  
agent, the vendor or the vendor's agent shall collect the tax with 77223  
and at the same time as the price; 77224

(B) If the price is otherwise paid or to be paid, the vendor 77225  
or the vendor's agent shall, at or prior to the provision of the 77226  
service or the delivery of possession of the thing sold to the 77227  
consumer, charge the tax imposed by or pursuant to section 77228  
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 77229  
the account of the consumer, which amount shall be collected by 77230  
the vendor from the consumer in addition to the price. Such sale 77231  
shall be reported on and the amount of the tax applicable thereto 77232  
shall be remitted with the return for the period in which the sale 77233  
is made, and the amount of the tax shall become a legal charge in 77234  
favor of the vendor and against the consumer. 77235

If any sale is claimed to be exempt under division (E) of 77236  
section 5739.01 of the Revised Code or under section 5739.02 of 77237  
the Revised Code, with the exception of divisions (B)(1) to (11) 77238  
or (28) of section 5739.02 of the Revised Code, the consumer must 77239  
furnish to the vendor, and the vendor must obtain from the 77240  
consumer, a certificate specifying the reason that the sale is not 77241  
legally subject to the tax. If the transaction is claimed to be 77242  
exempt under division (B)(13) of section 5739.02 of the Revised 77243  
Code, the exemption certificate shall be signed by both the 77244  
contractor and the contractee and such contractee shall be deemed 77245  
to be the consumer of all items purchased under such claim of 77246  
exemption in the event it is subsequently determined that the 77247  
exemption is not properly claimed. The certificate shall be in 77248  
such form as the tax commissioner by regulation prescribes. If no 77249  
certificate is furnished or obtained within the period for filing 77250  
the return for the period in which such sale is consummated, it 77251

shall be presumed that the tax applies. ~~The~~ Failure to have so 77252  
furnished, or to have so obtained, a certificate shall not prevent 77253  
a vendor or consumer from establishing that the sale is not 77254  
~~subject~~ subject to the tax within ~~sixty~~ one hundred twenty days of 77255  
the giving of notice by the commissioner of intention to levy an 77256  
~~assessment~~ assessment, in which event the tax shall not apply. 77257

Certificates need not be obtained nor furnished where the 77258  
identity of the consumer is such that the transaction is never 77259  
subject to the tax imposed or where the item of tangible personal 77260  
property sold or the service provided is never subject to the tax 77261  
imposed, regardless of use, or when the sale is in interstate 77262  
commerce. 77263

(C) As used in this division, "contractee" means a person who 77264  
seeks to enter or enters into a contract or agreement with a 77265  
contractor or vendor for the construction of real property or for 77266  
the sale and installation onto real property of tangible personal 77267  
property. 77268

Any contractor or vendor may request from any contractee a 77269  
certification of what portion of the property to be transferred 77270  
under such contract or agreement is to be incorporated into the 77271  
realty and what portion will retain its status as tangible 77272  
personal property after installation is completed. The contractor 77273  
or vendor shall request the certification by certified mail 77274  
delivered to the contractee, return receipt requested. Upon 77275  
receipt of such request and prior to entering into the contract or 77276  
agreement, the contractee shall furnish to the contractor or 77277  
vendor a certification sufficiently detailed to enable the 77278  
contractor or vendor to ascertain the resulting classification of 77279  
all materials purchased or fabricated by the contractor or vendor 77280  
and transferred to the contractee. This requirement applies to a 77281  
contractee regardless of whether the contractee holds a direct 77282  
payment permit under section 5739.031 of the Revised Code or 77283

furnishes to the contractor or vendor an exemption certificate as 77284  
provided under this section. 77285

For the purposes of the taxes levied by this chapter and 77286  
Chapter 5741. of the Revised Code, the contractor or vendor may in 77287  
good faith rely on the contractee's certification. Notwithstanding 77288  
division (B) of section 5739.01 of the Revised Code, if the tax 77289  
commissioner determines that certain property certified by the 77290  
contractee as tangible personal property pursuant to this division 77291  
is, in fact, real property, the contractee shall be considered to 77292  
be the consumer of all materials so incorporated into that real 77293  
property and shall be liable for the applicable tax, and the 77294  
contractor or vendor shall be excused from any liability on those 77295  
materials. 77296

If a contractee fails to provide such certification upon the 77297  
request of the contractor or vendor, the contractor or vendor 77298  
shall comply with the provisions of this chapter and Chapter 5741. 77299  
of the Revised Code without the certification. If the tax 77300  
commissioner determines that such compliance has been performed in 77301  
good faith and that certain property treated as tangible personal 77302  
property by the contractor or vendor is, in fact, real property, 77303  
the contractee shall be considered to be the consumer of all 77304  
materials so incorporated into that real property and shall be 77305  
liable for the applicable tax and the construction contractor or 77306  
vendor shall be excused from any liability on those materials. 77307

This division does not apply to any contract or agreement 77308  
where the tax commissioner determines as a fact that a 77309  
certification under this division was made solely on the decision 77310  
or advice of the contractor or vendor. 77311

(D) Notwithstanding division (B) of section 5739.01 of the 77312  
Revised Code, whenever the total rate of tax imposed under this 77313  
chapter is increased after the date after a construction contract 77314  
is entered into, the contractee shall reimburse the construction 77315

contractor for any additional tax paid on tangible property 77316  
consumed or services received pursuant to the contract. 77317

(E) A vendor who files a petition for reassessment contesting 77318  
the assessment of tax on sales for which the vendor obtained no 77319  
valid exemption certificates and for which the vendor failed to 77320  
establish that the sales were properly not subject to the tax 77321  
during the one-hundred-twenty-day period allowed under division 77322  
(B) of this section, may present to the tax commissioner 77323  
additional evidence to prove that the sales were properly subject 77324  
to a claim of exception or exemption. The vendor shall file such 77325  
evidence within ninety days of the receipt by the vendor of the 77326  
notice of assessment, except that, upon application and for 77327  
reasonable cause, the period for submitting such evidence shall be 77328  
extended thirty days. 77329

The commissioner shall consider such additional evidence in 77330  
reaching the final determination on the assessment and petition 77331  
for reassessment. 77332

(F) Whenever a vendor refunds to the consumer the full price 77333  
of an item of tangible personal property on which the tax imposed 77334  
under this chapter has been paid, the vendor shall also refund the 77335  
full amount of the tax paid. 77336

**Sec. 5739.032.** (A) If the total amount of tax required to be 77337  
paid by a permit holder under section 5739.031 of the Revised Code 77338  
for any calendar year ~~indicated in the following schedule~~ equals 77339  
or exceeds ~~the amounts prescribed for that year in the schedule~~  
seventy-five thousand dollars, the permit holder shall remit each 77340  
monthly tax payment in the second ensuing and each succeeding year 77341  
by electronic funds transfer as prescribed by division (B) of this 77342  
section. 77343  
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Year	1992	<del>1993 through 1999</del>	<del>2000 and thereafter</del>	
Tax payment	\$1,200,000	\$600,000	\$60,000	77345 77346

If a permit holder's tax payment for each of two consecutive years ~~beginning with 2000~~ is less than ~~sixty~~ seventy-five thousand dollars, the permit holder is relieved of the requirement to remit taxes by electronic funds transfer for the year that next follows the second of the consecutive years in which the tax payment is less than ~~sixty thousand dollars~~ that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a subsequent year equals or exceeds ~~sixty~~ seventy-five thousand dollars.

The tax commissioner shall notify each permit holder required to remit taxes by electronic funds transfer of the permit holder's obligation to do so, shall maintain an updated list of those permit holders, and shall timely certify the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify a permit holder subject to this section to remit taxes by electronic funds transfer does not relieve the permit holder of its obligation to remit taxes by electronic funds transfer.

(B) Permit holders required by division (A) of this section to remit payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by this section and rules adopted by the treasurer of state under section 113.061 of the Revised Code, and on or before the following dates:

(1) On or before each of the ~~eleventh, eighteenth,~~ fifteenth and twenty-fifth days of each month, a permit holder shall remit an amount equal to ~~one-fourth~~ thirty-seven and one-half per cent of the permit holder's total tax liability for the same month in the preceding calendar year.

(2) On or before the twenty-third day of each month, a permit holder shall report the taxes due for the previous month and shall remit that amount, less any amounts paid for that month as

required by division (B)(1) of this section. 77379

The payment of taxes by electronic funds transfer does not 77380  
affect a permit holder's obligation to file the monthly return as 77381  
required under section 5739.031 of the Revised Code. 77382

(C) A permit holder required by this section to remit taxes 77383  
by electronic funds transfer may apply to the treasurer of state 77384  
in the manner prescribed by the treasurer of state to be excused 77385  
from that requirement. The treasurer of state may excuse the 77386  
permit holder from remittance by electronic funds transfer for 77387  
good cause shown for the period of time requested by the permit 77388  
holder or for a portion of that period. The treasurer of state 77389  
shall notify the tax commissioner and the permit holder of the 77390  
treasurer of state's decision as soon as is practicable. 77391

(D)(1) If a permit holder that is required to remit payments 77392  
under division (B) of this section fails to make a payment, the 77393  
commissioner may impose an additional charge not to exceed five 77394  
per cent of that unpaid amount. 77395

(2) If a permit holder required by this section to remit 77396  
taxes by electronic funds transfer remits those taxes by some 77397  
means other than by electronic funds transfer as prescribed by 77398  
this section and the rules adopted by the treasurer of state, and 77399  
the tax commissioner determines that such failure was not due to 77400  
reasonable cause or was due to willful neglect, the commissioner 77401  
may impose an additional charge not to exceed the lesser of five 77402  
per cent of the amount of the taxes required to be paid by 77403  
electronic funds transfer or five thousand dollars. 77404

(3) Any additional charge imposed under division (D)(1) or 77405  
(2) of this section is in addition to any other penalty or charge 77406  
imposed under this chapter, and shall be considered as revenue 77407  
arising from taxes imposed under this chapter. An additional 77408  
charge may be collected by assessment in the manner prescribed by 77409

section 5739.13 of the Revised Code. The tax commissioner may 77410  
waive all or a portion of such a charge and may adopt rules 77411  
governing such waiver. 77412

No additional charge shall be imposed under division (D)(2) 77413  
of this section against a permit holder that has been notified of 77414  
its obligation to remit taxes under this section and that remits 77415  
its first two tax payments after such notification by some means 77416  
other than electronic funds transfer. The additional charge may be 77417  
imposed upon the remittance of any subsequent tax payment that the 77418  
permit holder remits by some means other than electronic funds 77419  
transfer. 77420

**Sec. 5739.033.** The amount of tax due pursuant to sections 77421  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 77422  
the sum of the taxes imposed pursuant to those sections at the 77423  
situs of the sale as determined under this section or, if 77424  
applicable, under division (C) of section 5739.031 of the Revised 77425  
Code. 77426

(A) Except as otherwise provided in this section, division 77427  
(C) of section 5739.031, and section 5739.034 of the Revised Code, 77428  
the situs of all sales is the vendor's place of business. 77429

(1) If the consumer or the consumer's agent takes possession 77430  
of the tangible personal property at a place of business of the 77431  
vendor where the purchase contract or agreement was made, the 77432  
situs of the sale is that place of business. 77433

(2) If the consumer or the consumer's agent takes possession 77434  
of the tangible personal property other than at a place of 77435  
business of the vendor, or takes possession at a warehouse or 77436  
similar facility of the vendor, the situs of the sale is the 77437  
vendor's place of business where the purchase contract or 77438  
agreement was made or the purchase order was received. 77439

(3) If the vendor provides a service specified in division 77440  
(B)(3)(a), (b), (c), (d), (n), ~~or (o)~~, (r), (s), or (t) of section 77441  
5739.01 or makes a sale specified in division (B)(8) of section 77442  
5739.01 of the Revised Code, the situs of the sale is the vendor's 77443  
place of business where the service is performed or the contract 77444  
or agreement for the service was made or the purchase order was 77445  
received. 77446

(B) If the vendor is a transient vendor as specified in 77447  
division (B) of section 5739.17 of the Revised Code, the situs of 77448  
the sale is the vendor's temporary place of business or, if the 77449  
transient vendor is the lessor of titled motor vehicles, titled 77450  
watercraft, or titled outboard motors, at the location where the 77451  
lessee keeps the leased property. 77452

(C) If the vendor makes sales of tangible personal property 77453  
from a stock of goods carried in a motor vehicle, from which the 77454  
purchaser makes selection and takes possession, or from which the 77455  
vendor sells tangible personal property the quantity of which has 77456  
not been determined prior to the time the purchaser takes 77457  
possession, the situs of the sale is the location of the motor 77458  
vehicle when the sale is made. 77459

(D) If the vendor is a delivery vendor as specified in 77460  
division (D) of section 5739.17 of the Revised Code, the situs of 77461  
the sale is the place where the tangible personal property is 77462  
delivered, where the leased property is used, or where the service 77463  
is performed or received. 77464

(E) If the vendor provides a service specified in division 77465  
(B)(3)(e), (g), (h), (j), (k), (l), ~~or (m)~~, (q), or (u) of section 77466  
5739.01 of the Revised Code, the situs of the sale is the location 77467  
of the consumer where the service is performed or received. 77468

(F) ~~Except as provided in division (I) or (J) of this~~ 77469  
~~section:~~ 77470

~~(1) If the vendor provides a service specified in division (B)(3)(f) or (i) of section 5739.01 of the Revised Code, the situs of the sale is the location of the telephone number or account as reflected in the records of the vendor.~~ 77471  
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~~(2) In the case of a telecommunications service, if the telephone number or account is located outside this state, the situs of the sale is the location in this state from which the service originated.~~ 77475  
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~~(G)~~ If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the situs of the sale is the location where the lodging is located. 77479  
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~~(H)~~(G) If the vendor sells a warranty, maintenance or service contract, or similar agreement as specified in division (B)(7) of section 5739.01 of the Revised Code and the vendor is a delivery vendor, the situs of the sale is the location of the consumer. If the vendor is not a delivery vendor, the situs of the sale is the vendor's place of business where the contract or agreement was made, unless the warranty or contract is a component of the sale of a titled motor vehicle, titled watercraft, or titled outboard motor, in which case the situs of the sale is the county of titling. 77483  
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~~(I)~~(H) Except as otherwise provided in this division, if the vendor sells a prepaid authorization number or a prepaid telephone calling card, the situs of the sale is the vendor's place of business and shall be taxed at the time of sale. If the vendor sells a prepaid authorization number or prepaid telephone calling card through a telephone call, electronic commerce, or any other form of remote commerce, the situs of the sale is the consumer's shipping address, or, if there is no item shipped, at the consumer's billing address. 77493  
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Sec. 5739.034. (A) As used in this section: 77502

(1) "Air-to-ground radiotelephone service" means a radio service, as defined in 47 C.F.R. 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft. 77503  
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(2) "Call-by-call basis" means any method of charging for telecommunications services where the price is measured by individual calls. 77507  
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(3) "Customer" means the person or entity that contracts with a seller of telecommunications service. If the end user of telecommunications service is not the contracting party, the end user of the telecommunications service is the customer of the telecommunications service. "Customer" does not include a reseller of telecommunications service or of mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area. 77510  
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(4) "End user" means the person who utilizes the telecommunications service. In the case of a person other than an individual, "end user" means the individual who utilizes the service on behalf of the person. 77519  
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(5) "Home service provider" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C. 124(5), as amended. 77523  
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(6) "Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, "place of primary use" must be within the licensed 77526  
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service area of the home service provider. 77532

(7) "Post-paid calling service" means the telecommunications 77533  
service obtained by making a payment on a call-by-call basis 77534  
either through the use of a credit card or payment mechanism such 77535  
as a bank card, travel card, credit card, or debit card, or by 77536  
charge made to a telephone number that is not associated with the 77537  
origination or termination of the telecommunications service. 77538  
"Post-paid calling service" includes a telecommunications service 77539  
that would be a prepaid calling service, but for the fact that it 77540  
is not exclusively a telecommunications service. 77541

(8) "Prepaid calling service" means the right to access 77542  
exclusively a telecommunications service that must be paid for in 77543  
advance, that enables the origination of calls using an access 77544  
number or authorization code, whether manually or electronically 77545  
dialed, and that is sold in predetermined units or dollars of 77546  
which the number declines with use in a known amount. 77547

(9) "Service address" means: 77548

(a) The location of the telecommunications equipment to which 77549  
a customer's call is charged and from which the call originates or 77550  
terminates, regardless of where the call is billed or paid. 77551

(b) If the location in division (A)(9)(a) of this section is 77552  
not known, "service address" means the origination point of the 77553  
signal of the telecommunications service first identified by 77554  
either the seller's telecommunications system or in information 77555  
received by the seller from its service provider, where the system 77556  
used to transport such signals is not that of the seller. 77557

(c) If the locations in divisions (A)(9)(a) and (b) of this 77558  
section are not known, "service address" means the location of the 77559  
customer's place of primary use. 77560

(B) The amount of tax due pursuant to sections 5739.02, 77561  
5739.021, 5739.023, and 5739.026 of the Revised Code on sales of 77562

telecommunications service, information service, or mobile telecommunications service, is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section. 77563  
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(C) Except for the telecommunications services described in division (E) of this section, the sale of telecommunications service sold on a call-by-call basis shall be sourced to each level of taxing jurisdiction where the call originates and terminates in that jurisdiction, or each level of taxing jurisdiction where the call either originates or terminates and in which the service address also is located. 77567  
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(D) Except for the telecommunications services described in division (E) of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis shall be sourced to the customer's place of primary use. 77574  
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(E) The sale of the following telecommunications services shall be sourced to each level of taxing jurisdiction, as follows: 77578  
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(1) A sale of mobile telecommunications service, other than air-to-ground radiotelephone service and prepaid calling service, shall be sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act. 77580  
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(2) A sale of post-paid calling service shall be sourced to the origination point of the telecommunications signal as first identified by the service provider's telecommunications system, or information received by the seller from its service provider, where the system used to transport such signals is not that of the seller. 77584  
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(3) A sale of prepaid calling service made prior to January 1, 2004, shall be sourced under division (H) of section 5739.033 of the Revised Code. On and after January 1, 2004, a sale of mobile telecommunications service that is a prepaid 77590  
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telecommunications service shall be sourced under division (A)(5) 77594  
of section 5739.033 of the Revised Code, but in lieu of sourcing 77595  
the sale of the service under that section, it may be sourced to 77596  
the location associated with the mobile telephone number. 77597

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 77598  
resolution adopted by a majority of the members of the board, levy 77599  
an excise tax not to exceed three per cent on transactions by 77600  
which lodging by a hotel is or is to be furnished to transient 77601  
guests. The board shall establish all regulations necessary to 77602  
provide for the administration and allocation of the tax. The 77603  
regulations may prescribe the time for payment of the tax, and may 77604  
provide for the imposition of a penalty or interest, or both, for 77605  
late payments, provided that the penalty does not exceed ten per 77606  
cent of the amount of tax due, and the rate at which interest 77607  
accrues does not exceed the rate per annum prescribed pursuant to 77608  
section 5703.47 of the Revised Code. Except as provided in 77609  
divisions (A)(2), (3), ~~and (4)~~, and (5) of this section, the 77610  
regulations shall provide, after deducting the real and actual 77611  
costs of administering the tax, for the return to each municipal 77612  
corporation or township that does not levy an excise tax on the 77613  
transactions, a uniform percentage of the tax collected in the 77614  
municipal corporation or in the unincorporated portion of the 77615  
township from each transaction, not to exceed thirty-three and 77616  
one-third per cent. The remainder of the revenue arising from the 77617  
tax shall be deposited in a separate fund and shall be spent 77618  
solely to make contributions to the convention and visitors' 77619  
bureau operating within the county, including a pledge and 77620  
contribution of any portion of the remainder pursuant to an 77621  
agreement authorized by section 307.695 of the Revised Code. 77622  
Except as provided in division (A)(2), (3), ~~or (4)~~, or (5) or (H) 77623  
of this section, on and after May 10, 1994, a board of county 77624  
commissioners may not levy an excise tax pursuant to this division 77625

in any municipal corporation or township located wholly or partly 77626  
within the county that has in effect an ordinance or resolution 77627  
levying an excise tax pursuant to division (B) of this section. 77628  
The board of a county that has levied a tax under division (C) of 77629  
this section may, by resolution adopted within ninety days after 77630  
July 15, 1985, by a majority of the members of the board, amend 77631  
the resolution levying a tax under this division to provide for a 77632  
portion of that tax to be pledged and contributed in accordance 77633  
with an agreement entered into under section 307.695 of the 77634  
Revised Code. A tax, any revenue from which is pledged pursuant to 77635  
such an agreement, shall remain in effect at the rate at which it 77636  
is imposed for the duration of the period for which the revenue 77637  
from the tax has been so pledged. 77638

(2) A board of county commissioners that levies an excise tax 77639  
under division (A)(1) of this section on June 30, 1997, at a rate 77640  
of three per cent, and that has pledged revenue from the tax to an 77641  
agreement entered into under section 307.695 of the Revised Code, 77642  
may amend the resolution levying that tax to provide for an 77643  
increase in the rate of the tax up to five per cent on each 77644  
transaction; to provide that revenue from the increase in the rate 77645  
shall be spent solely to make contributions to the convention and 77646  
visitors' bureau operating within the county to be used 77647  
specifically for promotion, advertising, and marketing of the 77648  
region in which the county is located; to provide that the rate in 77649  
excess of the three per cent levied under division (A)(1) of this 77650  
section shall remain in effect at the rate at which it is imposed 77651  
for the duration of the period during which any agreement is in 77652  
effect that was entered into under section 307.695 of the Revised 77653  
Code by the board of county commissioners levying a tax under 77654  
division (A)(1) of this section; and to provide that no portion of 77655  
that revenue need be returned to townships or municipal 77656  
corporations as would otherwise be required under division (A)(1) 77657

of this section. 77658

(3) A board of county commissioners that levies a tax under 77659  
division (A)(1) of this section on March 18, 1999, at a rate of 77660  
three per cent may, by resolution adopted not later than 77661  
forty-five days after March 18, 1999, amend the resolution levying 77662  
the tax to provide for all of the following: 77663

(a) That the rate of the tax shall be increased by not more 77664  
than an additional four per cent on each transaction; 77665

(b) That all of the revenue from the increase in the rate 77666  
shall be pledged and contributed to a convention facilities 77667  
authority established by the board of county commissioners under 77668  
Chapter 351. of the Revised Code on or before November 15, 1998, 77669  
and used to pay costs of constructing, maintaining, operating, and 77670  
promoting a facility in the county, including paying bonds, or 77671  
notes issued in anticipation of bonds, as provided by that 77672  
chapter; 77673

(c) That no portion of the revenue arising from the increase 77674  
in rate need be returned to municipal corporations or townships as 77675  
otherwise required under division (A)(1) of this section; 77676

(d) That the increase in rate shall not be subject to 77677  
diminution by initiative or referendum or by law while any bonds, 77678  
or notes in anticipation of bonds, issued by the authority under 77679  
Chapter 351. of the Revised Code to which the revenue is pledged, 77680  
remain outstanding in accordance with their terms, unless 77681  
provision is made by law or by the board of county commissioners 77682  
for an adequate substitute therefor that is satisfactory to the 77683  
trustee if a trust agreement secures the bonds. 77684

Division (A)(3) of this section does not apply to the board 77685  
of county commissioners of any county in which a convention center 77686  
or facility exists or is being constructed on November 15, 1998, 77687  
or of any county in which a convention facilities authority levies 77688

a tax pursuant to section 351.021 of the Revised Code on that 77689  
date. 77690

As used in division (A)(3) of this section, "cost" and 77691  
"facility" have the same meanings as in section 351.01 of the 77692  
Revised Code, and "convention center" has the same meaning as in 77693  
section 307.695 of the Revised Code. 77694

(4) A board of county commissioners that levies a tax under 77695  
division (A)(1) of this section on June 30, 2002, at a rate of 77696  
three per cent may, by resolution adopted not later than September 77697  
30, 2002, amend the resolution levying the tax to provide for all 77698  
of the following: 77699

(a) That the rate of the tax shall be increased by not more 77700  
than an additional three and one-half per cent on each 77701  
transaction; 77702

(b) That all of the revenue from the increase in rate shall 77703  
be pledged and contributed to a convention facilities authority 77704  
established by the board of county commissioners under Chapter 77705  
351. of the Revised Code on or before May 15, 2002, and be used to 77706  
pay costs of constructing, expanding, maintaining, operating, or 77707  
promoting a convention center in the county, including paying 77708  
bonds, or notes issued in anticipation of bonds, as provided by 77709  
that chapter; 77710

(c) That no portion of the revenue arising from the increase 77711  
in rate need be returned to municipal corporations or townships as 77712  
otherwise required under division (A)(1) of this section; 77713

(d) That the increase in rate shall not be subject to 77714  
diminution by initiative or referendum or by law while any bonds, 77715  
or notes in anticipation of bonds, issued by the authority under 77716  
Chapter 351. of the Revised Code to which the revenue is pledged, 77717  
remain outstanding in accordance with their terms, unless 77718  
provision is made by law or by the board of county commissioners 77719

for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(5)(a) As used in division (A)(5) of this section:

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to

increase the rate of a tax as authorized in division (A)(5)(b)(ii) 77750  
of this section, the board also may amend the resolution to 77751  
specify that the increase in rate of the tax does not apply to 77752  
"hotels," as otherwise defined in section 5739.01 of the Revised 77753  
Code, having fewer rooms used for the accommodation of guests than 77754  
a number of rooms specified by the board. 77755

(B)(1) The legislative authority of a municipal corporation 77756  
or the board of trustees of a township that is not wholly or 77757  
partly located in a county that has in effect a resolution levying 77758  
an excise tax pursuant to division (A)(1) of this section may, by 77759  
ordinance or resolution, levy an excise tax not to exceed three 77760  
per cent on transactions by which lodging by a hotel is or is to 77761  
be furnished to transient guests. The legislative authority of the 77762  
municipal corporation or the board of trustees of the township 77763  
shall deposit at least fifty per cent of the revenue from the tax 77764  
levied pursuant to this division into a separate fund, which shall 77765  
be spent solely to make contributions to convention and visitors' 77766  
bureaus operating within the county in which the municipal 77767  
corporation or township is wholly or partly located, and the 77768  
balance of that revenue shall be deposited in the general fund. 77769  
The municipal corporation or township shall establish all 77770  
regulations necessary to provide for the administration and 77771  
allocation of the tax. The regulations may prescribe the time for 77772  
payment of the tax, and may provide for the imposition of a 77773  
penalty or interest, or both, for late payments, provided that the 77774  
penalty does not exceed ten per cent of the amount of tax due, and 77775  
the rate at which interest accrues does not exceed the rate per 77776  
annum prescribed pursuant to section 5703.47 of the Revised Code. 77777  
The levy of a tax under this division is in addition to any tax 77778  
imposed on the same transaction by a municipal corporation or a 77779  
township as authorized by division (A) of section 5739.08 of the 77780  
Revised Code. 77781

(2) The legislative authority of the most populous municipal corporation located wholly or partly in a county in which the board of county commissioners has levied a tax under division (A)(4) of this section may amend, on or before September 30, 2002, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

As used in division (B)(2) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(C) For the purpose of making the payments authorized by 77813  
section 307.695 of the Revised Code to construct and equip a 77814  
convention center in the county and to cover the costs of 77815  
administering the tax, a board of county commissioners of a county 77816  
where a tax imposed under division (A)(1) of this section is in 77817  
effect may, by resolution adopted within ninety days after July 77818  
15, 1985, by a majority of the members of the board, levy an 77819  
additional excise tax not to exceed three per cent on transactions 77820  
by which lodging by a hotel is or is to be furnished to transient 77821  
guests. The tax authorized by this division shall be in addition 77822  
to any tax that is levied pursuant to division (A) of this 77823  
section, but it shall not apply to transactions subject to a tax 77824  
levied by a municipal corporation or township pursuant to the 77825  
authorization granted by division (A) of section 5739.08 of the 77826  
Revised Code. The board shall establish all regulations necessary 77827  
to provide for the administration and allocation of the tax. The 77828  
regulations may prescribe the time for payment of the tax, and may 77829  
provide for the imposition of a penalty or interest, or both, for 77830  
late payments, provided that the penalty does not exceed ten per 77831  
cent of the amount of tax due, and the rate at which interest 77832  
accrues does not exceed the rate per annum prescribed pursuant to 77833  
section 5703.47 of the Revised Code. All revenues arising from the 77834  
tax shall be expended in accordance with section 307.695 of the 77835  
Revised Code. A tax imposed under this division shall remain in 77836  
effect at the rate at which it is imposed for the duration of the 77837  
period for which the revenue from the tax has been pledged 77838  
pursuant to that section. 77839

(D) For the purpose of providing contributions under division 77840  
(B)(1) of section 307.671 of the Revised Code to enable the 77841  
acquisition, construction, and equipping of a port authority 77842  
educational and cultural facility in the county and, to the extent 77843  
provided for in the cooperative agreement authorized by that 77844  
section, for the purpose of paying debt service charges on bonds, 77845

or notes in anticipation of bonds, described in division (B)(1)(b) 77846  
of that section, a board of county commissioners, by resolution 77847  
adopted within ninety days after December 22, 1992, by a majority 77848  
of the members of the board, may levy an additional excise tax not 77849  
to exceed one and one-half per cent on transactions by which 77850  
lodging by a hotel is or is to be furnished to transient guests. 77851  
The excise tax authorized by this division shall be in addition to 77852  
any tax that is levied pursuant to divisions (A), (B), and (C) of 77853  
this section, to any excise tax levied pursuant to section 5739.08 77854  
of the Revised Code, and to any excise tax levied pursuant to 77855  
section 351.021 of the Revised Code. The board of county 77856  
commissioners shall establish all regulations necessary to provide 77857  
for the administration and allocation of the tax that are not 77858  
inconsistent with this section or section 307.671 of the Revised 77859  
Code. The regulations may prescribe the time for payment of the 77860  
tax, and may provide for the imposition of a penalty or interest, 77861  
or both, for late payments, provided that the penalty does not 77862  
exceed ten per cent of the amount of tax due, and the rate at 77863  
which interest accrues does not exceed the rate per annum 77864  
prescribed pursuant to section 5703.47 of the Revised Code. All 77865  
revenues arising from the tax shall be expended in accordance with 77866  
section 307.671 of the Revised Code and division (D) of this 77867  
section. The levy of a tax imposed under this division may not 77868  
commence prior to the first day of the month next following the 77869  
execution of the cooperative agreement authorized by section 77870  
307.671 of the Revised Code by all parties to that agreement. The 77871  
tax shall remain in effect at the rate at which it is imposed for 77872  
the period of time described in division (C) of section 307.671 of 77873  
the Revised Code for which the revenue from the tax has been 77874  
pledged by the county to the corporation pursuant to that section, 77875  
but, to any extent provided for in the cooperative agreement, for 77876  
no lesser period than the period of time required for payment of 77877  
the debt service charges on bonds, or notes in anticipation of 77878

bonds, described in division (B)(1)(b) of that section. 77879

(E) For the purpose of paying the costs of acquiring, 77880  
constructing, equipping, and improving a municipal educational and 77881  
cultural facility, including debt service charges on bonds 77882  
provided for in division (B) of section 307.672 of the Revised 77883  
Code, and for any additional purposes determined by the county in 77884  
the resolution levying the tax or amendments to the resolution, 77885  
including subsequent amendments providing for paying costs of 77886  
acquiring, constructing, renovating, rehabilitating, equipping, 77887  
and improving a port authority educational and cultural performing 77888  
arts facility, as defined in section 307.674 of the Revised Code, 77889  
and including debt service charges on bonds provided for in 77890  
division (B) of section 307.674 of the Revised Code, the 77891  
legislative authority of a county, by resolution adopted within 77892  
ninety days after June 30, 1993, by a majority of the members of 77893  
the legislative authority, may levy an additional excise tax not 77894  
to exceed one and one-half per cent on transactions by which 77895  
lodging by a hotel is or is to be furnished to transient guests. 77896  
The excise tax authorized by this division shall be in addition to 77897  
any tax that is levied pursuant to divisions (A), (B), (C), and 77898  
(D) of this section, to any excise tax levied pursuant to section 77899  
5739.08 of the Revised Code, and to any excise tax levied pursuant 77900  
to section 351.021 of the Revised Code. The legislative authority 77901  
of the county shall establish all regulations necessary to provide 77902  
for the administration and allocation of the tax. The regulations 77903  
may prescribe the time for payment of the tax, and may provide for 77904  
the imposition of a penalty or interest, or both, for late 77905  
payments, provided that the penalty does not exceed ten per cent 77906  
of the amount of tax due, and the rate at which interest accrues 77907  
does not exceed the rate per annum prescribed pursuant to section 77908  
5703.47 of the Revised Code. All revenues arising from the tax 77909  
shall be expended in accordance with section 307.672 of the 77910  
Revised Code and this division. The levy of a tax imposed under 77911

this division shall not commence prior to the first day of the 77912  
month next following the execution of the cooperative agreement 77913  
authorized by section 307.672 of the Revised Code by all parties 77914  
to that agreement. The tax shall remain in effect at the rate at 77915  
which it is imposed for the period of time determined by the 77916  
legislative authority of the county, but not to exceed fifteen 77917  
years. 77918

(F) The legislative authority of a county that has levied a 77919  
tax under division (E) of this section may, by resolution adopted 77920  
within one hundred eighty days after January 4, 2001, by a 77921  
majority of the members of the legislative authority, amend the 77922  
resolution levying a tax under that division to provide for the 77923  
use of the proceeds of that tax, to the extent that it is no 77924  
longer needed for its original purpose as determined by the 77925  
parties to a cooperative agreement amendment pursuant to division 77926  
(D) of section 307.672 of the Revised Code, to pay costs of 77927  
acquiring, constructing, renovating, rehabilitating, equipping, 77928  
and improving a port authority educational and cultural performing 77929  
arts facility, including debt service charges on bonds provided 77930  
for in division (B) of section 307.674 of the Revised Code, and to 77931  
pay all obligations under any guaranty agreements, reimbursement 77932  
agreements, or other credit enhancement agreements described in 77933  
division (C) of section 307.674 of the Revised Code. The 77934  
resolution may also provide for the extension of the tax at the 77935  
same rate for the longer of the period of time determined by the 77936  
legislative authority of the county, but not to exceed an 77937  
additional twenty-five years, or the period of time required to 77938  
pay all debt service charges on bonds provided for in division (B) 77939  
of section 307.672 of the Revised Code and on port authority 77940  
revenue bonds provided for in division (B) of section 307.674 of 77941  
the Revised Code. All revenues arising from the amendment and 77942  
extension of the tax shall be expended in accordance with section 77943  
307.674 of the Revised Code, this division, and division (E) of 77944

this section. 77945

(G) For purposes of a tax levied by a county, township, or 77946  
municipal corporation under this section or section 5739.08 of the 77947  
Revised Code, a board of county commissioners, board of township 77948  
trustees, or the legislative authority of a municipal corporation 77949  
may adopt a resolution or ordinance at any time specifying that 77950  
"hotel," as otherwise defined in section 5739.01 of the Revised 77951  
Code, includes establishments in which fewer than five rooms are 77952  
used for the accommodation of guests. The resolution or ordinance 77953  
may apply to a tax imposed pursuant to this section prior to the 77954  
adoption of the resolution or ordinance if the resolution or 77955  
ordinance so states, but the tax shall not apply to transactions 77956  
by which lodging by such an establishment is provided to transient 77957  
guests prior to the adoption of the resolution or ordinance. 77958

(H)(1) As used in this division: 77959

(a) "Convention facilities authority" has the same meaning as 77960  
in section 351.01 of the Revised Code. 77961

(b) "Convention center" has the same meaning as in section 77962  
307.695 of the Revised Code. 77963

(2) Notwithstanding any contrary provision of division (D) of 77964  
this section, the legislative authority of a county with a 77965  
population of one million or more according to the most recent 77966  
federal decennial census that has levied a tax under division (D) 77967  
of this section may, by resolution adopted by a majority of the 77968  
members of the legislative authority, provide for the extension of 77969  
such levy and may provide that the proceeds of that tax, to the 77970  
extent that they are no longer needed for their original purpose 77971  
as defined by a cooperative agreement entered into under section 77972  
307.671 of the Revised Code, shall be deposited into the county 77973  
general revenue fund. The resolution shall provide for the 77974  
extension of the tax at a rate not to exceed the rate specified in 77975

division (D) of this section for a period of time determined by 77976  
the legislative authority of the county, but not to exceed an 77977  
additional forty years. 77978

(3) The legislative authority of a county with a population 77979  
of one million or more that has levied a tax under division (A)(1) 77980  
of this section may, by resolution adopted by a majority of the 77981  
members of the legislative authority, increase the rate of the tax 77982  
levied by such county under division (A)(1) of this section to a 77983  
rate not to exceed five per cent on transactions by which lodging 77984  
by a hotel is or is to be furnished to transient guests. 77985  
Notwithstanding any contrary provision of division (A)(1) of this 77986  
section, the resolution may provide that all collections resulting 77987  
from the rate levied in excess of three per cent, after deducting 77988  
the real and actual costs of administering the tax, shall be 77989  
deposited in the county general fund. 77990

(4) The legislative authority of a county with a population 77991  
of one million or more that has levied a tax under division (A)(1) 77992  
of this section may, by resolution adopted on or before August 30, 77993  
2004, by a majority of the members of the legislative authority, 77994  
provide that all or a portion of the proceeds of the tax levied 77995  
under division (A)(1) of this section, after deducting the real 77996  
and actual costs of administering the tax and the amounts required 77997  
to be returned to townships and municipal corporations with 77998  
respect to the first three per cent levied under division (A)(1) 77999  
of this section, shall be deposited in the county general fund, 78000  
provided that such proceeds shall be used to satisfy any pledges 78001  
made in connection with an agreement entered into under section 78002  
307.695 of the Revised Code. 78003

(5) No amount collected from a tax levied, extended, or 78004  
required to be deposited in the county general fund under division 78005  
(H) of this section shall be contributed to a convention 78006  
facilities authority, corporation, or other entity created after 78007

July 1, 2003, for the principal purpose of constructing, 78008  
improving, expanding, equipping, financing, or operating a 78009  
convention center unless the mayor of the municipal corporation in 78010  
which the convention center is to be operated by that convention 78011  
facilities authority, corporation, or other entity has consented 78012  
to the creation of that convention facilities authority, 78013  
corporation, or entity. Notwithstanding any contrary provision of 78014  
section 351.04 of the Revised Code, if a tax is levied by a county 78015  
under division (H) of this section, the board of county 78016  
commissioners of that county may determine the manner of 78017  
selection, the qualifications, the number, and terms of office of 78018  
the members of the board of directors of any convention facilities 78019  
authority, corporation, or other entity described in division 78020  
(H)(5) of this section. 78021

(6)(a) No amount collected from a tax levied, extended, or 78022  
required to be deposited in the county general fund under division 78023  
(H) of this section may be used for any purpose other than paying 78024  
the direct and indirect costs of constructing, improving, 78025  
expanding, equipping, financing, or operating a convention center 78026  
and for the real and actual costs of administering the tax, 78027  
unless, prior to the adoption of the resolution of the legislative 78028  
authority of the county authorizing the levy, extension, increase, 78029  
or deposit, the county and the mayor of the most populous 78030  
municipal corporation in that county have entered into an 78031  
agreement as to the use of such amounts, provided that such 78032  
agreement has been approved by a majority of the mayors of the 78033  
other municipal corporations in that county. The agreement shall 78034  
provide that the amounts to be used for purposes other than paying 78035  
the convention center or administrative costs described in 78036  
division (H)(6)(a) of this section be used only for the direct and 78037  
indirect costs of capital improvements, including the financing of 78038  
capital improvements. 78039

(b) If the county in which the tax is levied has an association of mayors and city managers, the approval of that association of an agreement described in division (H)(6)(a) of this section shall be considered to be the approval of the majority of the mayors of the other municipal corporations for purposes of that division. 78040  
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(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (H) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate. 78046  
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**Sec. 5739.10.** (A) In addition to the tax levied ~~in~~ by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, and to secure the same objectives specified in ~~said~~ those sections, there is hereby levied upon the privilege of engaging in the business of making retail sales, an excise tax of six per cent on and after July 1, 2003, and on and before June 30, 2005, and an excise tax of five per cent on and after July 1, 2005, or, in the case of retail sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, a percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code of the receipts derived from all retail sales, ~~except retail sales under sixteen cents and those to~~ which the excise tax imposed by section 5739.02 of the Revised Code is made inapplicable by division (B) of ~~said~~ that section. 78055  
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(B) For the purpose of this section, no vendor shall be required to maintain records of ~~individual retail sales of tangible personal property under sixteen cents or~~ sales of food for human consumption off the premises where sold, and no assessment shall be made against any vendor for ~~retail sales of less than sixteen cents or for~~ sales of food for human consumption off the premises where sold, solely because the vendor has no records of, or has inadequate records of, ~~retail sales of less than sixteen cents or~~ such sales of food for human consumption off the premises where sold; provided that where a vendor does not have adequate records of receipts from ~~his retail sales in excess of fifteen cents or~~ the vendor's sales of food for human consumption on the premises where sold, the tax commissioner may refuse to accept the vendor's return and, upon the basis of test checks of the vendor's business for a representative period, and other information relating to the sales made by such vendor, determine the proportion that taxable retail sales bear to all ~~his~~ of the vendor's retail sales. The tax imposed by this section shall be determined by deducting from the sum representing five or six per cent, as applicable under division (A) of this section, or, in the case of retail sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, a percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code of the receipts from such retail sales, the amount of tax paid to the state or to a clerk of a court of common pleas. The section does not affect any duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 to 5739.31 of the Revised Code, nor the liability of any consumer to pay any tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code.

**Sec. 5739.12.** (A) Each person who has or is required to have a vendor's license, on or before the twenty-third day of each

month, shall make and file a return for the preceding month, on 78103  
forms prescribed by the tax commissioner, and shall pay the tax 78104  
shown on the return to be due. The commissioner may require a 78105  
vendor that operates from multiple locations or has multiple 78106  
vendor's licenses to report all tax liabilities on one 78107  
consolidated return. The return shall show the amount of tax due 78108  
from the vendor to the state for the period covered by the return 78109  
and such other information as the commissioner deems necessary for 78110  
the proper administration of this chapter. The commissioner may 78111  
extend the time for making and filing returns and paying the tax, 78112  
and may require that the return for the last month of any annual 78113  
or semiannual period, as determined by the commissioner, be a 78114  
reconciliation return detailing the vendor's sales activity for 78115  
the preceding annual or semiannual period. The reconciliation 78116  
return shall be filed by the last day of the month following the 78117  
last month of the annual or semiannual period. The commissioner 78118  
may remit all or any part of amounts or penalties that may become 78119  
due under this chapter and may adopt rules relating thereto. Such 78120  
return shall be filed by mailing it to the tax commissioner, 78121  
together with payment of the amount of tax shown to be due thereon 78122  
after deduction of any discount provided for under this section. 78123  
Remittance shall be made payable to the treasurer of state. The 78124  
return shall be considered filed when received by the tax 78125  
commissioner, and the payment shall be considered made when 78126  
received by the tax commissioner or when credited to an account 78127  
designated by the treasurer of state or the tax commissioner. 78128

(B) If the return is filed and the amount of tax shown 78129  
thereon to be due is paid on or before the date such return is 78130  
required to be filed, the vendor shall be entitled to a the 78131  
following discount of three-fourths: 78132

(1) On and after July 1, 2003, and on and before June 30, 78133  
2005, nine-tenths of one per cent of the amount shown to be due on 78134

the return; 78135

(2) On and after July 1, 2005, three-fourths of one per cent 78136  
of the amount shown to be due on the return, ~~but a.~~ 78137

A vendor that has selected a certified service provider as 78138  
its agent shall not be entitled to the discount. Amounts paid to 78139  
the clerk of courts pursuant to section 4505.06 of the Revised 78140  
Code shall be subject to the ~~three-fourths of one per cent~~ 78141  
applicable discount. The discount shall be in consideration for 78142  
prompt payment to the clerk of courts and for other services 78143  
performed by the vendor in the collection of the tax. 78144

(C)(1) Upon application to the commissioner, a vendor who is 78145  
required to file monthly returns may be relieved of the 78146  
requirement to report and pay the actual tax due, provided that 78147  
the vendor agrees to remit to the tax commissioner payment of not 78148  
less than an amount determined by the commissioner to be the 78149  
average monthly tax liability of the vendor, based upon a review 78150  
of the returns or other information pertaining to such vendor for 78151  
a period of not less than six months nor more than two years 78152  
immediately preceding the filing of the application. Vendors who 78153  
agree to the above conditions shall make and file an annual or 78154  
semiannual reconciliation return, as prescribed by the 78155  
commissioner. The reconciliation return shall be filed by mailing 78156  
or delivering it to the tax commissioner, together with payment of 78157  
the amount of tax shown to be due thereon after deduction of any 78158  
discount provided in this section. Remittance shall be made 78159  
payable to the treasurer of state. Failure of a vendor to comply 78160  
with any of the above conditions may result in immediate 78161  
reinstatement of the requirement of reporting and paying the 78162  
actual tax liability on each monthly return, and the commissioner 78163  
may at the commissioner's discretion deny the vendor the right to 78164  
report and pay based upon the average monthly liability for a 78165  
period not to exceed two years. The amount ascertained by the 78166

commissioner to be the average monthly tax liability of a vendor 78167  
may be adjusted, based upon a review of the returns or other 78168  
information pertaining to the vendor for a period of not less than 78169  
six months nor more than two years preceding such adjustment. 78170

(2) The commissioner may authorize vendors whose tax 78171  
liability is not such as to merit monthly returns, as ascertained 78172  
by the commissioner upon the basis of administrative costs to the 78173  
state, to make and file returns at less frequent intervals. When 78174  
returns are filed at less frequent intervals in accordance with 78175  
such authorization, the vendor shall be allowed the discount ~~of~~ 78176  
~~three-fourths of one per cent~~ provided in this section in 78177  
consideration for prompt payment with the return, provided the 78178  
return is filed together with payment of the amount of tax shown 78179  
to be due thereon, at the time specified by the commissioner, but 78180  
a vendor that has selected a certified service provider as its 78181  
agent shall not be entitled to the discount. 78182

(D) Any vendor who fails to file a return or pay the full 78183  
amount of the tax shown on the return to be due under this section 78184  
and the rules of the commissioner may, for each such return the 78185  
vendor fails to file or each such tax the vendor fails to pay in 78186  
full as shown on the return within the period prescribed by this 78187  
section and the rules of the commissioner, be required to forfeit 78188  
and pay into the state treasury an additional charge not exceeding 78189  
fifty dollars or ten per cent of the tax required to be paid for 78190  
the reporting period, whichever is greater, as revenue arising 78191  
from the tax imposed by this chapter, and such sum may be 78192  
collected by assessment in the manner provided in section 5739.13 78193  
of the Revised Code. The commissioner may remit all or a portion 78194  
of the additional charge and may adopt rules relating to the 78195  
imposition and remission of the additional charge. 78196

(E) If the amount required to be collected by a vendor from 78197  
consumers is in excess of ~~five per cent~~ the applicable percentage 78198

of the vendor's receipts from sales that are taxable under section 78199  
5739.02 of the Revised Code, or in the case of sales subject to a 78200  
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 78201  
the Revised Code, in excess of the percentage equal to the 78202  
aggregate rate of such taxes and the tax levied by section 5739.02 78203  
of the Revised Code, such excess shall be remitted along with the 78204  
remittance of the amount of tax due under section 5739.10 of the 78205  
Revised Code. 78206

(F) The commissioner, if the commissioner deems it necessary 78207  
in order to insure the payment of the tax imposed by this chapter, 78208  
may require returns and payments to be made for other than monthly 78209  
periods. The returns shall be signed by the vendor or the vendor's 78210  
authorized agent. 78211

(G) Any vendor required to file a return and pay the tax 78212  
under this section, whose total payment ~~in any year indicated in~~ 78213  
~~division (A) of section 5739.122 of the Revised Code~~ equals or 78214  
exceeds the amount shown in ~~that~~ division (A) of section 5739.122 78215  
of the Revised Code, shall make each payment required by this 78216  
section in the second ensuing and each succeeding year by 78217  
electronic funds transfer as prescribed by, and on or before the 78218  
dates specified in, section 5739.122 of the Revised Code, except 78219  
as otherwise prescribed by that section. For a vendor that 78220  
operates from multiple locations or has multiple vendor's 78221  
licenses, in determining whether the vendor's total payment equals 78222  
or exceeds the amount shown in division (A) of that section, the 78223  
vendor's total payment amount shall be the amount of the vendor's 78224  
total tax liability for the previous calendar year for all of the 78225  
vendor's locations or licenses. 78226

**Sec. 5739.121.** (A) As used in this section, "bad debt" means 78227  
any debt that has become worthless or uncollectible in the time 78228  
period between a vendor's preceding return and the present return, 78229

~~have~~ has been uncollected for at least six months, and that may be 78230  
claimed as a deduction pursuant to the "Internal Revenue Code of 78231  
1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations 78232  
adopted pursuant thereto, or that could be claimed as such a 78233  
deduction if the vendor kept accounts on an accrual basis. "Bad 78234  
debt" does not include any interest or sales tax on the purchase 78235  
price, uncollectible amounts on property that remains in the 78236  
possession of the vendor until the full purchase price is paid, 78237  
expenses incurred in attempting to collect any account receivable 78238  
or for any portion of the debt recovered, ~~any accounts receivable~~ 78239  
~~that have been sold to a third party for collection,~~ and 78240  
repossessed property. 78241

(B) In computing taxable receipts for purposes of this 78242  
chapter, a vendor may deduct the amount of bad debts, ~~as defined~~ 78243  
~~in this section.~~ The amount deducted must be charged off as 78244  
uncollectible on the books of the vendor. A deduction may be 78245  
claimed only with respect to bad debts on which the taxes pursuant 78246  
to sections 5739.10 and 5739.12 of the Revised Code were paid in a 78247  
preceding tax period. If the vendor's business consists of taxable 78248  
and nontaxable transactions, the deduction shall equal the full 78249  
amount of the debt if the debt is documented as a taxable 78250  
transaction in the vendor's records. If no such documentation is 78251  
available, the maximum deduction on any bad debt shall equal the 78252  
amount of the bad debt multiplied by the quotient obtained by 78253  
dividing the sales taxed pursuant to this chapter during the 78254  
preceding calendar year by all sales during the preceding calendar 78255  
year, whether taxed or not. If a consumer or other person pays all 78256  
or part of a bad debt with respect to which a vendor claimed a 78257  
deduction under this section, the vendor shall be liable for the 78258  
amount of taxes deducted in connection with that portion of the 78259  
debt for which payment is received and shall remit such taxes in 78260  
the vendor's next payment to the tax commissioner. 78261

(C) Any claim for a bad debt deduction under this section shall be supported by such evidence as the tax commissioner by rule requires. The commissioner shall review any change in the rate of taxation applicable to any taxable sales by a vendor claiming a deduction pursuant to this section and adopt rules for altering the deduction in the event of such a change in order to ensure that the deduction on any bad debt does not result in the vendor claiming the deduction recovering any more or less than the taxes imposed on the sale that constitutes the bad debt. 78262  
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(D) In any reporting period in which the amount of bad debt exceeds the amount of taxable sales for the period, the vendor may file a refund claim for any tax collected on the bad debt in excess of the tax reported on the return. The refund claim shall be filed in the manner provided in section 5739.07 of the Revised Code, except that the claim may be filed within four years of the due date of the return on which the bad debt first could have been claimed. 78271  
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(E) When the filing responsibilities of a vendor have been assumed by a certified service provider, the certified service provider shall claim the bad debt allowance provided by this section on behalf of the vendor. The certified service provider shall credit or refund to the vendor the full amount of any bad debt allowance or refund. 78279  
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(F) No person other than the vendor in the transaction that generated the bad debt or, as provided in division (E) of this section, a certified service provider, may claim the bad debt allowance provided by this section. 78285  
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**Sec. 5739.122.** (A) If the total amount of tax required to be paid by a vendor under section 5739.12 of the Revised Code for any calendar year ~~indicated in the following schedule equals or exceeds the amounts prescribed for that year in the schedule~~ 78289  
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seventy-five thousand dollars, the vendor shall remit each monthly tax payment in the second ensuing and each succeeding tax year by electronic funds transfer as prescribed by divisions (B) and (C) of this section.

Year	1992	<del>1993 through 1999</del>	<del>2000 and thereafter</del>	
Tax payment	\$1,200,000	\$600,000	\$60,000	

If a vendor's tax payment for each of two consecutive years beginning with 2000 is less than ~~sixty~~ seventy-five thousand dollars, the vendor is relieved of the requirement to remit taxes by electronic funds transfer for the year that next follows the second of the consecutive years in which the tax payment is less than ~~sixty thousand dollars~~ that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a subsequent year equals or exceeds ~~sixty~~ seventy-five thousand dollars.

The tax commissioner shall notify each vendor required to remit taxes by electronic funds transfer of the vendor's obligation to do so, shall maintain an updated list of those vendors, and shall timely certify the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify a vendor subject to this section to remit taxes by electronic funds transfer does not relieve the vendor of its obligation to remit taxes by electronic funds transfer.

(B) Vendors required by division (A) of this section to remit payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by this section and rules adopted by the treasurer of state under section 113.061 of the Revised Code, and on or before the following dates:

(1) On or before the ~~eleventh~~ fifteenth day of each month, a vendor shall remit an amount equal to the taxes collected during the first ~~seven~~ eleven days of the month. ~~On or before the~~

~~eighteenth day of each month, a vendor shall remit an amount equal~~ 78325  
~~to the taxes collected on the eighth through the fourteenth day of~~ 78326  
~~the month.~~ On or before the twenty-fifth day of each month, a 78327  
vendor shall remit an amount equal to the taxes collected on the 78328  
~~fifteenth~~ twelfth through the twenty-first day of the month. 78329

(2) In lieu of remitting the actual amounts collected for the 78330  
periods specified in division (B)(1) of this section, a vendor 78331  
may, on or before each of the ~~eleventh, eighteenth,~~ fifteenth and 78332  
twenty-fifth days of each month, remit an amount equal to 78333  
~~one-fourth~~ thirty-seven and one-half per cent of the vendor's 78334  
total tax liability for the same month in the preceding calendar 78335  
year. 78336

(3) On or before the twenty-third day of each month, a vendor 78337  
shall report the taxes collected for the previous month and shall 78338  
remit that amount, less any amounts paid for that month as 78339  
required by division (B)(1) or (2) of this section. 78340

The payment of taxes by electronic funds transfer does not 78341  
affect a vendor's obligation to file the monthly return as 78342  
required under section 5739.12 of the Revised Code. 78343

(C) A vendor required by this section to remit taxes by 78344  
electronic funds transfer may apply to the treasurer of state in 78345  
the manner prescribed by the treasurer of state to be excused from 78346  
that requirement. The treasurer of state may excuse the vendor 78347  
from remittance by electronic funds transfer for good cause shown 78348  
for the period of time requested by the vendor or for a portion of 78349  
that period. The treasurer of state shall notify the tax 78350  
commissioner and the vendor of the treasurer of state's decision 78351  
as soon as is practicable. 78352

(D)(1) If a vendor that is required to remit payments under 78353  
division (B) of this section fails to make a payment, the 78354  
commissioner may impose an additional charge not to exceed five 78355

per cent of that unpaid amount. 78356

(2) If a vendor required by this section to remit taxes by 78357  
electronic funds transfer remits those taxes by some means other 78358  
than by electronic funds transfer as prescribed by this section 78359  
and the rules adopted by the treasurer of state, and the treasurer 78360  
of state determines that such failure was not due to reasonable 78361  
cause or was due to willful neglect, the treasurer of state shall 78362  
notify the tax commissioner of the failure to remit by electronic 78363  
funds transfer and shall provide the commissioner with any 78364  
information used in making that determination. The tax 78365  
commissioner may impose an additional charge not to exceed the 78366  
lesser of five per cent of the amount of the taxes required to be 78367  
paid by electronic funds transfer or five thousand dollars. 78368

(3) Any additional charge imposed under division (D)(1) or 78369  
(2) of this section is in addition to any other penalty or charge 78370  
imposed under this chapter, and shall be considered as revenue 78371  
arising from taxes imposed under this chapter. An additional 78372  
charge may be collected by assessment in the manner prescribed by 78373  
section 5739.13 of the Revised Code. The tax commissioner may 78374  
waive all or a portion of such a charge and may adopt rules 78375  
governing such waiver. 78376

No additional charge shall be imposed under division (D)(2) 78377  
of this section against a vendor that has been notified of its 78378  
obligation to remit taxes under this section and that remits its 78379  
first two tax payments after such notification by some means other 78380  
than electronic funds transfer. The additional charge may be 78381  
imposed upon the remittance of any subsequent tax payment that the 78382  
vendor remits by some means other than electronic funds transfer. 78383

**Sec. 5739.17.** (A) No person shall engage in making retail 78384  
sales subject to a tax imposed by or pursuant to section 5739.02, 78385  
5739.021, 5739.023, or 5739.026 of the Revised Code as a business 78386

without having a license therefor, except as otherwise provided in 78387  
divisions (A)(1), (2), and (3) of this section. 78388

(1) In the dissolution of a partnership by death, the 78389  
surviving partner may operate under the license of the partnership 78390  
for a period of sixty days. 78391

(2) The heirs or legal representatives of deceased persons, 78392  
and receivers and trustees in bankruptcy, appointed by any 78393  
competent authority, may operate under the license of the person 78394  
so succeeded in possession. 78395

(3) Two or more persons who are not partners may operate a 78396  
single place of business under one license. In such case neither 78397  
the retirement of any such person from business at that place of 78398  
business, nor the entrance of any person, under an existing 78399  
arrangement, shall affect the license or require the issuance of a 78400  
new license, unless the person retiring from the business is the 78401  
individual named on the vendor's license. 78402

Except as otherwise provided in this section, each applicant 78403  
for a license shall make out and deliver to the county auditor of 78404  
each county in which the applicant desires to engage in business, 78405  
upon a blank to be furnished by such auditor for that purpose, a 78406  
statement showing the name of the applicant, each place of 78407  
business in the county where the applicant will make retail sales, 78408  
the nature of the business, and any other information the tax 78409  
commissioner reasonably prescribes in the form of a statement 78410  
prescribed by the commissioner. 78411

At the time of making the application, the applicant shall 78412  
pay into the county treasury a license fee in the sum of 78413  
twenty-five dollars for each fixed place of business in the county 78414  
that will be the situs of retail sales. Upon receipt of the 78415  
application and exhibition of the county treasurer's receipt, 78416  
showing the payment of the license fee, the county auditor shall 78417

issue to the applicant a license for each fixed place of business 78418  
designated in the application, authorizing the applicant to engage 78419  
in business at that location. If a vendor's identity changes, the 78420  
vendor shall apply for a new license. If a vendor wishes to move 78421  
an existing fixed place of business to a new location within the 78422  
same county, the vendor shall obtain a new vendor's license or 78423  
submit a request to the tax commissioner to transfer the existing 78424  
vendor's license to the new location. When the new location has 78425  
been verified as being within the same county, the commissioner 78426  
shall authorize the transfer and notify the county auditor of the 78427  
change of location. If a vendor wishes to move an existing fixed 78428  
place of business to another county, the vendor's license shall 78429  
not transfer and the vendor shall obtain a new vendor's license 78430  
from the county in which the business is to be located. The form 78431  
of the license shall be prescribed by the commissioner. The fees 78432  
collected shall be credited to the general fund of the county. 78433

A vendor that makes retail sales subject to tax under Chapter 78434  
5739. of the Revised Code pursuant to a permit issued by the 78435  
division of liquor control shall obtain a vendor's license in the 78436  
identical name and for the identical address as shown on the 78437  
permit. 78438

Except as otherwise provided in this section, if a vendor has 78439  
no fixed place of business and sells from a vehicle, each vehicle 78440  
intended to be used within a county constitutes a place of 78441  
business for the purpose of this section. 78442

(B) As used in this division, "transient vendor" means any 78443  
person who makes sales of tangible personal property from vending 78444  
machines located on land owned by others, who leases titled motor 78445  
vehicles, titled watercraft, or titled outboard motors, who 78446  
effectuates leases that are taxed according to division 78447  
~~(H)(4)(A)(2)~~ of section ~~5739.01~~ 5739.02 of the Revised Code, or 78448  
who, in the usual course of the person's business, transports 78449

inventory, stock of goods, or similar tangible personal property 78450  
to a temporary place of business or temporary exhibition, show, 78451  
fair, flea market, or similar event in a county in which the 78452  
person has no fixed place of business, for the purpose of making 78453  
retail sales of such property. A "temporary place of business" 78454  
means any public or quasi-public place including, but not limited 78455  
to, a hotel, rooming house, storeroom, building, part of a 78456  
building, tent, vacant lot, railroad car, or motor vehicle that is 78457  
temporarily occupied for the purpose of making retail sales of 78458  
goods to the public. A place of business is not temporary if the 78459  
same person conducted business at the place continuously for more 78460  
than six months or occupied the premises as the person's permanent 78461  
residence for more than six months, or if the person intends it to 78462  
be a fixed place of business. 78463

Any transient vendor, in lieu of obtaining a vendor's license 78464  
under division (A) of this section for counties in which the 78465  
transient vendor has no fixed place of business, may apply to the 78466  
tax commissioner, on a form prescribed by the commissioner, for a 78467  
transient vendor's license. The transient vendor's license 78468  
authorizes the transient vendor to make retail sales in any county 78469  
in which the transient vendor does not maintain a fixed place of 78470  
business. Any holder of a transient vendor's license shall not be 78471  
required to obtain a separate vendor's license from the county 78472  
auditor in that county. Upon the commissioner's determination that 78473  
an applicant is a transient vendor, the applicant shall pay a 78474  
license fee in the amount of twenty-five dollars, at which time 78475  
the tax commissioner shall issue the license. The tax commissioner 78476  
may require a vendor to be licensed as a transient vendor if, in 78477  
the opinion of the commissioner, such licensing is necessary for 78478  
the efficient administration of the tax. 78479

Any holder of a valid transient vendor's license may make 78480  
retail sales at a temporary place of business or temporary 78481

exhibition, show, fair, flea market, or similar event, held 78482  
anywhere in the state without complying with any provision of 78483  
section 311.37 of the Revised Code. Any holder of a valid vendor's 78484  
license may make retail sales as a transient vendor at a temporary 78485  
place of business or temporary exhibition, show, fair, flea 78486  
market, or similar event held in any county in which the vendor 78487  
maintains a fixed place of business for which the vendor holds a 78488  
vendor's license without obtaining a transient vendor's license. 78489

(C) As used in this division, "service vendor" means any 78490  
person who, in the usual course of the person's business, sells 78491  
services described in division (B)(3)(e), (f), (g), (h), (i), (j), 78492  
(k), (l), ~~or~~ (m), (q), or (u) of section 5739.01 of the Revised 78493  
Code. 78494

Every service vendor shall make application to the tax 78495  
commissioner for a service vendor's license. Each applicant shall 78496  
pay a license fee in the amount of twenty-five dollars. Upon the 78497  
commissioner's determination that an applicant is a service vendor 78498  
and payment of the fee, the commissioner shall issue the applicant 78499  
a service vendor's license. 78500

Only sales described in division (B)(3)(e), (f), (g), (h), 78501  
(i), (j), (k), (l), ~~or~~ (m), (q), or (u) of section 5739.01 of the 78502  
Revised Code may be made under authority of a service vendor's 78503  
license, and that license authorizes sales to be made at any place 78504  
in this state. Any service vendor who makes sales of other 78505  
services or tangible personal property subject to the sales tax 78506  
also shall be licensed under division (A), (B), or (D) of this 78507  
section. 78508

(D) As used in this division, "delivery vendor" means any 78509  
vendor who engages in one or more of the activities described in 78510  
divisions (D)(1) to (4) of this section, and who maintains no 78511  
store, showroom, or similar fixed place of business or other 78512  
location where merchandise regularly is offered for sale or 78513

displayed or shown in catalogs for selection or pick-up by consumers, or where consumers bring goods for repair or other service.

(1) The vendor makes retail sales of tangible personal property;

(2) The vendor rents or leases, at retail, tangible personal property, except titled motor vehicles, titled watercraft, or titled outboard motors;

(3) The vendor provides a service, at retail, described in division (B)(3)(a), (b), (c), or (d) of section 5739.01 of the Revised Code; or

(4) The vendor makes retail sales of warranty, maintenance or service contracts, or similar agreements as described in division (B)(7) of section 5739.01 of the Revised Code.

A transient vendor or a seller registered pursuant to section 5741.17 of the Revised Code is not a delivery vendor.

Delivery vendors shall apply to the tax commissioner, on a form prescribed by the commissioner, for a delivery vendor's license. Each applicant shall pay a license fee of twenty-five dollars for each delivery vendor's license, to be credited to the general revenue fund. Upon the commissioner's determination that the applicant is a delivery vendor, the commissioner shall issue the license. A delivery vendor's license authorizes retail sales to be made throughout the state. All sales of the vendor must be reported under the delivery license. The commissioner may require a vendor to be licensed as a delivery vendor if, in the opinion of the commissioner, such licensing is necessary for the efficient administration of the tax. The commissioner shall not issue a delivery vendor license to a vendor who holds a license issued under division (A) of this section.

(E) Any transient vendor who is issued a license pursuant to

this section shall display the license or a copy of it 78545  
prominently, in plain view, at every place of business of the 78546  
transient vendor. Every owner, organizer, or promoter who operates 78547  
a fair, flea market, show, exhibition, convention, or similar 78548  
event at which transient vendors are present shall keep a 78549  
comprehensive record of all such vendors, listing the vendor's 78550  
name, permanent address, vendor's license number, and the type of 78551  
goods sold. Such records shall be kept for four years and shall be 78552  
open to inspection by the tax commissioner. 78553

**Sec. 5739.21.** (A) Four and two-tenths per cent of all money 78554  
deposited into the state treasury under sections 5739.01 to 78555  
5739.31 of the Revised Code and not required to be distributed as 78556  
provided in section 5739.102 of the Revised Code or division (B) 78557  
of this section shall be credited to the local government fund for 78558  
distribution in accordance with section 5747.50 of the Revised 78559  
Code, six-tenths of one per cent shall be credited to the local 78560  
government revenue assistance fund for distribution in accordance 78561  
with section 5747.61 of the Revised Code, and ninety-five and 78562  
two-tenths per cent shall be credited to the general revenue fund. 78563

(B)(1) In any case where any county or transit authority has 78564  
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 78565  
5739.026 of the Revised Code, the tax commissioner shall, within 78566  
forty-five days after the end of each month, determine and certify 78567  
to the director of budget and management the amount of the 78568  
proceeds of such tax or taxes received during that month from 78569  
billings and assessments ~~received during that month~~, or ~~shown on~~ 78570  
associated with tax returns or reports filed during that month, to 78571  
be returned to the county or transit authority levying the tax or 78572  
taxes. The amount to be returned to each county and transit 78573  
authority shall be a fraction of the aggregate amount of money 78574  
collected with respect to each area in which one or more of such 78575  
taxes are concurrently in effect with the tax levied by section 78576

5739.02 of the Revised Code, ~~the~~. The numerator of which the 78577  
fraction is the rate of the tax levied by the county or transit 78578  
authority and the denominator of ~~which~~ the fraction is the 78579  
aggregate rate of such taxes applicable to such area; ~~provided,~~ 78580  
~~that the~~. The amount to be returned to each county or transit 78581  
authority shall be reduced by the amount of any refunds of county 78582  
or transit authority tax paid pursuant to section 5739.07 of the 78583  
Revised Code during the same month, or transfers made pursuant to 78584  
division (B)(2) of section 5703.052 of the Revised Code. 78585

(2) On a periodic basis, using the best information 78586  
available, the tax commissioner shall distribute any amount of a 78587  
county or transit authority tax that cannot be distributed under 78588  
division (B)(1) of this section. Through audit or other means, the 78589  
commissioner shall attempt to obtain the information necessary to 78590  
make the distribution as provided under that division and, on 78591  
receipt of that information, shall make adjustments to 78592  
distributions previously made under this division. 78593

(C) The aggregate amount to be returned to any county or 78594  
transit authority shall be reduced by one per cent, which shall be 78595  
certified directly to the credit of the local sales tax 78596  
administrative fund, which is hereby created in the state 78597  
treasury. For the purpose of determining the amount to be returned 78598  
to a county and transit authority in which the rate of tax imposed 78599  
by the transit authority has been reduced under section 5739.028 78600  
of the Revised Code, the tax commissioner shall use the respective 78601  
rates of tax imposed by the county or transit authority that 78602  
results from the change in the rates authorized under that 78603  
section. ~~The~~ 78604

(D) The director of budget and management shall transfer, 78605  
from the same funds and in the same proportions specified in 78606  
division (A) of this section, to the permissive tax distribution 78607  
fund created by division (B)(1) of section 4301.423 of the Revised 78608

Code and to the local sales tax administrative fund, the amounts 78609  
certified by the tax commissioner. The tax commissioner shall 78610  
then, on or before the twentieth day of the month in which such 78611  
certification is made, provide for payment of such respective 78612  
amounts to the county treasurer and to the fiscal officer of the 78613  
transit authority levying the tax or taxes. The amount transferred 78614  
to the local sales tax administrative fund is for use by the tax 78615  
commissioner in defraying costs incurred in administering such 78616  
taxes levied by a county or transit authority. 78617

**Sec. 5739.33.** If any corporation, limited liability company, 78618  
or business trust required to file returns and to remit tax due to 78619  
the state under this chapter, including a holder of a direct 78620  
payment permit under section 5739.031 of the Revised Code, fails 78621  
for any reason to make the filing or payment, any of its employees 78622  
having control or supervision of or charged with the 78623  
responsibility of filing returns and making payments, or any of 78624  
its officers, members, managers, or trustees who are responsible 78625  
for the execution of the corporation's, limited liability 78626  
company's, or business trust's fiscal responsibilities, shall be 78627  
personally liable for the failure. The dissolution, termination, 78628  
or bankruptcy of a corporation, limited liability company, or 78629  
business trust shall not discharge a responsible officer's, 78630  
member's, manager's, employee's, or trustee's liability for a 78631  
failure of the corporation, limited liability company, or business 78632  
trust to file returns or remit tax due. The sum due for the 78633  
liability may be collected by assessment in the manner provided in 78634  
section 5739.13 of the Revised Code. 78635

**Sec. 5741.01.** As used in this chapter: 78636

(A) "Person" includes individuals, receivers, assignees, 78637  
trustees in bankruptcy, estates, firms, partnerships, 78638  
associations, joint-stock companies, joint ventures, clubs, 78639

societies, corporations, business trusts, governments, and 78640  
combinations of individuals of any form. 78641

(B) "Storage" means and includes any keeping or retention in 78642  
this state for use or other consumption in this state. 78643

(C) "Use" means and includes the exercise of any right or 78644  
power incidental to the ownership of the thing used. A thing is 78645  
also "used" in this state if its consumer gives or otherwise 78646  
distributes it, without charge, to recipients in this state. 78647

(D) "Purchase" means acquired or received for a 78648  
consideration, whether such acquisition or receipt was effected by 78649  
a transfer of title, or of possession, or of both, or a license to 78650  
use or consume; whether such transfer was absolute or conditional, 78651  
and by whatever means the transfer was effected; and whether the 78652  
consideration was money, credit, barter, or exchange. Purchase 78653  
includes production, even though the article produced was used, 78654  
stored, or consumed by the producer. The transfer of copyrighted 78655  
motion picture films for exhibition purposes is not a purchase, 78656  
except such films as are used solely for advertising purposes. 78657

(E) "Seller" means the person from whom a purchase is made, 78658  
and includes every person engaged in this state or elsewhere in 78659  
the business of selling tangible personal property or providing a 78660  
service for storage, use, or other consumption or benefit in this 78661  
state; and when, in the opinion of the tax commissioner, it is 78662  
necessary for the efficient administration of this chapter, to 78663  
regard any salesman, representative, peddler, or canvasser as the 78664  
agent of a dealer, distributor, supervisor, or employer under whom 78665  
the person operates, or from whom the person obtains tangible 78666  
personal property, sold by the person for storage, use, or other 78667  
consumption in this state, irrespective of whether or not the 78668  
person is making such sales on the person's own behalf, or on 78669  
behalf of such dealer, distributor, supervisor, or employer, the 78670  
commissioner may regard the person as such agent, and may regard 78671

such dealer, distributor, supervisor, or employer as the seller. 78672  
"Seller" does not include any person to the extent the person 78673  
provides a communications medium, such as, but not limited to, 78674  
newspapers, magazines, radio, television, or cable television, by 78675  
means of which sellers solicit purchases of their goods or 78676  
services. 78677

(F) "Consumer" means any person who has purchased tangible 78678  
personal property or has been provided a service for storage, use, 78679  
or other consumption or benefit in this state. "Consumer" does not 78680  
include a person who receives, without charge, tangible personal 78681  
property or a service. 78682

A person who performs a facility management or similar 78683  
service contract for a contractee is a consumer of all tangible 78684  
personal property and services purchased for use in connection 78685  
with the performance of such contract, regardless of whether title 78686  
to any such property vests in the contractee. The purchase of such 78687  
property and services is not subject to the exception for resale 78688  
under division (E)~~(1)~~ of section 5739.01 of the Revised Code. 78689

(G)(1) "Price," ~~except as provided in the case of watercraft,~~ 78690  
~~outboard motors, or new motor vehicles, means the aggregate value~~ 78691  
~~in money of anything paid or delivered, or promised to be paid or~~ 78692  
~~delivered, by a consumer to a seller in the complete performance~~ 78693  
~~of the transaction by which tangible personal property has been~~ 78694  
~~purchased or a service has been provided for storage, use, or~~ 78695  
~~other consumption or benefit in this state, without any deduction~~ 78696  
~~or exclusion on account of the cost of the property sold, cost of~~ 78697  
~~materials used, labor or service cost, interest, discount paid or~~ 78698  
~~allowed after the sale is consummated, or any other expense. If~~ 78699  
~~the transaction consists of the rental or lease of tangible~~ 78700  
~~personal property, "price" means the aggregate value in money of~~ 78701  
~~anything paid or delivered, or promised to be paid or delivered by~~ 78702  
~~the lessee to the lessor, in the complete performance of the~~ 78703

~~rental or lease, without any deduction or exclusion of tax, 78704  
interest, labor or service charge, damage liability waiver, 78705  
termination or damage charge, discount paid or allowed after the 78706  
lease is consummated, or any other expense. Except as provided in 78707  
division (G)(6) of this section, the tax shall be calculated and 78708  
collected by the lessor on each payment made by the lessee. If a 78709  
consumer produces the tangible personal property used by the 78710  
consumer, the price is the produced cost of such tangible personal 78711  
property. "Price" does not include delivery charges that are 78712  
separately stated on the initial invoice or initial billing 78713  
rendered by the seller. 78714~~

~~The tax collected by the seller from the consumer under this 78715  
chapter is not a part of the price, but is a tax collection for 78716  
the benefit of the state, and of counties levying an additional 78717  
use tax pursuant to section 5741.021 or 5741.023 of the Revised 78718  
Code and of transit authorities levying an additional use tax 78719  
pursuant to section 5741.022 of the Revised Code and, except for 78720  
the discount authorized under section 5741.12 of the Revised Code 78721  
and the effects of any rounding pursuant to section 5703.055 of 78722  
the Revised Code, no person other than the state or such a county 78723  
or transit authority shall derive any benefit from the collection 78724  
or payment of such tax. 78725~~

~~As used in division divisions (G)(1)(2) to (6) of this 78726  
section, "delivery charges" means charges by the seller for 78727  
preparation and delivery to a location designated by the consumer 78728  
of tangible personal property or a service, including 78729  
transportation, shipping, postage, handling, crating, and packing 78730  
has the same meaning as in division (H)(1) of section 5739.01 of 78731  
the Revised Code. 78732~~

~~(2) In the case of watercraft, outboard motors, or new motor 78733  
vehicles, "price" has the same meaning as in division divisions 78734  
(H)(2) and (3) of section 5739.01 of the Revised Code. 78735~~

(3) In the case of a nonresident business consumer that 78736  
purchases and uses tangible personal property outside this state 78737  
and subsequently temporarily stores, uses, or otherwise consumes 78738  
such tangible personal property in the conduct of business in this 78739  
state, the consumer or the tax commissioner may determine the 78740  
price based on the value of the temporary storage, use, or other 78741  
consumption, in lieu of determining the price pursuant to division 78742  
(G)(1) of this section. A price determination made by the consumer 78743  
is subject to review and redetermination by the commissioner. 78744

(4) In the case of tangible personal property held in this 78745  
state as inventory for sale or lease, and that is temporarily 78746  
stored, used, or otherwise consumed in a taxable manner, the price 78747  
is the value of the temporary use. A price determination made by 78748  
the consumer is subject to review and redetermination by the 78749  
commissioner. 78750

(5) In the case of tangible personal property originally 78751  
purchased and used by the consumer outside this state, and that 78752  
becomes permanently stored, used, or otherwise consumed in this 78753  
state more than six months after its acquisition by the consumer, 78754  
the consumer or the commissioner may determine the price based on 78755  
the current value of such tangible personal property, in lieu of 78756  
determining the price pursuant to division (G)(1) of this section. 78757  
A price determination made by the consumer is subject to review 78758  
and redetermination by the commissioner. 78759

~~(6) In the case of the purchase or lease of any motor vehicle 78760  
designed by the manufacturer to carry a load of not more than one 78761  
ton, watercraft, outboard motor, or aircraft, or the lease of any 78762  
tangible personal property, other than motor vehicles designed by 78763  
the manufacturer to carry a load of more than one ton, to be used 78764  
by the lessee primarily for business purposes, the tax shall be 78765  
collected by the vendor at the time the lease is consummated and 78766  
calculated by the vendor on the basis of the total amount to be 78767~~

~~paid by the lessee under the lease agreement. If the total amount~~ 78768  
~~of the consideration for the lease includes amounts that are not~~ 78769  
~~calculated at the time the lease is executed, the tax shall be~~ 78770  
~~calculated and collected by the vendor at the time such amounts~~ 78771  
~~are billed to the lessee. In the case of an open end lease, the~~ 78772  
~~tax shall be calculated by the vendor on the basis of the total~~ 78773  
~~amount to be paid during the initial fixed term of the lease, and~~ 78774  
~~then for each subsequent renewal period as it comes due. As used~~ 78775  
~~in division (G)(6) of this section only, "motor vehicle" has the~~ 78776  
~~same meaning as in section 4501.01 of the Revised Code If a~~ 78777  
~~consumer produces tangible personal property for sale and removes~~ 78778  
~~that property from inventory for the consumer's own use, the price~~ 78779  
~~is the produced cost of that tangible personal property.~~ 78780

(H) "Nexus with this state" means that the seller engages in 78781  
continuous and widespread solicitation of purchases from residents 78782  
of this state or otherwise purposefully directs its business 78783  
activities at residents of this state. 78784

(I) "Substantial nexus with this state" means that the seller 78785  
has sufficient contact with this state, in accordance with Section 78786  
8 of Article I of the Constitution of the United States, to allow 78787  
the state to require the seller to collect and remit use tax on 78788  
sales of tangible personal property or services made to consumers 78789  
in this state. "Substantial nexus with this state" exists when the 78790  
seller does any of the following: 78791

(1) Maintains a place of business within this state, whether 78792  
operated by employees or agents of the seller, by a member of an 78793  
affiliated group, as ~~described~~ defined in division (B)(3)(e) of 78794  
section 5739.01 of the Revised Code, of which the seller is a 78795  
member, or by a franchisee using a trade name of the seller; 78796

(2) Regularly has employees, agents, representatives, 78797  
solicitors, installers, repairmen, salesmen, or other individuals 78798  
in this state for the purpose of conducting the business of the 78799

seller; 78800

(3) Uses a person in this state for the purpose of receiving 78801  
or processing orders of the seller's goods or services; 78802

(4) Makes regular deliveries of tangible personal property 78803  
into this state by means other than common carrier; 78804

(5) Has membership in an affiliated group, as described in 78805  
division (B)(3)(e) of section 5739.01 of the Revised Code, at 78806  
least one other member of which has substantial nexus with this 78807  
state; 78808

(6) Owns tangible personal property that is rented or leased 78809  
to a consumer in this state, or offers tangible personal property, 78810  
on approval, to consumers in this state; 78811

(7) Except as provided in section 5703.65 of the Revised 78812  
Code, is registered with the secretary of state to do business in 78813  
this state or is registered or licensed by any state agency, 78814  
board, or commission to transact business in this state or to make 78815  
sales to persons in this state; 78816

(8) Has any other contact with this state that would allow 78817  
this state to require the seller to collect and remit use tax 78818  
under Section 8 of Article I of the Constitution of the United 78819  
States. 78820

(J) "Fiscal officer" means, with respect to a regional 78821  
transit authority, the secretary-treasurer thereof, and with 78822  
respect to a county which is a transit authority, the fiscal 78823  
officer of the county transit board appointed pursuant to section 78824  
306.03 of the Revised Code or, if the board of county 78825  
commissioners operates the county transit system, the county 78826  
auditor. 78827

(K) "Territory of the transit authority" means all of the 78828  
area included within the territorial boundaries of a transit 78829

authority as they from time to time exist. Such territorial 78830  
boundaries must at all times include all the area of a single 78831  
county or all the area of the most populous county which is a part 78832  
of such transit authority. County population shall be measured by 78833  
the most recent census taken by the United States census bureau. 78834

(L) "Transit authority" means a regional transit authority 78835  
created pursuant to section 306.31 of the Revised Code or a county 78836  
in which a county transit system is created pursuant to section 78837  
306.01 of the Revised Code. For the purposes of this chapter, a 78838  
transit authority must extend to at least the entire area of a 78839  
single county. A transit authority which includes territory in 78840  
more than one county must include all the area of the most 78841  
populous county which is a part of such transit authority. County 78842  
population shall be measured by the most recent census taken by 78843  
the United States census bureau. 78844

(M) "Providing a service" has the same meaning as in division 78845  
(X) of section 5739.01 of the Revised Code. 78846

(N) "Other consumption" includes receiving the benefits of a 78847  
service. 78848

(O) "~~Lease~~" ~~means any transfer for a consideration of the~~ 78849  
~~possession of and right to use, but not title to, tangible~~ 78850  
~~personal property for a fixed period of time greater than thirty~~ 78851  
~~days or for an open ended period of time with a minimum fixed~~ 78852  
~~period of more than thirty days or "rental" has the same meaning~~ 78853  
as in division (UU) of section 5739.01 of the Revised Code. 78854

(P) "Certified service provider" has the same meaning as in 78855  
section 5740.01 of the Revised Code. 78856

**Sec. 5741.02.** (A)(1) For the use of the general revenue fund 78857  
of the state, an excise tax is hereby levied on the storage, use, 78858  
or other consumption in this state of tangible personal property 78859

or the benefit realized in this state of any service provided. The 78860  
tax shall be collected ~~pursuant to the schedules as provided in~~ 78861  
section 5739.025 of the Revised Code, provided that on and after 78862  
July 1, 2003, and on or before June 30, 2005, the rate of the tax 78863  
shall be six per cent. On and after July 1, 2005, the rate of the 78864  
tax shall be five per cent. 78865

(2) In the case of the lease or rental, with a fixed term of 78866  
more than thirty days or an indefinite term with a minimum period 78867  
of more than thirty days, of any motor vehicles designed by the 78868  
manufacturer to carry a load of not more than one ton, watercraft, 78869  
outboard motor, or aircraft, or of any tangible personal property, 78870  
other than motor vehicles designed by the manufacturer to carry a 78871  
load of more than one ton, to be used by the lessee or renter 78872  
primarily for business purposes, the tax shall be collected by the 78873  
seller at the time the lease or rental is consummated and shall be 78874  
calculated by the seller on the basis of the total amount to be 78875  
paid by the lessee or renter under the lease or rental agreement. 78876  
If the total amount of the consideration for the lease or rental 78877  
includes amounts that are not calculated at the time the lease or 78878  
rental is executed, the tax shall be calculated and collected by 78879  
the seller at the time such amounts are billed to the lessee or 78880  
renter. In the case of an open-end lease or rental, the tax shall 78881  
be calculated by the seller on the basis of the total amount to be 78882  
paid during the initial fixed term of the lease or rental, and for 78883  
each subsequent renewal period as it comes due. As used in this 78884  
division, "motor vehicle" has the same meaning as in section 78885  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 78886  
unit attached to the watercraft. 78887

(3) Except as provided in division (A)(2) of this section, in 78888  
the case of a transaction, the price of which consists in whole or 78889  
part of the lease or rental of tangible personal property, the tax 78890  
shall be measured by the installments of those leases or rentals. 78891

(B) Each consumer, storing, using, or otherwise consuming in 78892  
this state tangible personal property or realizing in this state 78893  
the benefit of any service provided, shall be liable for the tax, 78894  
and such liability shall not be extinguished until the tax has 78895  
been paid to this state; provided, that the consumer shall be 78896  
relieved from further liability for the tax if the tax has been 78897  
paid to a seller in accordance with section 5741.04 of the Revised 78898  
Code or prepaid by the seller in accordance with section 5741.06 78899  
of the Revised Code. 78900

(C) The tax does not apply to the storage, use, or 78901  
consumption in this state of the following described tangible 78902  
personal property or services, nor to the storage, use, or 78903  
consumption or benefit in this state of tangible personal property 78904  
or services purchased under the following described circumstances: 78905

(1) When the sale of property or service in this state is 78906  
subject to the excise tax imposed by sections 5739.01 to 5739.31 78907  
of the Revised Code, provided said tax has been paid; 78908

(2) Except as provided in division (D) of this section, 78909  
tangible personal property or services, the acquisition of which, 78910  
if made in Ohio, would be a sale not subject to the tax imposed by 78911  
sections 5739.01 to 5739.31 of the Revised Code; 78912

(3) Property or services, the storage, use, or other 78913  
consumption of or benefit from which this state is prohibited from 78914  
taxing by the Constitution of the United States, laws of the 78915  
United States, or the Constitution of this state. This exemption 78916  
shall not exempt from the application of the tax imposed by this 78917  
section the storage, use, or consumption of tangible personal 78918  
property that was purchased in interstate commerce, but that has 78919  
come to rest in this state, provided that fuel to be used or 78920  
transported in carrying on interstate commerce that is stopped 78921  
within this state pending transfer from one conveyance to another 78922  
is exempt from the excise tax imposed by this section and section 78923

5739.02 of the Revised Code; 78924

(4) Transient use of tangible personal property in this state 78925  
by a nonresident tourist or vacationer, or a non-business use 78926  
within this state by a nonresident of this state, if the property 78927  
so used was purchased outside this state for use outside this 78928  
state and is not required to be registered or licensed under the 78929  
laws of this state; 78930

(5) Tangible personal property or services rendered, upon 78931  
which taxes have been paid to another jurisdiction to the extent 78932  
of the amount of the tax paid to such other jurisdiction. Where 78933  
the amount of the tax imposed by this section and imposed pursuant 78934  
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 78935  
exceeds the amount paid to another jurisdiction, the difference 78936  
shall be allocated between the tax imposed by this section and any 78937  
tax imposed by a county or a transit authority pursuant to section 78938  
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 78939  
to the respective rates of such taxes. 78940

As used in this subdivision, "taxes paid to another 78941  
jurisdiction" means the total amount of retail sales or use tax or 78942  
similar tax based upon the sale, purchase, or use of tangible 78943  
personal property or services rendered legally, levied by and paid 78944  
to another state or political subdivision thereof, or to the 78945  
District of Columbia, where the payment of such tax does not 78946  
entitle the taxpayer to any refund or credit for such payment. 78947

(6) The transfer of a used manufactured home or used mobile 78948  
home, as defined by section 5739.0210 of the Revised Code, made on 78949  
or after January 1, 2000; 78950

(7) Drugs that are or are intended to be distributed free of 78951  
charge to a practitioner licensed to prescribe, dispense, and 78952  
administer drugs to a human being in the course of a professional 78953  
practice and that by law may be dispensed only by or upon the 78954

order of such a practitioner. 78955

(D) The tax applies to the storage, use, or other consumption 78956  
in this state of tangible personal property or services, the 78957  
acquisition of which at the time of sale was excepted under 78958  
division (E)~~(1)~~ of section 5739.01 of the Revised Code from the 78959  
tax imposed by section 5739.02 of the Revised Code, but which has 78960  
subsequently been temporarily or permanently stored, used, or 78961  
otherwise consumed in a taxable manner. 78962

(E)(1) If any transaction is claimed to be exempt under 78963  
division (E) of section 5739.01 of the Revised Code or under 78964  
section 5739.02 of the Revised Code, with the exception of 78965  
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 78966  
Code, the consumer shall provide to the seller, and the seller 78967  
shall obtain from the consumer, a certificate specifying the 78968  
reason that the transaction is not subject to the tax. The 78969  
certificate shall be provided either in a hard copy form or 78970  
electronic form, as prescribed by the tax commissioner. If the 78971  
transaction is claimed to be exempt under division (B)(13) of 78972  
section 5739.02 of the Revised Code, the exemption certificate 78973  
shall be provided by both the contractor and contractee. Such 78974  
contractee shall be deemed to be the consumer of all items 78975  
purchased under the claim of exemption if it is subsequently 78976  
determined that the exemption is not properly claimed. The 78977  
certificate shall be in such form as the tax commissioner by rule 78978  
prescribes. The seller shall maintain records, including exemption 78979  
certificates, of all sales on which a consumer has claimed an 78980  
exemption, and provide them to the tax commissioner on request. 78981

(2) If no certificate is provided or obtained within the 78982  
period for filing the return for the period in which the 78983  
transaction is consummated, it shall be presumed that the tax 78984  
applies. The failure to have so provided or obtained a certificate 78985  
shall not preclude a seller or consumer from establishing, within 78986

one hundred twenty days of the giving of notice by the 78987  
commissioner of intention to levy an assessment, that the 78988  
transaction is not subject to the tax. 78989

(F) A seller who files a petition for reassessment contesting 78990  
the assessment of tax on transactions for which the seller 78991  
obtained no valid exemption certificates, and for which the seller 78992  
failed to establish that the transactions were not subject to the 78993  
tax during the one-hundred-twenty-day period allowed under 78994  
division (E) of this section, may present to the tax commissioner 78995  
additional evidence to prove that the transactions were exempt. 78996  
The seller shall file such evidence within ninety days of the 78997  
receipt by the seller of the notice of assessment, except that, 78998  
upon application and for reasonable cause, the tax commissioner 78999  
may extend the period for submitting such evidence thirty days. 79000

(G) For the purpose of the proper administration of sections 79001  
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 79002  
of the tax hereby levied, it shall be presumed that any use, 79003  
storage, or other consumption of tangible personal property in 79004  
this state is subject to the tax until the contrary is 79005  
established. 79006

(H) The tax collected by the seller from the consumer under 79007  
this chapter is not part of the price, but is a tax collection for 79008  
the benefit of the state, and of counties levying an additional 79009  
use tax pursuant to section 5741.021 or 5741.023 of the Revised 79010  
Code and of transit authorities levying an additional use tax 79011  
pursuant to section 5741.022 of the Revised Code. Except for the 79012  
discount authorized under section 5741.12 of the Revised Code and 79013  
the effects of any rounding pursuant to section 5703.055 of the 79014  
Revised Code, no person other than the state or such a county or 79015  
transit authority shall derive any benefit from the collection of 79016  
such tax. 79017

**Sec. 5741.021.** (A) For the purpose of providing additional 79018  
general revenues for the county or supporting criminal and 79019  
administrative justice services in the county, or both, and to pay 79020  
the expenses of administering such levy, any county which levies a 79021  
tax pursuant to section 5739.021 of the Revised Code shall levy a 79022  
tax at the same rate levied pursuant to section 5739.021 of the 79023  
Revised Code on the storage, use, or other consumption in the 79024  
county of the following: 79025

(1) Motor vehicles ~~acquired on or after May 1, 1970,~~ and 79026  
watercraft and outboard motors required to be titled in the county 79027  
pursuant to Chapter 1548. of the Revised Code and ~~acquired on or~~ 79028  
~~after April 1, 1990,~~ by a transaction subject to the tax imposed 79029  
by section 5739.02 of the Revised Code; 79030

(2) In addition to the tax imposed by section 5741.02 of the 79031  
Revised Code, tangible personal property and services subject to 79032  
the tax levied by this state as provided in section 5741.02 of the 79033  
Revised Code, and tangible personal property and services 79034  
purchased in another county within this state by a transaction 79035  
subject to the tax imposed by section 5739.02 of the Revised Code. 79036

The tax shall be levied pursuant to a resolution of the board 79037  
of county commissioners which shall be adopted after publication 79038  
of notice and hearing in the same manner as provided in section 79039  
5739.021 of the Revised Code. Such resolution shall be adopted and 79040  
shall become effective on the same day as the resolution adopted 79041  
by the board of county commissioners levying a sales tax pursuant 79042  
to section 5739.021 of the Revised Code and shall remain in effect 79043  
until such sales tax is repealed. 79044

(B) The tax levied pursuant to this section on the storage, 79045  
use, or other consumption of tangible personal property and on the 79046  
benefit of a service realized shall be in addition to the tax 79047  
levied by section 5741.02 of the Revised Code and, except as 79048

provided in division (D) of this section, any tax levied pursuant 79049  
to sections 5741.022 and 5741.023 of the Revised Code. 79050

(C) The additional tax levied by the county shall be 79051  
collected pursuant to ~~the schedules in~~ section 5739.025 of the 79052  
Revised Code. If the additional tax or some portion thereof is 79053  
levied for the purpose of criminal and administrative justice 79054  
services, the revenue from the tax, or the amount or rate 79055  
apportioned to that purpose, shall be credited to a special fund 79056  
created in the county treasury for receipt of that revenue. 79057

(D) The tax levied pursuant to this section shall not be 79058  
applicable to any benefit of a service realized or to any storage, 79059  
use, or consumption of property not within the taxing power of a 79060  
county under the constitution of the United States or the 79061  
constitution of this state, or to property or services on which a 79062  
tax levied by a county or transit authority pursuant to this 79063  
section or section 5739.021, 5739.023, 5739.026, 5741.022, or 79064  
5741.023 of the Revised Code has been paid, if the sum of the 79065  
taxes paid pursuant to those sections is equal to or greater than 79066  
the sum of the taxes due under this section and sections 5741.022 79067  
and 5741.023 of the Revised Code. If the sum of the taxes paid is 79068  
less than the sum of the taxes due under this section and sections 79069  
5741.022 and 5741.023 of the Revised Code, the amount of tax paid 79070  
shall be credited against the amount of tax due. 79071

(E) As used in this section, "criminal and administrative 79072  
justice services" has the same meaning as in section 5739.021 of 79073  
the Revised Code. 79074

**Sec. 5741.022.** (A) For the purpose of providing additional 79075  
general revenues for the transit authority and paying the expenses 79076  
of administering such levy, any transit authority as defined in 79077  
section 5741.01 of the Revised Code that levies a tax pursuant to 79078  
section 5739.023 of the Revised Code shall levy a tax at the same 79079

rate levied pursuant to such section on the storage, use, or other 79080  
consumption in the territory of the transit authority of the 79081  
following: 79082

(1) Motor vehicles ~~acquired on or after June 29, 1974,~~ and 79083  
watercraft and outboard motors required to be titled in the county 79084  
pursuant to Chapter 1548. of the Revised Code and acquired ~~on or~~ 79085  
~~after April 1, 1990,~~ by a transaction subject to the tax imposed 79086  
by section 5739.02 of the Revised Code; 79087

(2) In addition to the tax imposed by section 5741.02 of the 79088  
Revised Code, tangible personal property and services subject to 79089  
the tax levied by this state as provided in section 5741.02 of the 79090  
Revised Code, and tangible personal property and services 79091  
purchased in another county within this state by a transaction 79092  
subject to the tax imposed by section 5739.02 of the Revised Code. 79093

The tax shall be in effect at the same time and at the same 79094  
rate and shall be levied pursuant to the resolution of the 79095  
legislative authority of the transit authority levying a sales tax 79096  
pursuant to section 5739.023 of the Revised Code. 79097

(B) The tax levied pursuant to this section on the storage, 79098  
use, or other consumption of tangible personal property and on the 79099  
benefit of a service realized shall be in addition to the tax 79100  
levied by section 5741.02 of the Revised Code and, except as 79101  
provided in division (D) of this section, any tax levied pursuant 79102  
to sections 5741.021 and 5741.023 of the Revised Code. 79103

(C) The additional tax levied by the authority shall be 79104  
collected pursuant to ~~the schedules in~~ section 5739.025 of the 79105  
Revised Code. 79106

(D) The tax levied pursuant to this section shall not be 79107  
applicable to any benefit of a service realized or to any storage, 79108  
use, or consumption of property not within the taxing power of a 79109  
transit authority under the constitution of the United States or 79110

the constitution of this state, or to property or services on 79111  
which a tax levied by a county or transit authority pursuant to 79112  
this section or section 5739.021, 5739.023, 5739.026, 5741.021, or 79113  
5741.023 of the Revised Code has been paid, if the sum of the 79114  
taxes paid pursuant to those sections is equal to or greater than 79115  
the sum of the taxes due under this section and sections 5741.021 79116  
and 5741.023 of the Revised Code. If the sum of the taxes paid is 79117  
less than the sum of the taxes due under this section and sections 79118  
5741.021 and 5741.023 of the Revised Code, the amount of tax paid 79119  
shall be credited against the amount of tax due. 79120

(E) The rate of a tax levied under this section is subject to 79121  
reduction under section 5739.028 of the Revised Code if a ballot 79122  
question is approved by voters pursuant to that section. 79123

**Sec. 5741.023.** (A) For the same purposes for which it has 79124  
imposed a tax under section 5739.026 of the Revised Code, any 79125  
county ~~which~~ that levies a tax pursuant to such section shall levy 79126  
a tax at the same rate levied pursuant to such section on the 79127  
storage, use, or other consumption in the county of the following: 79128

(1) Motor vehicles, and watercraft and outboard motors 79129  
required to be titled in the county pursuant to Chapter 1548. of 79130  
the Revised Code, acquired by a transaction subject to the tax 79131  
imposed by section 5739.02 of the Revised Code; 79132

(2) In addition to the tax imposed by section 5741.02 of the 79133  
Revised Code, tangible personal property and services subject to 79134  
the tax levied by this state as provided in section 5741.02 of the 79135  
Revised Code, and tangible personal property and services 79136  
purchased in another county within this state by a transaction 79137  
subject to the tax imposed by section 5739.02 of the Revised Code. 79138

The tax shall be levied pursuant to a resolution of the board 79139  
of county commissioners, which shall be adopted in the same manner 79140  
as provided in section 5739.026 of the Revised Code. Such 79141

resolution shall be adopted and shall become effective on the same 79142  
day as the resolution adopted by the board of county commissioners 79143  
levying a sales tax pursuant to such section and shall remain in 79144  
effect until such sales tax is repealed or expires. 79145

(B) The tax levied pursuant to this section shall be in 79146  
addition to the tax levied by section 5741.02 of the Revised Code 79147  
and, except as provided in division (D) of this section, any tax 79148  
levied pursuant to sections 5741.021 and 5741.022 of the Revised 79149  
Code. 79150

(C) The additional tax levied by the county shall be 79151  
collected pursuant to ~~the schedules in~~ section 5739.025 of the 79152  
Revised Code. 79153

(D) The tax levied pursuant to this section shall not be 79154  
applicable to any benefit of a service realized or to any storage, 79155  
use, or consumption of property not within the taxing power of a 79156  
county under the constitution of the United States or the 79157  
constitution of this state, or to property or services on which 79158  
tax levied by a county or transit authority pursuant to this 79159  
section or section 5739.021, 5739.023, 5739.026, 5741.021, or 79160  
5741.022 of the Revised Code has been paid, if the sum of the 79161  
taxes paid pursuant to those sections is equal to or greater than 79162  
the sum of the taxes due under this section and sections 5741.021 79163  
and 5741.022 of the Revised Code. If the sum of the taxes paid is 79164  
less than the sum of the taxes due under this section and sections 79165  
5741.021 and 5741.022 of the Revised Code, the amount of tax paid 79166  
shall be credited against the amount of tax due. 79167

**Sec. 5741.121.** (A) If the total amount of tax required to be 79168  
paid by a seller or consumer under section 5741.12 of the Revised 79169  
Code for any year ~~indicated in the following schedule~~ equals or 79170  
~~exceeds the amount prescribed for that year in the schedule~~ 79171  
seventy-five thousand dollars, the seller or consumer shall remit 79172

each monthly tax payment in the second ensuing and each succeeding 79173  
year by electronic funds transfer as prescribed by division (B) of 79174  
this section. 79175

Year	<del>1992</del>	<del>1993 through 1999</del>	<del>2000 and thereafter</del>	79176
Tax payment	\$1,200,000	\$600,000	\$60,000	79177

If a seller's or consumer's tax payment for each of two 79178  
consecutive years ~~beginning with 2000~~ is less than ~~sixty~~ 79179  
seventy-five thousand dollars, the seller or consumer is relieved 79180  
of the requirement to remit taxes by electronic funds transfer for 79181  
the year that next follows the second of the consecutive years in 79182  
which the tax payment is less than ~~sixty thousand dollars~~ that 79183  
amount, and is relieved of that requirement for each succeeding 79184  
year, unless the tax payment in a subsequent year equals or 79185  
exceeds ~~sixty~~ seventy-five thousand dollars. 79186

The tax commissioner shall notify each seller or consumer 79187  
required to remit taxes by electronic funds transfer of the 79188  
seller's or consumer's obligation to do so, shall maintain an 79189  
updated list of those sellers and consumers, and shall timely 79190  
certify the list and any additions thereto or deletions therefrom 79191  
to the treasurer of state. Failure by the tax commissioner to 79192  
notify a seller or consumer subject to this section to remit taxes 79193  
by electronic funds transfer does not relieve the seller or 79194  
consumer of the obligation to remit taxes by electronic funds 79195  
transfer. 79196

(B) Sellers and consumers required by division (A) of this 79197  
section to remit payments by electronic funds transfer shall remit 79198  
such payments to the treasurer of state in the manner prescribed 79199  
by this section and rules adopted by the treasurer of state under 79200  
section 113.061 of the Revised Code, and on or before the 79201  
following dates: 79202

(1)(a) On or before the ~~eleventh~~ fifteenth day of each month, 79203  
a seller shall remit an amount equal to the taxes collected during 79204

the first ~~seven~~ eleven days of the month. ~~On or before the~~ 79205  
~~eighteenth day of each month, a seller shall remit an amount equal~~ 79206  
~~to the taxes collected on the eighth through the fourteenth day of~~ 79207  
~~the month.~~ On or before the twenty-fifth day of each month, a 79208  
seller shall remit an amount equal to the taxes collected on the 79209  
~~fifteenth~~ twelfth through the twenty-first day of the month. 79210

(b) In lieu of remitting the actual amounts collected for the 79211  
periods specified in division (B)(1)(a) of this section, a seller 79212  
may, on or before each of the ~~eleventh, eighteenth,~~ fifteenth and 79213  
twenty-fifth days of each month, remit an amount equal to 79214  
~~one-fourth~~ thirty-seven and one-half per cent of the seller's 79215  
total tax liability for the same month in the preceding calendar 79216  
year. 79217

(2) On or before each of the ~~eleventh, eighteenth,~~ fifteenth 79218  
and twenty-fifth days of each month, a consumer shall remit an 79219  
amount equal to ~~one-fourth~~ thirty-seven and one-half per cent of 79220  
the consumer's total tax liability for the same month in the 79221  
preceding calendar year. 79222

(3) On or before the twenty-third day of each month, a seller 79223  
shall report the taxes collected and a consumer shall report the 79224  
taxes due for the previous month and shall remit that amount, less 79225  
any amounts paid for that month as required by division (B)(1)(a) 79226  
or (b) or (B)(2) of this section. 79227

The payment of taxes by electronic funds transfer does not 79228  
affect a seller's or consumer's obligation to file the monthly 79229  
return as required under section 5741.12 of the Revised Code. 79230

(C) A seller or consumer required by this section to remit 79231  
taxes by electronic funds transfer may apply to the treasurer of 79232  
state in the manner prescribed by the treasurer of state to be 79233  
excused from that requirement. The treasurer of state may excuse 79234  
the seller or consumer from remittance by electronic funds 79235

transfer for good cause shown for the period of time requested by 79236  
the seller or consumer or for a portion of that period. The 79237  
treasurer of state shall notify the tax commissioner and the 79238  
seller or consumer of the treasurer of state's decision as soon as 79239  
is practicable. 79240

(D)(1) If a seller or consumer that is required to remit 79241  
payments under division (B) of this section fails to make a 79242  
payment, the commissioner may impose an additional charge not to 79243  
exceed five per cent of that unpaid amount. 79244

(2) If a seller or consumer required by this section to remit 79245  
taxes by electronic funds transfer remits those taxes by some 79246  
means other than by electronic funds transfer as prescribed by the 79247  
rules adopted by the treasurer of state, and the treasurer of 79248  
state determines that such failure was not due to reasonable cause 79249  
or was due to willful neglect, the treasurer of state shall notify 79250  
the tax commissioner of the failure to remit by electronic funds 79251  
transfer and shall provide the commissioner with any information 79252  
used in making that determination. The tax commissioner may impose 79253  
an additional charge not to exceed the lesser of five per cent of 79254  
the amount of the taxes required to be paid by electronic funds 79255  
transfer or five thousand dollars. 79256

(3) Any additional charge imposed under this section is in 79257  
addition to any other penalty or charge imposed under this 79258  
chapter, and shall be considered as revenue arising from taxes 79259  
imposed under this chapter. An additional charge may be collected 79260  
by assessment in the manner prescribed by section 5741.13 of the 79261  
Revised Code. The tax commissioner may waive all or a portion of 79262  
such a charge and may adopt rules governing such waiver. 79263

No additional charge shall be imposed under division (D)(2) 79264  
of this section against a seller or consumer that has been 79265  
notified of the obligation to remit taxes under this section and 79266  
that remits its first two tax payments after such notification by 79267

some means other than electronic funds transfer. The additional 79268  
charge may be imposed upon the remittance of any subsequent tax 79269  
payment that the seller or consumer remits by some means other 79270  
than electronic funds transfer. 79271

Sec. 5741.25. If any corporation, limited liability company, 79272  
or business trust registered or required to be registered under 79273  
section 5741.17 of the Revised Code and required to file returns 79274  
and remit tax due to the state under this chapter fails for any 79275  
reason to make the filing or payment, any of its employees having 79276  
control or supervision of or charged with the responsibility of 79277  
filing returns and making payments, or any of its officers, 79278  
members, managers, or trustees who are responsible for the 79279  
execution of the corporation's, limited liability company's, or 79280  
business trust's fiscal responsibilities, shall be personally 79281  
liable for the failure. The dissolution, termination, or 79282  
bankruptcy of a corporation, limited liability company, or 79283  
business trust shall not discharge a responsible officer's, 79284  
member's, manager's, employee's, or trustee's liability for a 79285  
failure of the corporation, limited liability company, or business 79286  
trust to file returns or remit tax due. The sum due for the 79287  
liability may be collected by assessment in the manner provided in 79288  
section 5741.11 or 5741.13 of the Revised Code. 79289

Sec. 5743.05. All stamps provided for by section 5743.03 of 79290  
the Revised Code, when procured by the tax commissioner, shall be 79291  
immediately delivered to the treasurer of state, who shall execute 79292  
a receipt therefor showing the number and aggregate face value of 79293  
each denomination received by the treasurer of state and any other 79294  
information that the commissioner requires to enforce the 79295  
collection and distribution of all taxes imposed under section 79296  
5743.024 or 5743.026 of the Revised Code, and deliver the receipt 79297  
to the commissioner. The treasurer of state shall sell the stamps 79298

and, on the fifth day of each month, make a report showing all 79299  
sales made during the preceding month, with the names of 79300  
purchasers, the number of each denomination, the aggregate face 79301  
value purchased by each, and any other information as the 79302  
commissioner requires to enforce the collection and distribution 79303  
of all taxes imposed under section 5743.024 of the Revised Code, 79304  
and deliver it to the commissioner. The treasurer of state shall 79305  
be accountable for all stamps received and unsold. The stamps 79306  
shall be sold and accounted for at their face value, except the 79307  
commissioner shall, by rule certified to the treasurer of state, 79308  
authorize the sale of stamps and meter impressions to wholesale or 79309  
retail dealers in this state, or to wholesale dealers outside this 79310  
state, at a discount of not less than one and eight-tenths per 79311  
cent or more than ten per cent of their face value, as a 79312  
commission for affixing and canceling the stamps or meter 79313  
impressions. 79314

The commissioner, by rule certified to the treasurer of 79315  
state, shall authorize the delivery of stamps and meter 79316  
impressions to wholesale and retail dealers in this state and to 79317  
wholesale dealers outside this state on credit ~~when the purchaser~~ 79318  
files. If such a dealer has not been in good credit standing with 79319  
this state for five consecutive years preceding the purchase, the 79320  
tax commissioner shall require the dealer to file with the 79321  
commissioner a bond to the state in the amount and in the form 79322  
prescribed by the commissioner, ~~and~~ with surety to the 79323  
satisfaction of the ~~treasurer of state~~ commissioner, conditioned 79324  
on payment to the treasurer of state within thirty days for stamps 79325  
or meter impressions delivered within that time. If such a dealer 79326  
has been in good credit standing with this state for five 79327  
consecutive years preceding the purchase, the tax commissioner 79328  
shall not require that the dealer file such a bond but shall 79329  
require payment for the stamps and meter impressions within thirty 79330  
days after purchase of the stamps and meter impressions. Stamps 79331

and meter impressions sold to a dealer not required to file a bond 79332  
shall be sold at face value. The maximum amount that may be sold 79333  
on credit to a dealer not required to file a bond shall equal one 79334  
hundred ten per cent of the dealer's average monthly purchases 79335  
over the preceding calendar year. The maximum amount shall be 79336  
adjusted to reflect any changes in the tax rate and may be 79337  
adjusted, upon application to the tax commissioner by the dealer, 79338  
to reflect changes in the business operations of the dealer. The 79339  
maximum amount shall be applicable to the period of July through 79340  
April. Payment by a dealer not required to file a bond shall be 79341  
remitted by electronic funds transfer as prescribed by section 79342  
5743.051 of the Revised Code. If a dealer not required to file a 79343  
bond fails to make the payment in full within the thirty-day 79344  
period, the treasurer of state shall not thereafter sell stamps or 79345  
meter impressions to that dealer until the dealer pays the 79346  
outstanding amount, including penalty and interest on that amount 79347  
as prescribed in this chapter, and the commissioner thereafter may 79348  
require the dealer to file a bond until the dealer is restored to 79349  
good standing. The commissioner shall limit delivery of stamps and 79350  
meter impressions on credit to the period running from the first 79351  
day of July of the fiscal year until the first day of the 79352  
following May. Any discount allowed as a commission for affixing 79353  
and canceling stamps or meter impressions shall be allowed with 79354  
respect to sales of stamps and meter impressions on credit. 79355

The treasurer of state shall redeem and pay for any 79356  
destroyed, unused, or spoiled tax stamps and any unused meter 79357  
impressions at their net value, and shall refund to wholesale 79358  
dealers the net amount of state and county taxes paid erroneously 79359  
or paid on cigarettes that have been sold in interstate or foreign 79360  
commerce or that have become unsalable, and the net amount of 79361  
county taxes that were paid on cigarettes that have been sold at 79362  
retail or for retail sale outside a taxing county. 79363

An application for a refund of tax shall be filed with the tax commissioner, on the form prescribed by the commissioner for that purpose, within three years from the date the tax stamps are destroyed or spoiled, from the date of the erroneous payment, or from the date that cigarettes on which taxes have been paid have been sold in interstate or foreign commerce or have become unsalable.

On the filing of the application, the commissioner shall determine the amount of refund to which the applicant is entitled, payable from receipts of the state tax, and, if applicable, payable from receipts of a county tax . If the amount is less than that claimed, the ~~commission~~ commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code.

Sec. 5743.051. This section applies to any wholesale or retail cigarette dealer required by section 5743.05 of the Revised Code to remit payment for tax stamps and meter impressions by electronic funds transfer. The tax commissioner shall notify each dealer of the dealer's obligation to do so and shall maintain an updated list of those dealers. Failure by the tax commissioner to notify a dealer subject to this section to remit taxes by electronic funds transfer does not relieve the dealer of its obligation to remit taxes by electronic funds transfer.

A dealer required to remit payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by rules adopted by the treasurer of state under section 113.061 of the Revised Code and within the time prescribed for such a dealer by section 5743.05 of the Revised Code. 79395  
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A dealer required to remit taxes by electronic funds transfer may apply to the tax commissioner in the manner prescribed by the tax commissioner to be excused from that requirement. The tax commissioner may excuse the dealer from remittance by electronic funds transfer for good cause shown for the period of time requested by the dealer or for a portion of that period. 79401  
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If a dealer required to remit taxes by electronic funds transfer remits those taxes by some other means, the treasurer of state shall notify the tax commissioner of the failure to remit by electronic funds transfer. If the tax commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the tax commissioner may collect an additional charge by assessment in the manner prescribed by section 5743.081 of the Revised Code. The additional charge shall equal five per cent of the amount of the taxes required to be paid by electronic funds transfer but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed under this chapter and shall be considered as revenue arising from taxes imposed under this chapter. The tax commissioner may abate all or a portion of such a charge and may adopt rules governing such remissions. 79407  
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No additional charge shall be assessed under this section against a dealer that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be assessed 79422  
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upon the remittance of any subsequent tax payment that the dealer 79427  
remits by some means other than electronic funds transfer. 79428

**Sec. 5743.21.** (A) No person shall affix a stamp required by 79429  
section 5743.03 of the Revised Code to any package that: 79430

(1) Bears any label or notice prescribed by the United States 79431  
to identify cigarettes exempt from taxation by the United States 79432  
pursuant to section 5704(b) of the "Internal Revenue Code of 79433  
1986," 100 Stat. 2085, 26 U.S.C.A. 5704(b), including any notice 79434  
or label described in 27 C.F.R. 290.185; 79435

(2) Is not labeled in conformity with the "Federal Cigarette 79436  
Labeling and Advertising Act," 79 Stat. 282, 15 U.S.C.A. 1331 79437  
(1965), or any other federal requirement for the placement of 79438  
labels, warnings, or other information applicable to packages of 79439  
cigarettes intended for domestic consumption; 79440

(3) Has been altered by anyone other than the manufacturer or 79441  
a person authorized by the manufacturer, including by the 79442  
placement of a sticker to cover information on or add information 79443  
to the package; 79444

(4) Has been imported or brought into the United States after 79445  
January 1, 2000, in violation of section 5754 of the "Internal 79446  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 5754, or 79447  
regulations adopted under that section; 79448

(5) Is produced by a tobacco product manufacturer or is part 79449  
of a brand family that is not included in the directory 79450  
established under section 1346.05 of the Revised Code. 79451

(B) No person shall sell or offer to sell any roll-your-own 79452  
tobacco to any person in this state if the roll-your-own tobacco 79453  
is not included in the directory established under section 1346.05 79454  
of the Revised Code. Any roll-your-own tobacco in the possession 79455  
of a retail dealer in this state shall be prima facie evidence of 79456

offering to sell to a person in this state. 79457

(C) Whenever the tax commissioner discovers any packages to 79458  
which stamps have been affixed in violation of this section, or 79459  
any roll-your-own tobacco sold or offered for sale in violation of 79460  
this section, the tax commissioner may seize the packages or 79461  
roll-your-own tobacco, which shall ~~thereupon~~ be forfeited to the 79462  
state, and shall order ~~their~~ the destruction of the packages or 79463  
roll-your-own tobacco, provided that the seizure and destruction 79464  
shall not exempt any person from prosecution or from the fine or 79465  
imprisonment provided for the violation of this section. 79466

(D) As used in this section, "roll-your-own" has the same 79467  
meaning as in section 1346.01 of the Revised Code, and "tobacco 79468  
product manufacturer" and "brand family" have the same meanings as 79469  
in section 1346.04 of the Revised Code. 79470

**Sec. 5743.45.** (A) As used in this section, "felony" has the 79471  
same meaning as in section 109.511 of the Revised Code. 79472

(B) For purposes of enforcing this chapter and Chapters 79473  
5728., 5735., 5739., 5741., and 5747. of the Revised Code and 79474  
subject to division (C) of this section, the tax commissioner, by 79475  
journal entry, may delegate any investigation powers of the 79476  
commissioner to an employee of the department of taxation who has 79477  
been certified by the Ohio peace officer training commission and 79478  
who is engaged in the enforcement of those chapters. A separate 79479  
journal entry shall be entered for each employee to whom that 79480  
power is delegated. Each journal entry shall be a matter of public 79481  
record and shall be maintained in an administrative portion of the 79482  
journal as provided for in division (L) of section 5703.05 of the 79483  
Revised Code. When that journal entry is completed, the employee 79484  
to whom it pertains, while engaged within the scope of the 79485  
employee's duties in enforcing the provisions of this chapter or 79486  
Chapter 5728., 5735., 5739., 5741., or 5747. of the Revised Code, 79487

has the power of a police officer to carry concealed weapons, make 79488  
arrests, and obtain warrants for violations of any provision in 79489  
those chapters. The commissioner, at any time, may suspend or 79490  
revoke ~~that~~ the commissioner's delegation by journal entry. No 79491  
employee of the department shall divulge any information acquired 79492  
as a result of an investigation pursuant to this chapter or 79493  
Chapter 5728., 5735., 5739., 5741., or 5747. of the Revised Code, 79494  
except as may be required by the commissioner or a court. 79495

(C)(1) The tax commissioner shall not delegate any 79496  
investigation powers to an employee of the department of taxation 79497  
pursuant to division (B) of this section on a permanent basis, on 79498  
a temporary basis, for a probationary term, or on other than a 79499  
permanent basis if the employee previously has been convicted of 79500  
or has pleaded guilty to a felony. 79501

(2)(a) The tax commissioner shall revoke the delegation of 79502  
investigation powers to an employee to whom the delegation was 79503  
made pursuant to division (B) of this section if that employee 79504  
does either of the following: 79505

(i) Pleads guilty to a felony; 79506

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 79507  
plea agreement as provided in division (D) of section 2929.29 of 79508  
the Revised Code in which the employee agrees to surrender the 79509  
certificate awarded to that employee under section 109.77 of the 79510  
Revised Code. 79511

(b) The tax commissioner shall suspend the delegation of 79512  
investigation powers to an employee to whom the delegation was 79513  
made pursuant to division (B) of this section if that employee is 79514  
convicted, after trial, of a felony. If the employee files an 79515  
appeal from that conviction and the conviction is upheld by the 79516  
highest court to which the appeal is taken or if the employee does 79517  
not file a timely appeal, the commissioner shall revoke the 79518

delegation of investigation powers to that employee. If the 79519  
employee files an appeal that results in that employee's acquittal 79520  
of the felony or conviction of a misdemeanor, or in the dismissal 79521  
of the felony charge against that employee, the commissioner shall 79522  
reinstate the delegation of investigation powers to that employee. 79523  
The suspension, revocation, and reinstatement of the delegation of 79524  
investigation powers to an employee under division (C)(2) of this 79525  
section shall be made by journal entry pursuant to division (B) of 79526  
this section. An employee to whom the delegation of investigation 79527  
powers is reinstated under division (C)(2)(b) of this section 79528  
shall not receive any back pay for the exercise of those 79529  
investigation powers unless that employee's conviction of the 79530  
felony was reversed on appeal, or the felony charge was dismissed, 79531  
because the court found insufficient evidence to convict the 79532  
employee of the felony. 79533

(3) Division (C) of this section does not apply regarding an 79534  
offense that was committed prior to January 1, 1997. 79535

(4) The suspension or revocation of the delegation of 79536  
investigation powers to an employee under division (C)(2) of this 79537  
section shall be in accordance with Chapter 119. of the Revised 79538  
Code. 79539

**Sec. 5745.01.** As used in this chapter: 79540

(A) "Electric company," ~~and~~ "combined company," and 79541  
"telephone company," have the same meanings as in section 5727.01 79542  
of the Revised Code, except "telephone company" does not include a 79543  
non profit corporation. 79544

(B) "Electric light company" has the same meaning as in 79545  
section 4928.01 of the Revised Code, and includes the activities 79546  
of a combined company as an electric company, but excludes 79547  
nonprofit companies and municipal corporations. 79548

(C) "Taxpayer" means ~~an~~ either of the following: 79549

(1) An electric light company subject to taxation by a 79550  
municipal corporation in this state for a taxable year, excluding 79551  
an electric light company that is not an electric company or a 79552  
combined company and for which an election made under section 79553  
5745.031 of the Revised Code is not in effect with respect to the 79554  
taxable year. If such a company is a qualified subchapter S 79555  
subsidiary as defined in section 1361 of the Internal Revenue Code 79556  
or a disregarded entity, the company's parent S corporation or 79557  
owner is the taxpayer for the purposes of this chapter and is 79558  
hereby deemed to have nexus with this state under the Constitution 79559  
of the United States for the purposes of this chapter. 79560

(2) A telephone company subject to taxation by a municipal 79561  
corporation in this state for a taxable year. A telephone company 79562  
is subject to taxation under this chapter for any taxable year 79563  
that begins on or after January 1, 2004. A telephone company with 79564  
a taxable year ending in 2004 shall compute the tax imposed under 79565  
this chapter, or shall compute its net operating loss carried 79566  
forward for that taxable year, by multiplying the tax owed, or the 79567  
loss for the taxable year, by fifty per cent. 79568

(D) "Disregarded entity" means an entity that, for its 79569  
taxable year, is by default, or has elected to be, disregarded as 79570  
an entity separate from its owner pursuant to 26 C.F.R. 79571  
301.7701-3. 79572

(E) "Taxable year" of a taxpayer is the taxpayer's taxable 79573  
year for federal income tax purposes. 79574

(F) "Federal taxable income" means taxable income, before 79575  
operating loss deduction and special deductions, as required to be 79576  
reported for the taxpayer's taxable year under the Internal 79577  
Revenue Code. 79578

(G) "Adjusted federal taxable income" means federal taxable 79579

income adjusted as follows: 79580

(1) Deduct intangible income as defined in section 718.01 of 79581  
the Revised Code to the extent included in federal taxable income; 79582

(2) Add expenses incurred in the production of such 79583  
intangible income; 79584

(3) If, with respect to a qualifying taxpayer and a 79585  
qualifying asset there occurs a qualifying taxable event, the 79586  
qualifying taxpayer shall reduce its federal taxable income, as 79587  
defined in division (F) of this section, by the amount of the 79588  
book-tax ~~differential~~ difference for that qualifying asset if the 79589  
book-tax ~~differential~~ difference is greater than zero, and shall 79590  
increase its federal taxable income by the absolute value of the 79591  
amount of the book-tax ~~differential~~ difference for that qualifying 79592  
asset if the book-tax ~~differential~~ difference is less than zero. 79593  
The adjustments provided in division (G)(3) of this section are 79594  
subject to divisions (B)(3), (4), and (5) of section 5733.0510 of 79595  
the Revised Code to the extent those divisions apply to the 79596  
adjustments in that section for the taxable year. A taxpayer shall 79597  
not deduct or add any amount under division (G)(3) of this section 79598  
with respect to a qualifying asset the sale, exchange, or other 79599  
disposition of which resulted in the recognition of a gain or loss 79600  
that the taxpayer deducted or added, respectively, under division 79601  
(G)(1) or (2) of this section. 79602

For the purposes of division (G)(3) of this section, ~~"net~~ 79603  
~~income"~~ ~~has the same meaning as in section 5733.04 of the Revised~~ 79604  
~~Code,~~ and "book-tax ~~differential~~ difference," "qualifying 79605  
taxpayer," "qualifying asset," and "qualifying taxable event" have 79606  
the same meanings as in section 5733.0510 of the Revised Code. 79607

(4) If the taxpayer is not a C corporation and is not an 79608  
individual, the taxpayer shall compute "adjusted federal taxable 79609  
income" as if the taxpayer were a C corporation, except: 79610

(a) Guaranteed payments and other similar amounts paid or accrued to a partner, former partner, or member or former member shall not be allowed as a deductible expense; and 79611  
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(b) With respect to each owner or owner-employee of the taxpayer, amounts paid or accrued to a qualified self-employed retirement plan and amounts paid or accrued to or for health insurance or life insurance shall not be allowed as a deduction. 79614  
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Nothing in this division shall be construed as allowing the taxpayer to deduct any amount more than once. 79618  
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(5) Add or deduct the amounts described in section 5733.0511 of the Revised Code for qualifying telephone company taxpayers. 79620  
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(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as ~~amended~~ it existed on December 31, 2001. 79622  
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(I) "Ohio net income" means the amount determined under division (B) of section 5745.02 of the Revised Code. 79625  
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**Sec. 5745.02.** (A) The annual report filed under section 5745.03 of the Revised Code determines a taxpayer's Ohio net income and the portion of Ohio net income to be apportioned to a municipal corporation. 79627  
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(B) A taxpayer's Ohio net income is determined by multiplying the taxpayer's adjusted federal taxable income by the sum of the property factor multiplied by one-third, the payroll factor multiplied by one-third, and the sales factor multiplied by one-third. If the denominator of one of the factors is zero, the remaining two factors each shall be multiplied by one-half instead of one-third; if the denominator of two of the factors is zero, the remaining factor shall be multiplied by one. The property, payroll, and sales factors shall be determined in the manner prescribed by divisions (B)(1), (2), and (3) of this section. 79631  
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(1) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented, and used in business in this state during the taxable year, and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented, and used in business everywhere during such year. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. "Net annual rental rate" means the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average value of property shall be determined by averaging the values at the beginning and the end of the taxable year, but the tax commissioner may require the averaging of monthly values during the taxable year, if reasonably required to reflect properly the average value of the taxpayer's property.

(2) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere by the taxpayer during such year. Compensation means any form of remuneration paid to an employee for personal services. Compensation is paid in this state if: (a) the recipient's service is performed entirely within this state, (b) the recipient's service is performed both within and without this state, but the service performed without this state is incidental to the recipient's service within this state, or (c) some of the service is performed within this state and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within this state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the recipient's residence is in this state.

(3) The sales factor is a fraction, the numerator of which is the total sales in this state by the taxpayer during the taxable year, and the denominator of which is the total sales by the taxpayer everywhere during such year. Sales of electricity shall be situated to this state in the manner provided under section 5733.059 of the Revised Code. In determining the numerator and denominator of the sales factor, receipts from the sale or other disposal of a capital asset or an asset described in section 1231 of the Internal Revenue Code shall be eliminated. Also, in determining the numerator and denominator of the sales factor, in the case of a reporting taxpayer owning at least eighty per cent of the issued and outstanding common stock of one or more insurance companies or public utilities, except an electric company, a combined company, or a telephone company, or owning at least twenty-five per cent of the issued and outstanding common stock of one or more financial institutions, receipts received by the reporting taxpayer from such utilities, insurance companies, and financial institutions shall be eliminated.

For the purpose of division (B)(3) of this section, sales of tangible personal property are in this state where such property is received in this state by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered as the place at which such property is received by the purchaser. Direct delivery in this state, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in this state, and direct delivery outside this state to a person or firm designated by a purchaser does not constitute delivery to the purchaser in this state, regardless of where title passes or other conditions of sale.

Sales, other than sales of electricity or tangible personal property, are in this state if either the income-producing activity is performed solely in this state, or the income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed within this state than in any other state, based on costs of performance.

For the purposes of division (B)(3) of this section, the tax commissioner may adopt rules to apportion sales within this state.

(C) The portion of a taxpayer's Ohio net income taxable by each municipal corporation imposing an income tax shall be determined by multiplying the taxpayer's Ohio net income by the sum of the municipal property factor multiplied by one-third, the municipal payroll factor multiplied by one-third, and the municipal sales factor multiplied by one-third, and subtracting from the product so obtained any "municipal net operating loss carryforward from prior taxable years." If the denominator of one of the factors is zero, the remaining two factors each shall be multiplied by one-half instead of one-third; if the denominator of two of the factors is zero, the remaining factor shall be multiplied by one. In calculating the "municipal net operating loss carryforward from prior taxable years" for each municipal corporation, net operating losses are apportioned in and out of a municipal corporation for the taxable year in which the net operating loss occurs in the same manner that positive net income would have been so apportioned. Any net operating loss for a municipal corporation may be applied to subsequent net income in that municipal corporation to reduce that income to zero or until the net operating loss has been fully used as a deduction. The unused portion of net operating losses for each taxable year apportioned to a municipal corporation may only be applied against the income apportioned to that municipal corporation for five

subsequent taxable years. Net operating losses occurring in 79738  
taxable years ending before 2002 may not be subtracted under this 79739  
section. 79740

A taxpayer's municipal property, municipal payroll, and 79741  
municipal sales factors for a municipal corporation shall be 79742  
determined as provided in divisions (C)(1), (2), and (3) of this 79743  
section. 79744

(1) The municipal property factor is the quotient obtained by 79745  
dividing (a) the average value of real and tangible personal 79746  
property owned or rented by the taxpayer and used in business in 79747  
the municipal corporation during the taxable year by (b) the 79748  
average value of all of the taxpayer's real and tangible personal 79749  
property owned or rented and used in business during that taxable 79750  
year in this state. The value and average value of such property 79751  
shall be determined in the same manner provided in division (B)(1) 79752  
of this section. 79753

(2) The municipal payroll factor is the quotient obtained by 79754  
dividing (a) the total amount of compensation earned in the 79755  
municipal corporation by the taxpayer's employees during the 79756  
taxable year for services performed for the taxpayer and that is 79757  
subject to income tax withholding by the municipal corporation by 79758  
(b) the total amount of compensation paid by the taxpayer to its 79759  
employees in this state during the taxable year. Compensation has 79760  
the same meaning as in division (B)(2) of this section. 79761

(3) The municipal sales factor is a fraction, the numerator 79762  
of which is the taxpayer's total sales in a municipal corporation 79763  
during the taxable year, and the denominator of which is the 79764  
taxpayer's total sales in this state during such year. 79765

For the purpose of division (C)(3) of this section, sales of 79766  
tangible personal property are in the municipal corporation where 79767  
such property is received in the municipal corporation by the 79768

purchaser. Sales of electricity directly to the consumer, as 79769  
defined in section 5733.059 of the Revised Code, shall be 79770  
considered sales of tangible personal property. In the case of the 79771  
delivery of tangible personal property by common carrier or by 79772  
other means of transportation, the place at which such property 79773  
ultimately is received after all transportation has been completed 79774  
shall be considered as the place at which the property is received 79775  
by the purchaser. Direct delivery in the municipal corporation, 79776  
other than for purposes of transportation, to a person or firm 79777  
designated by a purchaser constitutes delivery to the purchaser in 79778  
that municipal corporation, and direct delivery outside the 79779  
municipal corporation to a person or firm designated by a 79780  
purchaser does not constitute delivery to the purchaser in that 79781  
municipal corporation, regardless of where title passes or other 79782  
conditions of sale. Sales, other than sales of tangible personal 79783  
property, are in the municipal corporation if either: 79784

(a) The income-producing activity is performed solely in the 79785  
municipal corporation; 79786

(b) The income-producing activity is performed both within 79787  
and without the municipal corporation and a greater proportion of 79788  
the income-producing activity is performed within that municipal 79789  
corporation than any other location in this state, based on costs 79790  
of performance. 79791

For the purposes of division (C)(3) of this section, the tax 79792  
commissioner may adopt rules to apportion sales within each 79793  
municipal corporation. 79794

(D) If a taxpayer is a combined company as defined in section 79795  
5727.01 of the Revised Code, the municipal property, payroll, and 79796  
sales factors under division (C) of this section shall be adjusted 79797  
as follows: 79798

(1) The numerator of the municipal property factor shall 79799

include only the value, as determined under division (C)(1) of 79800  
this section, of the company's real and tangible property in the 79801  
municipal corporation attributed to the company's activity as an 79802  
electric company using the same methodology prescribed under 79803  
section 5727.03 of the Revised Code for taxable tangible personal 79804  
property. 79805

(2) The numerator of the municipal payroll factor shall 79806  
include only compensation paid in the municipal corporation by the 79807  
company to its employees for personal services rendered in the 79808  
company's activity as an electric company. 79809

(3) The numerator of the municipal sales factor shall include 79810  
only the sales of tangible personal property and services, as 79811  
determined under division (C)(3) of this section, made in the 79812  
municipal corporation in the course of the company's activity as 79813  
an electric company. 79814

(E)(1) If the provisions for apportioning adjusted federal 79815  
taxable income or Ohio net income under ~~division~~ divisions (B), 79816  
(C), and (D) of this section do not fairly represent business 79817  
activity in this state or among municipal corporations, the tax 79818  
commissioner may adopt rules for apportioning such income by an 79819  
alternative method that fairly represents business activity in 79820  
this state or among municipal corporations. 79821

(2) If any of the factors determined under division (B), (C), 79822  
or (D) of this section does not fairly represent the extent of a 79823  
taxpayer's business activity in this state or among municipal 79824  
corporations, the taxpayer may request, or the tax commissioner 79825  
may require, that the taxpayer's adjusted federal taxable income 79826  
or Ohio net income be determined by an alternative method, 79827  
including any of the alternative methods enumerated in division 79828  
(B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer 79829  
requesting an alternative method shall make the request in writing 79830  
to the tax commissioner either with the annual report, a timely 79831

filed amended report, or a timely filed petition for reassessment. 79832  
When the tax commissioner requires or permits an alternative 79833  
method under division (E)(2) of this section, the tax commissioner 79834  
shall cause a written notice to that effect to be delivered to any 79835  
municipal corporation that would be affected by application of the 79836  
alternative method. Nothing in this division shall be construed to 79837  
extend any statute of limitations under this chapter. 79838

(F)(1) The tax commissioner may adopt rules providing for the 79839  
combination of adjusted federal taxable incomes of taxpayers 79840  
satisfying the ownership or control requirements of section 79841  
5733.052 of the Revised Code if the tax commissioner finds that 79842  
such combinations are necessary to properly reflect adjusted 79843  
federal taxable income, Ohio net income, or the portion of Ohio 79844  
net income to be taxable by municipal corporations. 79845

(2) A taxpayer satisfying the ownership or control 79846  
requirements of section 5733.052 of the Revised Code with respect 79847  
to one or more other taxpayers may not combine their adjusted 79848  
federal taxable incomes for the purposes of this section unless 79849  
rules are adopted under division (F)(1) of this section allowing 79850  
such a combination or the tax commissioner finds that such a 79851  
combination is necessary to properly reflect the taxpayers' 79852  
adjusted federal taxable incomes, Ohio net incomes, or the portion 79853  
of Ohio net incomes to be subject to taxation within a municipal 79854  
corporation. 79855

(G) The tax commissioner may adopt rules providing for 79856  
alternative apportionment methods for a telephone company. 79857

**Sec. 5745.04.** (A) As used in this section, "combined tax 79858  
liability" means the total of a taxpayer's income tax liabilities 79859  
to all municipal corporations in this state for a taxable year. 79860

(B) Beginning with its taxable year beginning in 2003, each 79861  
taxpayer shall file a declaration of estimated tax report with, 79862

and remit estimated taxes to, the tax commissioner, payable to the 79863  
treasurer of state, at the times and in the amounts prescribed in 79864  
divisions (B)(1) to (4) of this section. This division also 79865  
applies to a taxpayer having a taxable year consisting of fewer 79866  
than twelve months, at least one of which is in 2002, that ends 79867  
before January 1, 2003. The first taxable year a taxpayer is 79868  
subject to this chapter, the estimated taxes the taxpayer is 79869  
required to remit under this section shall be based solely on the 79870  
current taxable year and not on the liability for the preceding 79871  
taxable year. 79872

(1) Not less than twenty-five per cent of the combined tax 79873  
liability for the preceding taxable year or twenty per cent of the 79874  
combined tax liability for the current taxable year shall have 79875  
been remitted not later than the fifteenth day of the fourth month 79876  
after the end of the preceding taxable year. 79877

(2) Not less than fifty per cent of the combined tax 79878  
liability for the preceding taxable year or forty per cent of the 79879  
combined tax liability for the current taxable year shall have 79880  
been remitted not later than the fifteenth day of the sixth month 79881  
after the end of the preceding taxable year. 79882

(3) Not less than seventy-five per cent of the combined tax 79883  
liability for the preceding taxable year or sixty per cent of the 79884  
combined tax liability for the current taxable year shall have 79885  
been remitted not later than the fifteenth day of the ninth month 79886  
after the end of the preceding taxable year. 79887

(4) Not less than one hundred per cent of the combined tax 79888  
liability for the preceding taxable year or eighty per cent of the 79889  
combined tax liability for the current taxable year shall have 79890  
been remitted not later than the fifteenth day of the twelfth 79891  
month after the end of the preceding taxable year. 79892

(C) Each taxpayer shall report on the declaration of 79893

estimated tax report the portion of the remittance that the 79894  
taxpayer estimates that it owes to each municipal corporation for 79895  
the taxable year. 79896

(D) Upon receiving a declaration of estimated tax report and 79897  
remittance of estimated taxes under this section, the tax 79898  
commissioner shall immediately forward to the treasurer of state 79899  
such remittance. The treasurer of state shall credit ninety-eight 79900  
and one-half per cent of the remittance to the municipal income 79901  
tax fund and credit the remainder to the municipal income tax 79902  
administrative fund. 79903

(E) If any remittance of estimated taxes is for one thousand 79904  
dollars or more, the taxpayer shall make the remittance by 79905  
electronic funds transfer as prescribed by section 5745.04 of the 79906  
Revised Code. 79907

(F) Notwithstanding section 5745.08 or 5745.09 of the Revised 79908  
Code, no penalty or interest shall be imposed on a taxpayer if the 79909  
declaration of estimated tax report is properly filed, and the 79910  
estimated tax is paid, within the time prescribed by division (B) 79911  
of this section. 79912

**Sec. 5747.01.** Except as otherwise expressly provided or 79913  
clearly appearing from the context, any term used in this chapter 79914  
has the same meaning as when used in a comparable context in the 79915  
Internal Revenue Code, and all other statutes of the United States 79916  
relating to federal income taxes. 79917

As used in this chapter: 79918

(A) "Adjusted gross income" or "Ohio adjusted gross income" 79919  
means federal adjusted gross income, as defined and used in the 79920  
Internal Revenue Code, adjusted as provided in this section: 79921

(1) Add interest or dividends on obligations or securities of 79922  
any state or of any political subdivision or authority of any 79923

state, other than this state and its subdivisions and authorities. 79924

(2) Add interest or dividends on obligations of any 79925  
authority, commission, instrumentality, territory, or possession 79926  
of the United States to the extent that the interest or dividends 79927  
are exempt from federal income taxes but not from state income 79928  
taxes. 79929

(3) Deduct interest or dividends on obligations of the United 79930  
States and its territories and possessions or of any authority, 79931  
commission, or instrumentality of the United States to the extent 79932  
that the interest or dividends are included in federal adjusted 79933  
gross income but exempt from state income taxes under the laws of 79934  
the United States. 79935

(4) Deduct disability and survivor's benefits to the extent 79936  
included in federal adjusted gross income. 79937

(5) Deduct benefits under Title II of the Social Security Act 79938  
and tier 1 railroad retirement benefits to the extent included in 79939  
federal adjusted gross income under section 86 of the Internal 79940  
Revenue Code. 79941

(6) In the case of a taxpayer who is a beneficiary of a trust 79942  
that makes an accumulation distribution as defined in section 665 79943  
of the Internal Revenue Code, add, for the beneficiary's taxable 79944  
years beginning before 2002 or after 2004, the portion, if any, of 79945  
such distribution that does not exceed the undistributed net 79946  
income of the trust for the three taxable years preceding the 79947  
taxable year in which the distribution is made to the extent that 79948  
the portion was not included in the trust's taxable income for any 79949  
of the trust's taxable years beginning in 2002, 2003, or 2004. 79950  
"Undistributed net income of a trust" means the taxable income of 79951  
the trust increased by (a)(i) the additions to adjusted gross 79952  
income required under division (A) of this section and (ii) the 79953  
personal exemptions allowed to the trust pursuant to section 79954

642(b) of the Internal Revenue Code, and decreased by (b)(i) the 79955  
deductions to adjusted gross income required under division (A) of 79956  
this section, (ii) the amount of federal income taxes attributable 79957  
to such income, and (iii) the amount of taxable income that has 79958  
been included in the adjusted gross income of a beneficiary by 79959  
reason of a prior accumulation distribution. Any undistributed net 79960  
income included in the adjusted gross income of a beneficiary 79961  
shall reduce the undistributed net income of the trust commencing 79962  
with the earliest years of the accumulation period. 79963

(7) Deduct the amount of wages and salaries, if any, not 79964  
otherwise allowable as a deduction but that would have been 79965  
allowable as a deduction in computing federal adjusted gross 79966  
income for the taxable year, had the targeted jobs credit allowed 79967  
and determined under sections 38, 51, and 52 of the Internal 79968  
Revenue Code not been in effect. 79969

(8) Deduct any interest or interest equivalent on public 79970  
obligations and purchase obligations to the extent that the 79971  
interest or interest equivalent is included in federal adjusted 79972  
gross income. 79973

(9) Add any loss or deduct any gain resulting from the sale, 79974  
exchange, or other disposition of public obligations to the extent 79975  
that the loss has been deducted or the gain has been included in 79976  
computing federal adjusted gross income. 79977

(10) Deduct or add amounts, as provided under section 5747.70 79978  
of the Revised Code, related to contributions to variable college 79979  
savings program accounts made or tuition credits purchased 79980  
pursuant to Chapter 3334. of the Revised Code. 79981

(11)(a) Deduct, to the extent not otherwise allowable as a 79982  
deduction or exclusion in computing federal or Ohio adjusted gross 79983  
income for the taxable year, the amount the taxpayer paid during 79984  
the taxable year for medical care insurance and qualified 79985

long-term care insurance for the taxpayer, the taxpayer's spouse, 79986  
and dependents. No deduction for medical care insurance under 79987  
division (A)(11) of this section shall be allowed either to any 79988  
taxpayer who is eligible to participate in any subsidized health 79989  
plan maintained by any employer of the taxpayer or of the 79990  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 79991  
application would be entitled to, benefits under part A of Title 79992  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 79993  
301, as amended. For the purposes of division (A)(11)(a) of this 79994  
section, "subsidized health plan" means a health plan for which 79995  
the employer pays any portion of the plan's cost. The deduction 79996  
allowed under division (A)(11)(a) of this section shall be the net 79997  
of any related premium refunds, related premium reimbursements, or 79998  
related insurance premium dividends received during the taxable 79999  
year. 80000

(b) Deduct, to the extent not otherwise deducted or excluded 80001  
in computing federal or Ohio adjusted gross income during the 80002  
taxable year, the amount the taxpayer paid during the taxable 80003  
year, not compensated for by any insurance or otherwise, for 80004  
medical care of the taxpayer, the taxpayer's spouse, and 80005  
dependents, to the extent the expenses exceed seven and one-half 80006  
per cent of the taxpayer's federal adjusted gross income. 80007

(c) For purposes of division (A)(11) of this section, 80008  
"medical care" has the meaning given in section 213 of the 80009  
Internal Revenue Code, subject to the special rules, limitations, 80010  
and exclusions set forth therein, and "qualified long-term care" 80011  
has the same meaning given in section 7702(B)(b) of the Internal 80012  
Revenue Code. 80013

(12)(a) Deduct any amount included in federal adjusted gross 80014  
income solely because the amount represents a reimbursement or 80015  
refund of expenses that in any year the taxpayer had deducted as 80016  
an itemized deduction pursuant to section 63 of the Internal 80017

Revenue Code and applicable United States department of the 80018  
treasury regulations. The deduction otherwise allowed under 80019  
division (A)(12)(a) of this section shall be reduced to the extent 80020  
the reimbursement is attributable to an amount the taxpayer 80021  
deducted under this section in any taxable year. 80022

(b) Add any amount not otherwise included in Ohio adjusted 80023  
gross income for any taxable year to the extent that the amount is 80024  
attributable to the recovery during the taxable year of any amount 80025  
deducted or excluded in computing federal or Ohio adjusted gross 80026  
income in any taxable year. 80027

(13) Deduct any portion of the deduction described in section 80028  
1341(a)(2) of the Internal Revenue Code, for repaying previously 80029  
reported income received under a claim of right, that meets both 80030  
of the following requirements: 80031

(a) It is allowable for repayment of an item that was 80032  
included in the taxpayer's adjusted gross income for a prior 80033  
taxable year and did not qualify for a credit under division (A) 80034  
or (B) of section 5747.05 of the Revised Code for that year; 80035

(b) It does not otherwise reduce the taxpayer's adjusted 80036  
gross income for the current or any other taxable year. 80037

(14) Deduct an amount equal to the deposits made to, and net 80038  
investment earnings of, a medical savings account during the 80039  
taxable year, in accordance with section 3924.66 of the Revised 80040  
Code. The deduction allowed by division (A)(14) of this section 80041  
does not apply to medical savings account deposits and earnings 80042  
otherwise deducted or excluded for the current or any other 80043  
taxable year from the taxpayer's federal adjusted gross income. 80044

(15)(a) Add an amount equal to the funds withdrawn from a 80045  
medical savings account during the taxable year, and the net 80046  
investment earnings on those funds, when the funds withdrawn were 80047  
used for any purpose other than to reimburse an account holder 80048

for, or to pay, eligible medical expenses, in accordance with 80049  
section 3924.66 of the Revised Code; 80050

(b) Add the amounts distributed from a medical savings 80051  
account under division (A)(2) of section 3924.68 of the Revised 80052  
Code during the taxable year. 80053

(16) Add any amount claimed as a credit under section 80054  
5747.059 of the Revised Code to the extent that such amount 80055  
satisfies either of the following: 80056

(a) The amount was deducted or excluded from the computation 80057  
of the taxpayer's federal adjusted gross income as required to be 80058  
reported for the taxpayer's taxable year under the Internal 80059  
Revenue Code; 80060

(b) The amount resulted in a reduction of the taxpayer's 80061  
federal adjusted gross income as required to be reported for any 80062  
of the taxpayer's taxable years under the Internal Revenue Code. 80063

(17) Deduct the amount contributed by the taxpayer to an 80064  
individual development account program established by a county 80065  
department of job and family services pursuant to sections 329.11 80066  
to 329.14 of the Revised Code for the purpose of matching funds 80067  
deposited by program participants. On request of the tax 80068  
commissioner, the taxpayer shall provide any information that, in 80069  
the tax commissioner's opinion, is necessary to establish the 80070  
amount deducted under division (A)(17) of this section. 80071

(18) Beginning in taxable year 2001, if the taxpayer is 80072  
married and files a joint return and the combined federal adjusted 80073  
gross income of the taxpayer and the taxpayer's spouse for the 80074  
taxable year does not exceed one hundred thousand dollars, or if 80075  
the taxpayer is single and has a federal adjusted gross income for 80076  
the taxable year not exceeding fifty thousand dollars, deduct 80077  
amounts paid during the taxable year for qualified tuition and 80078  
fees paid to an eligible institution for the taxpayer, the 80079

taxpayer's spouse, or any dependent of the taxpayer, who is a 80080  
resident of this state and is enrolled in or attending a program 80081  
that culminates in a degree or diploma at an eligible institution. 80082  
The deduction may be claimed only to the extent that qualified 80083  
tuition and fees are not otherwise deducted or excluded for any 80084  
taxable year from federal or Ohio adjusted gross income. The 80085  
deduction may not be claimed for educational expenses for which 80086  
the taxpayer claims a credit under section 5747.27 of the Revised 80087  
Code. 80088

(19) Add any reimbursement received during the taxable year 80089  
of any amount the taxpayer deducted under division (A)(18) of this 80090  
section in any previous taxable year to the extent the amount is 80091  
not otherwise included in Ohio adjusted gross income. 80092

(20)(a)(i) Add five-sixths of the amount of depreciation 80093  
expense allowed by subsection (k) of section 168 of the Internal 80094  
Revenue Code, including the taxpayer's proportionate or 80095  
distributive share of the amount of depreciation expense allowed 80096  
by that subsection to a pass-through entity in which the taxpayer 80097  
has a direct or indirect ownership interest. The 80098

(ii) Add five-sixths of the amount of qualifying section 179 80099  
depreciation expense, including a person's proportionate or 80100  
distributive share of the amount of qualifying section 179 80101  
depreciation expense allowed to any pass-through entity in which 80102  
the person has a direct or indirect ownership. For the purposes of 80103  
this division, "qualifying section 179 depreciation expense" means 80104  
the difference between (I) the amount of depreciation expense 80105  
directly or indirectly allowed to the taxpayer under section 179 80106  
of the Internal Revenue Code, and (II) the amount of depreciation 80107  
expense directly or indirectly allowed to the taxpayer under 80108  
section 179 of the Internal Revenue Code as that section existed 80109  
on December 31, 2002. 80110

The tax commissioner, under procedures established by the 80111

commissioner, may waive the ~~add-back~~ add-backs related to a 80112  
pass-through entity if the taxpayer owns, directly or indirectly, 80113  
less than five per cent of the pass-through entity. 80114

(b) Nothing in division (A)(20) of this section shall be 80115  
construed to adjust or modify the adjusted basis of any asset. 80116

(c) To the extent the add-back required under division 80117  
(A)(20)(a) of this section is attributable to property generating 80118  
nonbusiness income or loss allocated under section 5747.20 of the 80119  
Revised Code, the add-back shall be situated to the same location 80120  
as the nonbusiness income or loss generated by the property for 80121  
the purpose of determining the credit under division (A) of 80122  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 80123  
be apportioned, subject to one or more of the four alternative 80124  
methods of apportionment enumerated in section 5747.21 of the 80125  
Revised Code. 80126

(d) For the purposes of division (A) of this section, net 80127  
operating loss carryback and carryforward shall not include 80128  
five-sixths of the allowance of any net operating loss deduction 80129  
carryback or carryforward to the taxable year to the extent such 80130  
loss resulted from depreciation allowed by section 168(k) of the 80131  
Internal Revenue Code and by the qualifying section 179 80132  
depreciation expense amount. 80133

(21)(a) If the taxpayer was required to add an amount under 80134  
division (A)(20)(a) of this section for a taxable year, deduct 80135  
one-fifth of the amount so added for each of the five succeeding 80136  
taxable years. 80137

(b) If the amount deducted under division (A)(21)(a) of this 80138  
section is attributable to an add-back allocated under division 80139  
(A)(20)(c) of this section, the amount deducted shall be situated 80140  
to the same location. Otherwise, the add-back shall be apportioned 80141  
using the apportionment factors for the taxable year in which the 80142

deduction is taken, subject to one or more of the four alternative 80143  
methods of apportionment enumerated in section 5747.21 of the 80144  
Revised Code. 80145

(c) No deduction is available under division (A)(21)(a) of 80146  
this section with regard to any depreciation allowed by section 80147  
168(k) of the Internal Revenue Code and by the qualifying section 80148  
179 depreciation expense amount to the extent that such 80149  
depreciation resulted in or increased a federal net operating loss 80150  
carryback or carryforward to a taxable year to which division 80151  
(A)(20)(d) of this section does not apply. 80152

(B) "Business income" means income, including gain or loss, 80153  
arising from transactions, activities, and sources in the regular 80154  
course of a trade or business and includes income, gain, or loss 80155  
from real property, tangible property, and intangible property if 80156  
the acquisition, rental, management, and disposition of the 80157  
property constitute integral parts of the regular course of a 80158  
trade or business operation. "Business income" includes income, 80159  
including gain or loss, from a partial or complete liquidation of 80160  
a business, including, but not limited to, gain or loss from the 80161  
sale or other disposition of goodwill. 80162

(C) "Nonbusiness income" means all income other than business 80163  
income and may include, but is not limited to, compensation, rents 80164  
and royalties from real or tangible personal property, capital 80165  
gains, interest, dividends and distributions, patent or copyright 80166  
royalties, or lottery winnings, prizes, and awards. 80167

(D) "Compensation" means any form of remuneration paid to an 80168  
employee for personal services. 80169

(E) "Fiduciary" means a guardian, trustee, executor, 80170  
administrator, receiver, conservator, or any other person acting 80171  
in any fiduciary capacity for any individual, trust, or estate. 80172

(F) "Fiscal year" means an accounting period of twelve months 80173

ending on the last day of any month other than December. 80174

(G) "Individual" means any natural person. 80175

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 80176  
80177

(I) "Resident" means any of the following, provided that 80178  
division (I)(3) of this section applies only to taxable years of a 80179  
trust beginning in 2002, 2003, or 2004: 80180

(1) An individual who is domiciled in this state, subject to 80181  
section 5747.24 of the Revised Code; 80182

(2) The estate of a decedent who at the time of death was 80183  
domiciled in this state. The domicile tests of section 5747.24 of 80184  
the Revised Code and any election under section 5747.25 of the 80185  
Revised Code are not controlling for purposes of division (I)(2) 80186  
of this section. 80187

(3) A trust that, in whole or part, resides in this state. If 80188  
only part of a trust resides in this state, the trust is a 80189  
resident only with respect to that part. 80190

For the purposes of division (I)(3) of this section: 80191

(a) A trust resides in this state for the trust's current 80192  
taxable year to the extent, as described in division (I)(3)(d) of 80193  
this section, that the trust consists directly or indirectly, in 80194  
whole or in part, of assets, net of any related liabilities, that 80195  
were transferred, or caused to be transferred, directly or 80196  
indirectly, to the trust by any of the following: 80197

(i) A person, a court, or a governmental entity or 80198  
instrumentality on account of the death of a decedent, but only if 80199  
the trust is described in division (I)(3)(e)(i) or (ii) of this 80200  
section; 80201

(ii) A person who was domiciled in this state for the 80202  
purposes of this chapter when the person directly or indirectly 80203

transferred assets to an irrevocable trust, but only if at least 80204  
one of the trust's qualifying beneficiaries is domiciled in this 80205  
state for the purposes of this chapter during all or some portion 80206  
of the trust's current taxable year; 80207

(iii) A person who was domiciled in this state for the 80208  
purposes of this chapter when the trust document or instrument or 80209  
part of the trust document or instrument became irrevocable, but 80210  
only if at least one of the trust's qualifying beneficiaries is a 80211  
resident domiciled in this state for the purposes of this chapter 80212  
during all or some portion of the trust's current taxable year. 80213

(b) A trust is irrevocable to the extent that the transferor 80214  
is not considered to be the owner of the net assets of the trust 80215  
under sections 671 to 678 of the Internal Revenue Code. 80216

(c) With respect to a trust other than a charitable lead 80217  
trust, "qualifying beneficiary" has the same meaning as "potential 80218  
current beneficiary" as defined in section 1361(e)(2) of the 80219  
Internal Revenue Code, and with respect to a charitable lead trust 80220  
"qualifying beneficiary" is any current, future, or contingent 80221  
beneficiary, but with respect to any trust "qualifying 80222  
beneficiary" excludes a person or a governmental entity or 80223  
instrumentality to any of which a contribution would qualify for 80224  
the charitable deduction under section 170 of the Internal Revenue 80225  
Code. 80226

(d) For the purposes of division (I)(3)(a) of this section, 80227  
the extent to which a trust consists directly or indirectly, in 80228  
whole or in part, of assets, net of any related liabilities, that 80229  
were transferred directly or indirectly, in whole or part, to the 80230  
trust by any of the sources enumerated in that division shall be 80231  
ascertained by multiplying the fair market value of the trust's 80232  
assets, net of related liabilities, by the qualifying ratio, which 80233  
shall be computed as follows: 80234

(i) The first time the trust receives assets, the numerator 80235  
of the qualifying ratio is the fair market value of those assets 80236  
at that time, net of any related liabilities, from sources 80237  
enumerated in division (I)(3)(a) of this section. The denominator 80238  
of the qualifying ratio is the fair market value of all the 80239  
trust's assets at that time, net of any related liabilities. 80240

(ii) Each subsequent time the trust receives assets, a 80241  
revised qualifying ratio shall be computed. The numerator of the 80242  
revised qualifying ratio is the sum of (1) the fair market value 80243  
of the trust's assets immediately prior to the subsequent 80244  
transfer, net of any related liabilities, multiplied by the 80245  
qualifying ratio last computed without regard to the subsequent 80246  
transfer, and (2) the fair market value of the subsequently 80247  
transferred assets at the time transferred, net of any related 80248  
liabilities, from sources enumerated in division (I)(3)(a) of this 80249  
section. The denominator of the revised qualifying ratio is the 80250  
fair market value of all the trust's assets immediately after the 80251  
subsequent transfer, net of any related liabilities. 80252

(e) For the purposes of division (I)(3)(a)(i) of this 80253  
section: 80254

(i) A trust is described in division (I)(3)(e)(i) of this 80255  
section if the trust is a testamentary trust and the testator of 80256  
that testamentary trust was domiciled in this state at the time of 80257  
the testator's death for purposes of the taxes levied under 80258  
Chapter 5731. of the Revised Code. 80259

(ii) A trust is described in division (I)(3)(e)(ii) of this 80260  
section if the transfer is a qualifying transfer described in any 80261  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 80262  
irrevocable inter vivos trust, and at least one of the trust's 80263  
qualifying beneficiaries is domiciled in this state for purposes 80264  
of this chapter during all or some portion of the trust's current 80265  
taxable year. 80266

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an

electing small business trust for the taxable year. 80359

(2) Add interest or dividends, net of ordinary, necessary, 80360  
and reasonable expenses not deducted in computing federal taxable 80361  
income, on obligations of any authority, commission, 80362  
instrumentality, territory, or possession of the United States to 80363  
the extent that the interest or dividends are exempt from federal 80364  
income taxes but not from state income taxes, but only to the 80365  
extent that such net amount is not otherwise includible in Ohio 80366  
taxable income and is described in either division (S)(1)(a) or 80367  
(b) of this section; 80368

(3) Add the amount of personal exemption allowed to the 80369  
estate pursuant to section 642(b) of the Internal Revenue Code; 80370

(4) Deduct interest or dividends, net of related expenses 80371  
deducted in computing federal taxable income, on obligations of 80372  
the United States and its territories and possessions or of any 80373  
authority, commission, or instrumentality of the United States to 80374  
the extent that the interest or dividends are exempt from state 80375  
taxes under the laws of the United States, but only to the extent 80376  
that such amount is included in federal taxable income and is 80377  
described in either division (S)(1)(a) or (b) of this section; 80378

(5) Deduct the amount of wages and salaries, if any, not 80379  
otherwise allowable as a deduction but that would have been 80380  
allowable as a deduction in computing federal taxable income for 80381  
the taxable year, had the targeted jobs credit allowed under 80382  
sections 38, 51, and 52 of the Internal Revenue Code not been in 80383  
effect, but only to the extent such amount relates either to 80384  
income included in federal taxable income for the taxable year or 80385  
to income of the S portion of an electing small business trust for 80386  
the taxable year; 80387

(6) Deduct any interest or interest equivalent, net of 80388  
related expenses deducted in computing federal taxable income, on 80389

public obligations and purchase obligations, but only to the 80390  
extent that such net amount relates either to income included in 80391  
federal taxable income for the taxable year or to income of the S 80392  
portion of an electing small business trust for the taxable year; 80393

(7) Add any loss or deduct any gain resulting from sale, 80394  
exchange, or other disposition of public obligations to the extent 80395  
that such loss has been deducted or such gain has been included in 80396  
computing either federal taxable income or income of the S portion 80397  
of an electing small business trust for the taxable year; 80398

(8) Except in the case of the final return of an estate, add 80399  
any amount deducted by the taxpayer on both its Ohio estate tax 80400  
return pursuant to section 5731.14 of the Revised Code, and on its 80401  
federal income tax return in determining federal taxable income; 80402

(9)(a) Deduct any amount included in federal taxable income 80403  
solely because the amount represents a reimbursement or refund of 80404  
expenses that in a previous year the decedent had deducted as an 80405  
itemized deduction pursuant to section 63 of the Internal Revenue 80406  
Code and applicable treasury regulations. The deduction otherwise 80407  
allowed under division (S)(9)(a) of this section shall be reduced 80408  
to the extent the reimbursement is attributable to an amount the 80409  
taxpayer or decedent deducted under this section in any taxable 80410  
year. 80411

(b) Add any amount not otherwise included in Ohio taxable 80412  
income for any taxable year to the extent that the amount is 80413  
attributable to the recovery during the taxable year of any amount 80414  
deducted or excluded in computing federal or Ohio taxable income 80415  
in any taxable year, but only to the extent such amount has not 80416  
been distributed to beneficiaries for the taxable year. 80417

(10) Deduct any portion of the deduction described in section 80418  
1341(a)(2) of the Internal Revenue Code, for repaying previously 80419  
reported income received under a claim of right, that meets both 80420

of the following requirements: 80421

(a) It is allowable for repayment of an item that was 80422  
included in the taxpayer's taxable income or the decedent's 80423  
adjusted gross income for a prior taxable year and did not qualify 80424  
for a credit under division (A) or (B) of section 5747.05 of the 80425  
Revised Code for that year. 80426

(b) It does not otherwise reduce the taxpayer's taxable 80427  
income or the decedent's adjusted gross income for the current or 80428  
any other taxable year. 80429

(11) Add any amount claimed as a credit under section 80430  
5747.059 of the Revised Code to the extent that the amount 80431  
satisfies either of the following: 80432

(a) The amount was deducted or excluded from the computation 80433  
of the taxpayer's federal taxable income as required to be 80434  
reported for the taxpayer's taxable year under the Internal 80435  
Revenue Code; 80436

(b) The amount resulted in a reduction in the taxpayer's 80437  
federal taxable income as required to be reported for any of the 80438  
taxpayer's taxable years under the Internal Revenue Code. 80439

(12) Deduct any amount, net of related expenses deducted in 80440  
computing federal taxable income, that a trust is required to 80441  
report as farm income on its federal income tax return, but only 80442  
if the assets of the trust include at least ten acres of land 80443  
satisfying the definition of "land devoted exclusively to 80444  
agricultural use" under section 5713.30 of the Revised Code, 80445  
regardless of whether the land is valued for tax purposes as such 80446  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 80447  
trust is a pass-through entity investor, section 5747.231 of the 80448  
Revised Code applies in ascertaining if the trust is eligible to 80449  
claim the deduction provided by division (S)(12) of this section 80450  
in connection with the pass-through entity's farm income. 80451

Except for farm income attributable to the S portion of an 80452  
electing small business trust, the deduction provided by division 80453  
(S)(12) of this section is allowed only to the extent that the 80454  
trust has not distributed such farm income. Division (S)(12) of 80455  
this section applies only to taxable years of a trust beginning in 80456  
2002, 2003, or 2004. 80457

(13) Add the net amount of income described in section 641(c) 80458  
of the Internal Revenue Code to the extent that amount is not 80459  
included in federal taxable income. 80460

(14) Add or deduct the amount the taxpayer would be required 80461  
to add or deduct under division (A)(20) or (21) of this section if 80462  
the taxpayer's Ohio taxable income were computed in the same 80463  
manner as an individual's Ohio adjusted gross income is computed 80464  
under this section. In the case of a trust, division (S)(14) of 80465  
this section applies only to any of the trust's taxable years 80466  
beginning in 2002, 2003, or 2004. 80467

(T) "School district income" and "school district income tax" 80468  
have the same meanings as in section 5748.01 of the Revised Code. 80469

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 80470  
of this section, "public obligations," "purchase obligations," and 80471  
"interest or interest equivalent" have the same meanings as in 80472  
section 5709.76 of the Revised Code. 80473

(V) "Limited liability company" means any limited liability 80474  
company formed under Chapter 1705. of the Revised Code or under 80475  
the laws of any other state. 80476

(W) "Pass-through entity investor" means any person who, 80477  
during any portion of a taxable year of a pass-through entity, is 80478  
a partner, member, shareholder, or equity investor in that 80479  
pass-through entity. 80480

(X) "Banking day" has the same meaning as in section 1304.01 80481  
of the Revised Code. 80482

(Y) "Month" means a calendar month.	80483
(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.	80484 80485 80486
(AA)(1) "Eligible institution" means a state university or state institution of higher education as defined in section 3345.011 of the Revised Code, or a private, nonprofit college, university, or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.	80487 80488 80489 80490 80491 80492 80493 80494 80495
(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:	80496 80497 80498 80499 80500 80501 80502 80503 80504 80505
(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;	80506 80507 80508
(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;	80509 80510 80511
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other	80512 80513

educational benefit program. 80514

(BB)(1) "Modified business income" means the business income 80515  
included in a trust's Ohio taxable income after such taxable 80516  
income is first reduced by the qualifying trust amount, if any. 80517

(2) "Qualifying trust amount" of a trust means capital gains 80518  
and losses from the sale, exchange, or other disposition of equity 80519  
or ownership interests in, or debt obligations of, a qualifying 80520  
investee to the extent included in the trust's Ohio taxable 80521  
income, but only if the following requirements are satisfied: 80522

(a) The book value of the qualifying investee's physical 80523  
assets in this state and everywhere, as of the last day of the 80524  
qualifying investee's fiscal or calendar year ending immediately 80525  
prior to the date on which the trust recognizes the gain or loss, 80526  
is available to the trust. 80527

(b) The requirements of section 5747.011 of the Revised Code 80528  
are satisfied for the trust's taxable year in which the trust 80529  
recognizes the gain or loss. 80530

Any gain or loss that is not a qualifying trust amount is 80531  
modified business income, qualifying investment income, or 80532  
modified nonbusiness income, as the case may be. 80533

(3) "Modified nonbusiness income" means a trust's Ohio 80534  
taxable income other than modified business income, other than the 80535  
qualifying trust amount, and other than qualifying investment 80536  
income, as defined in section 5747.012 of the Revised Code, to the 80537  
extent such qualifying investment income is not otherwise part of 80538  
modified business income. 80539

(4) "Modified Ohio taxable income" applies only to trusts, 80540  
and means the sum of the amounts described in divisions (BB)(4)(a) 80541  
to (c) of this section: 80542

(a) The fraction, calculated under division (B)(2) of section 80543

5733.05, and applying section 5733.057 of the Revised Code, as if 80544  
the trust were a corporation subject to the tax imposed by section 80545  
5733.06 of the Revised Code, multiplied by the sum of the 80546  
following amounts: 80547

(i) The trust's modified business income; 80548

(ii) The trust's qualifying investment income, as defined in 80549  
section 5747.012 of the Revised Code, but only to the extent the 80550  
qualifying investment income does not otherwise constitute 80551  
modified business income and does not otherwise constitute a 80552  
qualifying trust amount. 80553

(b) The qualifying trust amount multiplied by a fraction, the 80554  
numerator of which is the sum of the book value of the qualifying 80555  
investee's physical assets in this state on the last day of the 80556  
qualifying investee's fiscal or calendar year ending immediately 80557  
prior to the day on which the trust recognizes the qualifying 80558  
trust amount, and the denominator of which is the sum of the book 80559  
value of the qualifying investee's total physical assets 80560  
everywhere on the last day of the qualifying investee's fiscal or 80561  
calendar year ending immediately prior to the day on which the 80562  
trust recognizes the qualifying trust amount. If, for a taxable 80563  
year, the trust recognizes a qualifying trust amount with respect 80564  
to more than one qualifying investee, the amount described in 80565  
division (BB)(4)(b) of this section shall equal the sum of the 80566  
products so computed for each such qualifying investee. 80567

(c)(i) With respect to a trust or portion of a trust that is 80568  
a resident as ascertained in accordance with division (I)(3)(d) of 80569  
this section, its modified nonbusiness income. 80570

(ii) With respect to a trust or portion of a trust that is 80571  
not a resident as ascertained in accordance with division 80572  
(I)(3)(d) of this section, the amount of its modified nonbusiness 80573  
income satisfying the descriptions in divisions (B)(2) to (5) of 80574

section 5747.20 of the Revised Code. 80575

If the allocation and apportionment of a trust's income under 80576  
divisions (BB)(4)(a) and (c) of this section do not fairly 80577  
represent the modified Ohio taxable income of the trust in this 80578  
state, the alternative methods described in division (C) of 80579  
section 5747.21 of the Revised Code may be applied in the manner 80580  
and to the same extent provided in that section. 80581

(5)(a) Except as set forth in division (BB)(5)(b) of this 80582  
section, "qualifying investee" means a person in which a trust has 80583  
an equity or ownership interest, or a person or unit of government 80584  
the debt obligations of either of which are owned by a trust. For 80585  
the purposes of division (BB)(2)(a) of this section and for the 80586  
purpose of computing the fraction described in division (BB)(4)(b) 80587  
of this section, all of the following apply: 80588

(i) If the qualifying investee is a member of a qualifying 80589  
controlled group on the last day of the qualifying investee's 80590  
fiscal or calendar year ending immediately prior to the date on 80591  
which the trust recognizes the gain or loss, then "qualifying 80592  
investee" includes all persons in the qualifying controlled group 80593  
on such last day. 80594

(ii) If the qualifying investee, or if the qualifying 80595  
investee and any members of the qualifying controlled group of 80596  
which the qualifying investee is a member on the last day of the 80597  
qualifying investee's fiscal or calendar year ending immediately 80598  
prior to the date on which the trust recognizes the gain or loss, 80599  
separately or cumulatively own, directly or indirectly, on the 80600  
last day of the qualifying investee's fiscal or calendar year 80601  
ending immediately prior to the date on which the trust recognizes 80602  
the qualifying trust amount, more than fifty per cent of the 80603  
equity of a pass-through entity, then the qualifying investee and 80604  
the other members are deemed to own the proportionate share of the 80605  
pass-through entity's physical assets which the pass-through 80606

entity directly or indirectly owns on the last day of the 80607  
pass-through entity's calendar or fiscal year ending within or 80608  
with the last day of the qualifying investee's fiscal or calendar 80609  
year ending immediately prior to the date on which the trust 80610  
recognizes the qualifying trust amount. 80611

(iii) For the purposes of division (BB)(5)(a)(iii) of this 80612  
section, "upper level pass-through entity" means a pass-through 80613  
entity directly or indirectly owning any equity of another 80614  
pass-through entity, and "lower level pass-through entity" means 80615  
that other pass-through entity. 80616

An upper level pass-through entity, whether or not it is also 80617  
a qualifying investee, is deemed to own, on the last day of the 80618  
upper level pass-through entity's calendar or fiscal year, the 80619  
proportionate share of the lower level pass-through entity's 80620  
physical assets that the lower level pass-through entity directly 80621  
or indirectly owns on the last day of the lower level pass-through 80622  
entity's calendar or fiscal year ending within or with the last 80623  
day of the upper level pass-through entity's fiscal or calendar 80624  
year. If the upper level pass-through entity directly and 80625  
indirectly owns less than fifty per cent of the equity of the 80626  
lower level pass-through entity on each day of the upper level 80627  
pass-through entity's calendar or fiscal year in which or with 80628  
which ends the calendar or fiscal year of the lower level 80629  
pass-through entity and if, based upon clear and convincing 80630  
evidence, complete information about the location and cost of the 80631  
physical assets of the lower pass-through entity is not available 80632  
to the upper level pass-through entity, then solely for purposes 80633  
of ascertaining if a gain or loss constitutes a qualifying trust 80634  
amount, the upper level pass-through entity shall be deemed as 80635  
owning no equity of the lower level pass-through entity for each 80636  
day during the upper level pass-through entity's calendar or 80637  
fiscal year in which or with which ends the lower level 80638

pass-through entity's calendar or fiscal year. Nothing in division 80639  
(BB)(5)(a)(iii) of this section shall be construed to provide for 80640  
any deduction or exclusion in computing any trust's Ohio taxable 80641  
income. 80642

(b) With respect to a trust that is not a resident for the 80643  
taxable year and with respect to a part of a trust that is not a 80644  
resident for the taxable year, "qualifying investee" for that 80645  
taxable year does not include a C corporation if both of the 80646  
following apply: 80647

(i) During the taxable year the trust or part of the trust 80648  
recognizes a gain or loss from the sale, exchange, or other 80649  
disposition of equity or ownership interests in, or debt 80650  
obligations of, the C corporation. 80651

(ii) Such gain or loss constitutes nonbusiness income. 80652

(6) "Available" means information is such that a person is 80653  
able to learn of the information by the due date plus extensions, 80654  
if any, for filing the return for the taxable year in which the 80655  
trust recognizes the gain or loss. 80656

(CC) "Qualifying controlled group" has the same meaning as in 80657  
section 5733.04 of the Revised Code. 80658

(DD) "Related member" has the same meaning as in section 80659  
5733.042 of the Revised Code. 80660

(EE) Any term used in this chapter that is not otherwise 80661  
defined in this section and that is not used in a comparable 80662  
context in the Internal Revenue Code and other statutes of the 80663  
United States relating to federal income taxes has the same 80664  
meaning as in section 5733.40 of the Revised Code. 80665

**Sec. 5747.02.** (A) For the purpose of providing revenue for 80666  
the support of schools and local government functions, to provide 80667  
relief to property taxpayers, to provide revenue for the general 80668

revenue fund, and to meet the expenses of administering the tax	80669
levied by this chapter, there is hereby levied on every	80670
individual, trust, and estate residing in or earning or receiving	80671
income in this state, on every individual, trust, and estate	80672
earning or receiving lottery winnings, prizes, or awards pursuant	80673
to Chapter 3770. of the Revised Code, and on every individual,	80674
trust, and estate otherwise having nexus with or in this state	80675
under the Constitution of the United States, an annual tax	80676
measured in the case of individuals by Ohio adjusted gross income	80677
less an exemption for the taxpayer, the taxpayer's spouse, and	80678
each dependent as provided in section 5747.025 of the Revised	80679
Code; measured in the case of trusts by modified Ohio taxable	80680
income under division (D) of this section; and measured in the	80681
case of estates by Ohio taxable income. The tax imposed by this	80682
section on the balance thus obtained is hereby levied as follows:	80683
OHIO ADJUSTED GROSS INCOME LESS	80684
EXEMPTIONS (INDIVIDUALS)	
OR	80685
MODIFIED OHIO	80686
TAXABLE INCOME (TRUSTS)	80687
OR	80688
OHIO TAXABLE INCOME (ESTATES) TAX	80689
\$5,000 or less .743%	80690
More than \$5,000 but not more than \$10,000 \$37.15 plus 1.486% of the amount in excess of \$5,000	80691
More than \$10,000 but not more than \$15,000 \$111.45 plus 2.972% of the amount in excess of \$10,000	80692
More than \$15,000 but not more than \$20,000 \$260.05 plus 3.715% of the amount in excess of \$15,000	80693
More than \$20,000 but not more than \$40,000 \$445.80 plus 4.457% of the amount in excess of \$20,000	80694
More than \$40,000 but not more than \$80,000 \$1,337.20 plus 5.201% of the amount in excess of \$40,000	80695

More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	80696
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	80697
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	80698

In July of each year, beginning in 2005, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under division (A) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created

under section 715.691, or a joint economic development district 80725  
created under section 715.70 or 715.71 or sections 715.72 to 80726  
715.81 of the Revised Code from levying a tax on income. 80727

(D) This division applies only to taxable years of a trust 80728  
beginning in 2002, 2003, or 2004. 80729

(1) The tax imposed by this section on a trust shall be 80730  
computed by multiplying the Ohio modified taxable income of the 80731  
trust by the rates prescribed by division (A) of this section. 80732

(2) A credit is allowed against the tax computed under 80733  
division (D) of this section equal to the lesser of (1) the tax 80734  
paid to another state or the District of Columbia on the trust's 80735  
modified nonbusiness income, other than the portion of the trust's 80736  
nonbusiness income that is qualifying investment income as defined 80737  
in section 5747.012 of the Revised Code, or (2) the effective tax 80738  
rate, based on modified Ohio taxable income, multiplied by the 80739  
trust's modified nonbusiness income other than the portion of 80740  
trust's nonbusiness income that is qualifying investment income. 80741  
The credit applies before any other applicable credits. 80742

(3) The credits enumerated in divisions (A)(1) to (13) of 80743  
section 5747.98 of the Revised Code do not apply to a trust 80744  
subject to this division. Any credits enumerated in other 80745  
divisions of section 5747.98 of the Revised Code apply to a trust 80746  
subject to this division. To the extent that the trust distributes 80747  
income for the taxable year for which a credit is available to the 80748  
trust, the credit shall be shared by the trust and its 80749  
beneficiaries. The tax commissioner and the trust shall be guided 80750  
by applicable regulations of the United States treasury regarding 80751  
the sharing of credits. 80752

(E) For the purposes of this section, "trust" means any trust 80753  
described in Subchapter J of Chapter 1 of the Internal Revenue 80754  
Code, excluding trusts that are not irrevocable as defined in 80755

division (I)(3)(b) of section 5747.01 of the Revised Code and that 80756  
have no modified Ohio taxable income for the taxable year, 80757  
charitable remainder trusts, qualified funeral trusts and preneed 80758  
funeral contract trusts established pursuant to section 1111.19 of 80759  
the Revised Code that are not qualified funeral trusts, endowment 80760  
and perpetual care trusts, qualified settlement trusts and funds, 80761  
designated settlement trusts and funds, and trusts exempted from 80762  
taxation under section 501(a) of the Internal Revenue Code. 80763

Sec. 5747.026. (A) For taxable years beginning on or after 80764  
January 1, 2002, a member of the national guard or a member of a 80765  
reserve component of the armed forces of the United States called 80766  
to active or other duty under operation Iraqi freedom may apply to 80767  
the tax commissioner for an extension for filing of the return and 80768  
payment of taxes required under this chapter during the period of 80769  
the member's duty service and for sixty days thereafter. The 80770  
application shall be filed on or before the sixtieth day after the 80771  
member's duty terminates. An applicant shall provide such evidence 80772  
as the commissioner considers necessary to demonstrate eligibility 80773  
for the extension. 80774

(B)(1) If the commissioner determines that an applicant is 80775  
qualified for an extension under this section, the commissioner 80776  
shall enter into a contract with the applicant for the payment of 80777  
the tax in installments that begin on the sixty-first day after 80778  
the applicant's duty under operation Iraqi freedom terminates. 80779  
Except as provided in division (B)(3) of this section, the 80780  
commissioner may prescribe such contract terms as the commissioner 80781  
considers appropriate. 80782

(2) If the commissioner determines that an applicant is 80783  
qualified for an extension under this section, the applicant shall 80784  
not be required to file any return, report, or other tax document 80785  
before the sixty-first day after the applicant's duty under 80786

operation Iraqi freedom terminates. 80787

(3) Taxes paid pursuant to a contract entered into under 80788  
division (B)(1) of this section are not delinquent. The tax 80789  
commissioner shall not require any payments of penalties or 80790  
interest in connection with such taxes. 80791

(C)(1) Divisions (A) and (B) of this section do not apply to 80792  
any taxable year for which a taxpayer receives an extension of 80793  
time in which to file a federal income tax return or pay federal 80794  
income tax under the Internal Revenue Code. 80795

(2)(a) A taxpayer who is eligible for an extension under the 80796  
Internal Revenue Code shall receive an extension of time in which 80797  
to file any return, report, or other tax document described in 80798  
this chapter and an extension of time in which to make any payment 80799  
of taxes required under this chapter or Chapter 5748. of the 80800  
Revised Code. The length of any extension granted under division 80801  
(C)(2)(a) of this section shall be equal to the length of the 80802  
corresponding extension that the taxpayer receives under the 80803  
Internal Revenue Code. 80804

(b) Taxes paid in accordance with division (C)(2)(a) of this 80805  
section are not delinquent. The tax commissioner shall not require 80806  
any payment of penalties or interest in connection with such 80807  
taxes. The tax commissioner shall not include any period of 80808  
extension granted under division (C)(2)(a) of this section in 80809  
calculating the interest due on any unpaid tax. 80810

(D) The tax commissioner shall adopt rules necessary to 80811  
administer this section, including rules establishing the 80812  
following: 80813

(1) Forms and procedures by which applicants may apply for 80814  
extensions; 80815

(2) Criteria for eligibility; 80816

(3) A schedule for repayment of deferred taxes. 80817

**Sec. 5747.12.** If a person entitled to a refund under section 80818  
5747.11 or 5747.13 of the Revised Code is indebted to this state 80819  
for any tax, workers' compensation premium due under section 80820  
4123.35 of the Revised Code, unemployment compensation 80821  
contribution due under section 4141.25 of the Revised Code, or fee 80822  
~~administered by the tax commissioner~~ that is paid to the state or 80823  
to the clerk of courts pursuant to section 4505.06 of the Revised 80824  
Code, or any charge, penalty, or interest arising from such a tax, 80825  
workers' compensation premium, unemployment compensation 80826  
contribution, or fee, the amount refundable may be applied in 80827  
satisfaction of the debt. If the amount refundable is less than 80828  
the amount of the debt, it may be applied in partial satisfaction 80829  
of the debt. If the amount refundable is greater than the amount 80830  
of the debt, the amount remaining after satisfaction of the debt 80831  
shall be refunded. If the person has more than one such debt, any 80832  
debt subject to section 5739.33 or division (G) of section 5747.07 80833  
of the Revised Code shall be satisfied first. This section applies 80834  
only to debts that have become final. 80835

The tax commissioner may, with the consent of the taxpayer, 80836  
provide for the crediting, against tax imposed under this chapter 80837  
or Chapter 5748. of the Revised Code and due for any taxable year, 80838  
of the amount of any refund due the taxpayer under this chapter or 80839  
Chapter 5748. of the Revised Code, as appropriate, for a preceding 80840  
taxable year. 80841

**Sec. 5747.31.** (A) This section applies to an individual or 80842  
estate that is a proprietor or a pass-through entity investor. 80843

(B) A taxpayer described in division (A) of this section is 80844  
allowed a credit that shall be computed and claimed in the same 80845  
manner as the credit allowed to corporations in section 5733.33 of 80846

the Revised Code. The taxpayer shall claim one-seventh of the 80847  
credit amount for the calendar year in which the new manufacturing 80848  
machinery and equipment is purchased for use in the county by the 80849  
taxpayer or partnership. One-seventh of the taxpayer credit amount 80850  
is allowed for each of the six ensuing taxable years. The taxpayer 80851  
shall claim the credit in the order required under section 5747.98 80852  
of the Revised Code. 80853

The taxpayer shall file with the department of development a 80854  
notice of intent to claim the credit in accordance with division 80855  
(E) of section 5733.33 of the Revised Code. 80856

(C)(1) A taxpayer described in division (A) of this section 80857  
is allowed a credit that shall be computed in the same manner as 80858  
the credit allowed to a corporation in section 5733.39 of the 80859  
Revised Code, with the following adjustments: 80860

(a) Substitute "taxable year" for "tax year" wherever "tax 80861  
year" appears in section 5733.39 of the Revised Code; 80862

(b) Substitute "5747.02" for "5733.06" wherever "5733.06" 80863  
appears in section 5733.39 of the Revised Code; 80864

(c) Substitute "5747.98" for "5733.98" wherever "5733.98" 80865  
appears in section 5733.39 of the Revised Code; 80866

(d) The credit allowed under division (C) of this section 80867  
shall be subject to the same disallowance for the carryover or 80868  
carryback of any unused credit as provided in division (C) of 80869  
section 5733.39 of the Revised Code. 80870

(2) Notwithstanding section ~~5747.131~~ 5703.56 of the Revised 80871  
Code to the contrary, a taxpayer claiming a credit under this 80872  
division has the burden of establishing by a preponderance of the 80873  
evidence that the doctrines enumerated in section ~~5747.131~~ 5703.56 80874  
of the Revised Code do not apply with respect to the credit 80875  
provided by this division. 80876

(D) Nothing in this section shall be construed to limit or 80877  
disallow pass-through treatment of a pass-through entity's income, 80878  
deductions, credits, or other amounts necessary to compute the tax 80879  
imposed by section 5747.02 of the Revised Code and the credits 80880  
allowed by this chapter. 80881

**Sec. 5747.80.** Upon the issuance of a tax credit certificate 80882  
by the Ohio venture capital authority under section 150.07 of the 80883  
Revised Code, a credit may be claimed against the tax imposed by 80884  
section 5747.02 of the Revised Code. The credit shall be claimed 80885  
for the taxable year specified in the certificate issued by the 80886  
authority and in the order required under section 5747.98 of the 80887  
Revised Code. If the taxpayer elected a refundable credit under 80888  
section 150.07 of the Revised Code, and the amount of the credit 80889  
shown on the certificate exceeds the tax otherwise due under 80890  
section 5747.02 of the Revised Code after all credits, including 80891  
the credit allowed under this section, are deducted in that order, 80892  
the taxpayer shall receive a refund equal to seventy-five per cent 80893  
of that excess. If the taxpayer elected a nonrefundable credit, 80894  
the amount of the credit, claimed in that order, shall not exceed 80895  
the tax otherwise due after all the taxpayer's credits are 80896  
deducted in that order. If the taxpayer elected a nonrefundable 80897  
credit and the credit to which the taxpayer would otherwise be 80898  
entitled under this section for any taxable year is greater than 80899  
the tax otherwise due under section 5747.02 of the Revised Code, 80900  
after allowing for any other credits that precede the credit 80901  
allowed under this section, the excess shall be allowed as a 80902  
credit in each of the ensuing ten taxable years, but the amount of 80903  
any excess credit allowed in the ensuing taxable year shall be 80904  
deducted from the balance carried forward to the next taxable 80905  
year. 80906

**Sec. 5901.021.** (A) This section applies only to counties 80907

having a population, according to the most recent decennial 80908  
census, of more than ~~four~~ five hundred thousand. ~~In~~ 80909

(B)(1) In any such county that is described in division (A) 80910  
of this section and in which the veterans service commission 80911  
submits a budget request under section 5901.11 of the Revised Code 80912  
for the ensuing fiscal year that exceeds ~~(1)~~ 80913  
twenty-five-thousandths of one per cent of the assessed value of 80914  
property in the county or ~~(2)~~ the amount appropriated to the 80915  
commission from the county general fund in the current fiscal year 80916  
by more than ten per cent of that appropriation, the board of 80917  
county commissioners, by resolution, may create not more than six 80918  
memberships on the veterans service commission in addition to the 80919  
memberships provided for by section 5901.02 of the Revised Code. 80920  
The board shall prescribe the number of years ~~such~~ the additional 80921  
memberships shall exist, which shall not exceed five years. Once a 80922  
board of county commissioners creates ~~such~~ any additional 80923  
memberships, it may not create further additional memberships 80924  
under this section if the total number of such memberships would 80925  
exceed six. The board shall appoint persons who are residents of 80926  
the county and who are honorably discharged or honorably separated 80927  
veterans to each of the additional memberships, for terms 80928  
prescribed by the board and commencing on a date fixed by the 80929  
board. Each person appointed to an additional membership shall 80930  
file, within sixty days after the date of the appointment, the 80931  
person's form DD214 with the governor's office of veterans affairs 80932  
in accordance with guidelines established by the director of that 80933  
office. 80934

(2) If the board of county commissioners appoints such 80935  
additional members as described in division (B)(1) of this 80936  
section, the board may permit the commission to submit an original 80937  
or revised budget request for the ensuing fiscal year later than 80938  
the last Monday in May, as otherwise required under section 80939

5901.11 of the Revised Code. 80940

(C) The board of county commissioners may remove, for cause, 80941  
any member appointed under this section~~†~~. The board shall provide 80942  
~~for~~ determine whether ~~such~~ the additional members may be 80943  
reappointed upon the expiration of their terms~~†~~, and shall fill 80944  
any vacancy in a an additional membership ~~appointed under this~~ 80945  
~~section~~ for the unexpired term in the manner provided for the 80946  
original appointment. 80947

**Sec. 6101.09.** Within thirty days after the conservancy 80948  
district has been declared a corporation by the court, the clerk 80949  
of such court shall transmit to the secretary of state, to the 80950  
director of the department of natural resources, and to the county 80951  
recorder in each of the counties having lands in the district, 80952  
copies of the findings and the decree of the court incorporating 80953  
the district. The same shall be filed and recorded in the office 80954  
of the secretary of state in the same manner as articles of 80955  
incorporation are required to be filed and recorded under the 80956  
general law concerning corporations. Copies shall also be filed 80957  
and become permanent records in the office of the recorder of each 80958  
county in which a part of the district lies. Each recorder shall 80959  
receive a base fee of one dollar for filing and preserving such 80960  
copies and a housing trust fund fee of one dollar pursuant to 80961  
section 317.36 of the Revised Code, and the secretary of state 80962  
shall receive for filing and for recording the copies a fee of 80963  
twenty-five dollars. 80964

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 80965  
of this section, on and after January 1, 1994, no person shall 80966  
operate or maintain a public water system in this state without a 80967  
license issued by the director of environmental protection. A 80968  
person who operates or maintains a public water system on January 80969  
1, 1994, shall obtain an initial license under this section in 80970

accordance with the following schedule: 80971

(1) If the public water system is a community water system, 80972  
not later than January 31, 1994; 80973

(2) If the public water system is not a community water 80974  
system and serves a nontransient population, not later than 80975  
January 31, 1994; 80976

(3) If the public water system is not a community water 80977  
system and serves a transient population, not later than January 80978  
31, 1995. 80979

A person proposing to operate or maintain a new public water 80980  
system after January 1, 1994, in addition to complying with 80981  
section 6109.07 of the Revised Code and rules adopted under it, 80982  
shall submit an application for an initial license under this 80983  
section to the director prior to commencing operation of the 80984  
system. 80985

A license or license renewal issued under this section shall 80986  
be renewed annually. Such a license or license renewal shall 80987  
expire on the thirtieth day of January in the year following its 80988  
issuance. A license holder that proposes to continue operating the 80989  
public water system for which the license or license renewal was 80990  
issued shall apply for a license renewal at least thirty days 80991  
prior to that expiration date. 80992

The director shall adopt, and may amend and rescind, rules in 80993  
accordance with Chapter 119. of the Revised Code establishing 80994  
procedures governing and information to be included on 80995  
applications for licenses and license renewals under this section. 80996  
Through June 30, ~~2004~~ 2006, each application shall be accompanied 80997  
by the appropriate fee established under division (M) of section 80998  
3745.11 of the Revised Code, provided that an applicant for an 80999  
initial license who is proposing to operate or maintain a new 81000  
public water system after January 1, 1994, shall submit a fee that 81001

equals a prorated amount of the appropriate fee established under 81002  
that division for the remainder of the licensing year. 81003

(B) Not later than thirty days after receiving a completed 81004  
application and the appropriate license fee for an initial license 81005  
under division (A) of this section, the director shall issue the 81006  
license for the public water system. Not later than thirty days 81007  
after receiving a completed application and the appropriate 81008  
license fee for a license renewal under division (A) of this 81009  
section, the director shall do one of the following: 81010

(1) Issue the license renewal for the public water system; 81011

(2) Issue the license renewal subject to terms and conditions 81012  
that the director determines are necessary to ensure compliance 81013  
with this chapter and rules adopted under it; 81014

(3) Deny the license renewal if the director finds that the 81015  
public water system was not operated in substantial compliance 81016  
with this chapter and rules adopted under it. 81017

(C) The director may suspend or revoke a license or license 81018  
renewal issued under this section if the director finds that the 81019  
public water system was not operated in substantial compliance 81020  
with this chapter and rules adopted under it. The director shall 81021  
adopt, and may amend and rescind, rules in accordance with Chapter 81022  
119. of the Revised Code governing such suspensions and 81023  
revocations. 81024

(D)(1) As used in division (D) of this section, "church" 81025  
means a fellowship of believers, congregation, society, 81026  
corporation, convention, or association that is formed primarily 81027  
or exclusively for religious purposes and that is not formed or 81028  
operated for the private profit of any person. 81029

(2) This section does not apply to a church that operates or 81030  
maintains a public water system solely to provide water for that 81031  
church or for a campground that is owned by the church and 81032

operated primarily or exclusively for members of the church and 81033  
their families. A church that, on or before March 5, 1996, has 81034  
obtained a license under this section for such a public water 81035  
system need not obtain a license renewal under this section. 81036

(E) This section does not apply to any public or nonpublic 81037  
school that meets minimum standards of the state board of 81038  
education that operates or maintains a public water system solely 81039  
to provide water for that school. 81040

**Sec. 6111.06.** (A) All proceedings of the director of 81041  
environmental protection, or ~~his~~ of the director's officers or 81042  
agents, under sections 6111.01 to 6111.08 ~~and sections 6111.31 to~~ 81043  
~~6111.38~~ of the Revised Code, including the adoption, issuance, 81044  
modification, rescission, or revocation of rules and regulations, 81045  
permits, orders, and notices, and the conduct of hearings, except 81046  
standards of water quality adopted pursuant to section 6111.041 of 81047  
the Revised Code, shall be subject to and governed by sections 81048  
119.01 to 119.13, and Chapter 3745. of the Revised Code. 81049

(B) The director shall not refuse to issue a permit, nor 81050  
modify or revoke a permit already issued, unless the applicant or 81051  
permit holder has been afforded an opportunity for a hearing prior 81052  
to the refusal to issue the permit or prior to the modification or 81053  
revocation of the permit. 81054

(C) Whenever the director officially determines that an 81055  
emergency exists requiring immediate action to protect the public 81056  
health or welfare, ~~he~~ the director may, without notice or hearing, 81057  
issue an order reciting the existence of the emergency and 81058  
requiring that such action be taken as is necessary to meet the 81059  
emergency. Notwithstanding division (A) of this section, such 81060  
order shall be effective immediately. Any person to whom such 81061  
order is directed shall comply therewith immediately, but on 81062  
application to the director shall be afforded a hearing as soon as 81063

possible, and not later than twenty days after such application. 81064  
On the basis of such hearing, the director shall continue such 81065  
order in effect, revoke it, or modify it. No such emergency order 81066  
shall remain in effect for more than sixty days after its 81067  
issuance. 81068

**Sec. 6115.09.** Within thirty days after the sanitary district 81069  
has been declared a corporation by the court, the clerk of such 81070  
court shall transmit to the secretary of state, and to the county 81071  
recorder in each of the counties having lands in said district, 81072  
copies of the findings and the decree of the court incorporating 81073  
said district. The same shall be filed and recorded in the office 81074  
of the secretary of state in the same manner as articles of 81075  
incorporation are required to be filed and recorded under the 81076  
general law concerning corporations. Copies shall also be filed 81077  
and become permanent records in the office of the recorder of each 81078  
county in which a part of the district lies. Each recorder shall 81079  
receive a base fee of one dollar for filing and preserving such 81080  
copies and a housing trust fund fee of one dollar pursuant to 81081  
section 317.36 of the Revised Code, and the secretary of state 81082  
shall receive for filing and for recording said copies such fees 81083  
as are provided by law for like services in similar cases. 81084

**Sec. 6117.02.** (A) The board of county commissioners shall fix 81085  
reasonable rates, including penalties for late payments, for the 81086  
use, or the availability for use, of the sanitary facilities of a 81087  
sewer district to be paid by every person and public agency whose 81088  
premises are served, or capable of being served, by a connection 81089  
directly or indirectly to those facilities when those facilities 81090  
are owned or operated by the county and may change the rates from 81091  
time to time as it considers advisable. When the sanitary 81092  
facilities to be used by the county are owned by another public 81093  
agency or person, the schedule of rates to be charged by the 81094

public agency or person for the use of the facilities by the 81095  
county, or the formula or other procedure for their determination, 81096  
shall be approved by the board at the time it enters into a 81097  
contract for that use. 81098

(B) The board also shall establish reasonable charges to be 81099  
collected for the privilege of connecting to the sanitary 81100  
facilities of the district, with the requirement that, prior to 81101  
the connection, the charges shall be paid in full, or, if 81102  
determined by the board to be equitable in a resolution relating 81103  
to the payment of the charges, provision considered adequate by 81104  
the board shall be made for their payment in installments at the 81105  
times, in the amounts, and with the security, carrying charges, 81106  
and penalties as may be found by the board in that resolution to 81107  
be fair and appropriate. No public agency or person shall be 81108  
permitted to connect to those facilities until the charges have 81109  
been paid in full or provision for their payment in installments 81110  
has been made. If the connection charges are to be paid in 81111  
installments, the board shall certify to the county auditor 81112  
information sufficient to identify each parcel of property served 81113  
by a connection and, with respect to each parcel, the total of the 81114  
charges to be paid in installments, the amount of each 81115  
installment, and the total number of installments to be paid. The 81116  
auditor shall record and maintain the information supplied in the 81117  
sewer improvement record provided for in section 6117.33 of the 81118  
Revised Code until the connection charges are paid in full. The 81119  
board may include amounts attributable to connection charges being 81120  
paid in installments in its billings of rates and charges for the 81121  
use of sanitary facilities. 81122

(C) When any of the sanitary rates or charges are not paid 81123  
when due, the board may do any or all of the following as it 81124  
considers appropriate: 81125

(1) Certify the unpaid rates or charges, together with any 81126

penalties, to the county auditor, who shall place them upon the 81127  
real property tax list and duplicate against the property served 81128  
by the connection. The certified amount shall be a lien on the 81129  
property from the date placed on the real property tax list and 81130  
duplicate and shall be collected in the same manner as taxes, 81131  
except that, notwithstanding section 323.15 of the Revised Code, a 81132  
county treasurer shall accept a payment in that amount when 81133  
separately tendered as payment for the full amount of the unpaid 81134  
sanitary rates or charges and associated penalties. The lien shall 81135  
be released immediately upon payment in full of the certified 81136  
amount. 81137

(2) Collect the unpaid rates or charges, together with any 81138  
penalties, by actions at law in the name of the county from an 81139  
owner, tenant, or other person or public agency that is liable for 81140  
the payment of the rates or charges; 81141

(3) Terminate, in accordance with established rules, the 81142  
sanitary service to the particular property and, if so determined, 81143  
any county water service to that property, unless and until the 81144  
unpaid sanitary rates or charges, together with any penalties, are 81145  
paid in full; 81146

(4) Apply, to the extent required, any security deposit made 81147  
in accordance with established rules to the payment of sanitary 81148  
rates and charges for service to the particular property. 81149

All moneys collected as sanitary rates, charges, or penalties 81150  
fixed or established in accordance with divisions (A) and (B) of 81151  
this section for any sewer district shall be paid to the county 81152  
treasurer and kept in a separate and distinct sanitary fund 81153  
established by the board to the credit of the district. Except as 81154  
otherwise provided in any proceedings authorizing or providing for 81155  
the security for and payment of any public obligations, or in any 81156  
indenture or trust or other agreement securing public obligations, 81157  
moneys in the sanitary fund shall be applied first to the payment 81158

of the cost of the management, maintenance, and operation of the 81159  
sanitary facilities of, or used or operated for, the district, 81160  
which cost may include the county's share of management, 81161  
maintenance, and operation costs under cooperative contracts for 81162  
the acquisition, construction, or use of sanitary facilities and, 81163  
in accordance with a cost allocation plan adopted under division 81164  
(E) of this section, payment of all allowable direct and indirect 81165  
costs of the district, the county sanitary engineer or sanitary 81166  
engineering department, or a federal or state grant program, 81167  
incurred for sanitary purposes under this chapter, and shall be 81168  
applied second to the payment of debt charges payable on any 81169  
outstanding public obligations issued or incurred for the 81170  
acquisition or construction of sanitary facilities for or serving 81171  
the district, or for the funding of a bond retirement or other 81172  
fund established for the payment of or security for the 81173  
obligations. Any surplus remaining may be applied to the 81174  
acquisition or construction of those facilities or for the payment 81175  
of contributions to be made, or costs incurred, for the 81176  
acquisition or construction of those facilities under cooperative 81177  
contracts. Moneys in the sanitary fund shall not be expended other 81178  
than for the use and benefit of the district. 81179

(D) The board may fix reasonable rates and charges, including 81180  
connection charges and penalties for late payments, to be paid by 81181  
any person or public agency owning or having possession or control 81182  
of any properties that are connected with, capable of being served 81183  
by, or otherwise served directly or indirectly by, drainage 81184  
facilities owned or operated by or under the jurisdiction of the 81185  
county, including, but not limited to, properties requiring, or 81186  
lying within an area of the district requiring, in the judgment of 81187  
the board, the collection, control, or abatement of waters 81188  
originating or accumulating in, or flowing in, into, or through, 81189  
the district, and may change those rates and charges from time to 81190  
time as it considers advisable. The In addition, the board may fix 81191

the rates and charges in order to pay the costs of complying with 81192  
the requirements of phase II of the storm water program of the 81193  
national pollutant discharge elimination system established in 40 81194  
C.F.R. part 122. 81195

The rates and charges shall be payable periodically as 81196  
determined by the board, except that any connection charges shall 81197  
be paid in full in one payment, or, if determined by the board to 81198  
be equitable in a resolution relating to the payment of those 81199  
charges, provision considered adequate by the board shall be made 81200  
for their payment in installments at the times, in the amounts, 81201  
and with the security, carrying charges, and penalties as may be 81202  
found by the board in that resolution to be fair and appropriate. 81203  
The board may include amounts attributable to connection charges 81204  
being paid in installments in its billings of rates and charges 81205  
for the services provided by the drainage facilities. In the case 81206  
of rates and charges that are fixed in order to pay the costs of 81207  
complying with the requirements of phase II of the storm water 81208  
program of the national pollutant discharge elimination system 81209  
established in 40 C.F.R. part 122, the rates and charges may be 81210  
paid annually or semiannually with real property taxes, provided 81211  
that the board certifies to the county auditor information that is 81212  
sufficient for the auditor to identify each parcel of property for 81213  
which a rate or charge is levied and the amount of the rate or 81214  
charge. 81215

When any of the drainage rates or charges are not paid when 81216  
due, the board may do any or all of the following as it considers 81217  
appropriate: 81218

(1) Certify the unpaid rates or charges, together with any 81219  
penalties, to the county auditor, who shall place them upon the 81220  
real property tax list and duplicate against the property to which 81221  
the rates or charges apply. The certified amount shall be a lien 81222  
on the property from the date placed on the real property tax list 81223

and duplicate and shall be collected in the same manner as taxes, 81224  
except that notwithstanding section 323.15 of the Revised Code, a 81225  
county treasurer shall accept a payment in that amount when 81226  
separately tendered as payment for the full amount of the unpaid 81227  
drainage rates or charges and associated penalties. The lien shall 81228  
be released immediately upon payment in full of the certified 81229  
amount. 81230

(2) Collect the unpaid rates or charges, together with any 81231  
penalties, by actions at law in the name of the county from an 81232  
owner, tenant, or other person or public agency that is liable for 81233  
the payment of the rates or charges; 81234

(3) Terminate, in accordance with established rules, the 81235  
drainage service for the particular property until the unpaid 81236  
rates or charges, together with any penalties, are paid in full; 81237

(4) Apply, to the extent required, any security deposit made 81238  
in accordance with established rules to the payment of drainage 81239  
rates and charges applicable to the particular property. 81240

All moneys collected as drainage rates, charges, or penalties 81241  
in or for any sewer district shall be paid to the county treasurer 81242  
and kept in a separate and distinct drainage fund established by 81243  
the board to the credit of the district. Except as otherwise 81244  
provided in any proceedings authorizing or providing for the 81245  
security for and payment of any public obligations, or in any 81246  
indenture or trust or other agreement securing public obligations, 81247  
moneys in the drainage fund shall be applied first to the payment 81248  
of the cost of the management, maintenance, and operation of the 81249  
drainage facilities of, or used or operated for, the district, 81250  
which cost may include the county's share of management, 81251  
maintenance, and operation costs under cooperative contracts for 81252  
the acquisition, construction, or use of drainage facilities and, 81253  
in accordance with a cost allocation plan adopted under division 81254  
(E) of this section, payment of all allowable direct and indirect 81255

costs of the district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, incurred for drainage purposes under this chapter, and shall be applied second to the payment of debt charges payable on any outstanding public obligations issued or incurred for the acquisition or construction of drainage facilities for or serving the district, or for the funding of a bond retirement or other fund established for the payment of or security for the obligations. Any surplus remaining may be applied to the acquisition or construction of those facilities or for the payment of contributions to be made, or costs incurred, for the acquisition or construction of those facilities under cooperative contracts. Moneys in the drainage fund shall not be expended other than for the use and benefit of the district.

(E) A board of county commissioners may adopt a cost allocation plan that identifies, accumulates, and distributes allowable direct and indirect costs that may be paid from each of the funds of the district created pursuant to divisions (C) and (D) of this section, and that prescribes methods for allocating those costs. The plan shall authorize payment from each of those funds of only those costs incurred by the district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, and those costs incurred by the general and other funds of the county for a common or joint purpose, that are necessary and reasonable for the proper and efficient administration of the district under this chapter and properly attributable to the particular fund of the district. The plan shall not authorize payment from either of the funds of any general government expense required to carry out the overall governmental responsibilities of a county. The plan shall conform to United States office of management and budget Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," published May 17, 1995.

Sec. 6119.10. The board of trustees of a regional water and sewer district or any officer or employee designated by the board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed ~~fifteen~~ twenty-five thousand dollars. When an expenditure, other than for the acquisition of real estate and interests in real estate, the discharge of noncontractual claims, personal services, the joint use of facilities or the exercise of powers with other political subdivisions, or the product or services of public utilities, exceeds ~~fifteen~~ twenty-five thousand dollars, the expenditures shall be made only after a notice calling for bids has been published not less than two consecutive weeks in at least one newspaper having a general circulation within the district. If the bids are for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, the board may let the contract to the lowest and best bidder who meets the requirements of section 153.54 of the Revised Code. If the bids are for a contract for any other work relating to the improvements for which a regional water and sewer district was established, the board of trustees of the regional water and sewer district may let the contract to the lowest or best bidder who gives a good and approved bond with ample security conditioned on the carrying out of the contract. The contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, approved by the board. The plans and specifications shall at all times be made and considered part of the contract. The contract shall be approved by the board and signed by its president or other duly authorized officer and by the contractor. In case of a real and present emergency, the board of trustees of the district, by two-thirds vote of all members, may authorize the president or other duly authorized officer to

enter into a contract for work to be done or for the purchase of 81321  
supplies or materials without formal bidding or advertising. All 81322  
contracts shall have attached the certificate required by section 81323  
5705.41 of the Revised Code duly executed by the secretary of the 81324  
board of trustees of the district. The district may make 81325  
improvements by force account or direct labor, provided that, if 81326  
the estimated cost of supplies or material for any such 81327  
improvement exceeds ~~fifteen~~ twenty-five thousand dollars, bids 81328  
shall be received as provided in this section. For the purposes of 81329  
the competitive bidding requirements of this section, the board 81330  
shall not sever a contract for supplies or materials and labor 81331  
into separate contracts for labor, supplies, or materials if the 81332  
contracts are in fact a part of a single contract required to be 81333  
bid competitively under this section. 81334

**Sec. 6301.05.** The chief elected official of a ~~municipal~~ 81335  
~~corporation that is the type of local area defined in division~~ 81336  
~~(A)(1) of section 6301.01 of the Revised Code or is in the type of~~ 81337  
~~local area defined in division (A)(3) of that section~~ shall enter 81338  
into a written ~~partnership grant~~ agreement with the director of 81339  
job and family services in accordance with section ~~5101.213~~ 81340  
5101.20 of the Revised Code. 81341

~~The board of county commissioners of a county that is the~~ 81342  
~~type of local area defined in division (A)(2) of section 6301.01~~ 81343  
~~of the Revised Code or is in the type of local area defined in~~ 81344  
~~division (A)(3) of that section shall enter into a written~~ 81345  
~~partnership agreement with the director of job and family services~~ 81346  
~~in accordance with section 5101.21 of the Revised Code.~~ 81347

A grant agreement entered into pursuant to this section shall 81348  
include the responsibility of municipal corporations and the board 81349  
of county commissioners to be accountable to the department of job 81350  
and family services for the use of funds provided through the 81351

"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, 81352  
as amended, including regulations issued by the United States 81353  
department of labor pursuant to that act. 81354

**Sec. 6301.07.** (A) Every workforce policy board, with the 81355  
agreement of the chief elected officials of the local area, and 81356  
after holding public hearings that allow public comment and 81357  
testimony, shall prepare a workforce development plan ~~and~~ 81358  
~~incorporate that plan into and attach that plan to the partnership~~ 81359  
~~agreement required under section 6301.05 of the Revised Code.~~ The 81360  
plan shall accomplish all of the following: 81361

(1) Identify the workforce investment needs of businesses in 81362  
the local area, identify projected employment opportunities, and 81363  
identify the job skills necessary to obtain those opportunities; 81364

(2) Identify the local area's workforce development needs for 81365  
youth, dislocated workers, adults, displaced homemakers, incumbent 81366  
workers, and any other group of workers identified by the 81367  
workforce policy board; 81368

(3) Determine the distribution of workforce development 81369  
resources and funding to be distributed for each workforce 81370  
development activity to meet the identified needs, utilizing the 81371  
funds allocated pursuant to the "Workforce Investment Act of 81372  
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended; 81373

(4) Give priority to youth receiving independent living 81374  
services pursuant to sections 2151.81 to 2151.84 of the Revised 81375  
Code when determining distribution of workforce development 81376  
resources and workforce development activity funding; 81377

(5) Review the minimum curriculum required by the state 81378  
workforce policy board for certifying training providers and 81379  
identify any additional curriculum requirements to include in 81380  
contracts between the training providers and the chief elected 81381

officials of the local area;	81382
(6) Establish performance standards for service providers that reflect local workforce development needs;	81383 81384
(7) Describe any other information the chief elected officials of the local area require.	81385 81386
(B) A workforce policy board may provide policy guidance and recommendations to the chief elected officials of a local area for any workforce development activities.	81387 81388 81389
(C) Nothing in this section prohibits the chief elected officials of a local area from assigning, through a partnership agreement, any duties in addition to the duties under this section to a workforce policy board, except that a workforce policy board cannot contract with itself for the direct provision of services in its local area. A workforce policy board may consult with the chief elected officials of its local area and make recommendations regarding the workforce development activities provided in its local area at any time.	81390 81391 81392 81393 81394 81395 81396 81397 81398
<b>Section 2.</b> That existing sections 9.01, 9.83, 101.34, 101.72, 101.82, 102.02, 109.32, 109.57, 109.572, 117.101, 117.16, 117.44, 117.45, 121.04, 121.08, 121.084, 121.41, 121.48, 121.62, 122.011, 122.04, 122.08, 122.17, 122.171, 122.25, 122.651, 122.658, 122.87, 122.88, 123.01, 124.03, 124.15, 124.152, 124.181, 125.05, 125.06, 125.07, 125.15, 125.91, 125.92, 125.93, 125.95, 125.96, 125.98, 127.16, 131.02, 131.23, 131.35, 145.38, 147.01, 147.37, 149.011, 149.30, 149.31, 149.33, 149.331, 149.332, 149.333, 149.34, 149.35, 153.65, 164.14, 164.27, 165.09, 166.16, 173.06, 173.061, 173.062, 173.07, 173.071, 173.14, 173.26, 175.03, 175.21, 175.22, 183.02, 306.35, 306.99, 307.86, 307.87, 307.93, 307.98, 307.981, 307.987, 311.17, 317.32, 321.24, 323.01, 323.13, 325.31, 329.03, 329.04, 329.05, 329.051, 329.06, 340.021, 340.03, 341.05, 341.25, 504.03, 504.04, 505.376, 507.09, 511.12, 515.01, 515.07, 521.05, 715.013,	81399 81400 81401 81402 81403 81404 81405 81406 81407 81408 81409 81410 81411 81412

718.01, 718.02, 718.05, 718.11, 718.14, 718.15, 718.151, 731.14, 81413  
731.141, 735.05, 737.03, 753.22, 901.17, 901.21, 901.22, 901.63, 81414  
902.11, 921.151, 927.53, 927.69, 929.01, 955.51, 1309.109, 81415  
1317.07, 1321.21, 1333.99, 1337.11, 1346.02, 1501.04, 1503.05, 81416  
1513.05, 1515.08, 1519.05, 1521.06, 1521.063, 1531.26, 1533.08, 81417  
1533.10, 1533.101, 1533.11, 1533.111, 1533.112, 1533.12, 1533.13, 81418  
1533.151, 1533.19, 1533.23, 1533.301, 1533.32, 1533.35, 1533.40, 81419  
1533.54, 1533.631, 1533.632, 1533.71, 1533.82, 1541.10, 1548.06, 81420  
1551.11, 1551.12, 1551.15, 1551.311, 1551.32, 1551.33, 1551.35, 81421  
1555.02, 1555.03, 1555.04, 1555.05, 1555.06, 1555.08, 1555.17, 81422  
1563.42, 1702.59, 1711.13, 1711.15, 1711.17, 1751.05, 1751.11, 81423  
1751.12, 1751.13, 1751.16, 1751.60, 2101.16, 2117.06, 2117.25, 81424  
2133.01, 2151.352, 2151.3529, 2151.3530, 2151.83, 2151.84, 81425  
2152.19, 2301.02, 2301.03, 2301.58, 2305.234, 2329.07, 2329.66, 81426  
2335.39, 2505.13, 2715.041, 2715.045, 2716.13, 2743.02, 2743.191, 81427  
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2915.082, 2915.09, 2915.091, 2915.092, 2915.093, 2915.095, 81429  
2915.10, 2915.101, 2915.13, 2917.41, 2921.13, 2923.35, 2925.44, 81430  
2929.38, 2933.43, 2935.36, 2949.091, 3111.04, 3119.01, 3121.01, 81431  
3123.952, 3125.12, 3301.0710, 3301.0711, 3301.0714, 3301.33, 81432  
3301.52, 3301.53, 3301.54, 3301.55, 3301.57, 3301.58, 3301.68, 81433  
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3313.981, 3314.02, 3314.03, 3314.041, 3314.07, 3314.08, 3314.17, 81436  
3316.031, 3316.08, 3317.012, 3317.013, 3317.014, 3317.02, 81437  
3317.022, 3317.023, 3317.024, 3317.029, 3317.0217, 3317.03, 81438  
3317.032, 3317.05, 3317.064, 3317.07, 3317.09, 3317.10, 3317.16, 81439  
3318.01, 3318.03, 3318.042, 3318.05, 3318.06, 3318.08, 3318.30, 81440  
3318.31, 3318.37, 3318.41, 3319.01, 3319.02, 3319.03, 3319.07, 81441  
3319.19, 3319.22, 3319.33, 3319.36, 3319.55, 3323.16, 3327.01, 81442  
3327.011, 3329.06, 3329.08, 3332.04, 3333.12, 3353.11, 3361.01, 81443  
3375.41, 3377.01, 3377.06, 3383.01, 3383.07, 3501.18, 3501.30, 81444

3503.10, 3505.01, 3505.061, 3505.08, 3505.10, 3517.092, 3701.021, 81445  
3701.022, 3701.024, 3701.141, 3701.145, 3701.741, 3701.83, 81446  
3701.881, 3701.99, 3702.31, 3702.529, 3702.53, 3702.532, 3702.54, 81447  
3702.544, 3702.55, 3702.60, 3702.61, 3702.68, 3702.74, 3705.01, 81448  
3705.23, 3705.24, 3709.09, 3710.05, 3710.07, 3711.021, 3717.42, 81449  
3721.02, 3721.121, 3722.151, 3733.43, 3733.45, 3734.02, 3734.05, 81450  
3734.12, 3734.123, 3734.124, 3734.18, 3734.28, 3734.42, 3734.44, 81451  
3734.46, 3734.57, 3735.27, 3735.66, 3735.67, 3735.671, 3737.81, 81452  
3745.04, 3745.11, 3745.14, 3745.40, 3746.13, 3748.07, 3748.13, 81453  
3769.087, 3770.07, 3770.10, 3770.12, 3770.99, 3773.33, 3773.43, 81454  
3901.491, 3901.501, 3901.72, 4104.01, 4104.02, 4104.04, 4104.06, 81455  
4104.07, 4104.08, 4104.15, 4104.18, 4104.19, 4104.20, 4104.41, 81456  
4104.44, 4104.45, 4104.46, 4105.17, 4112.15, 4115.10, 4117.02, 81457  
4117.14, 4123.27, 4123.41, 4141.04, 4141.09, 4141.23, 4301.03, 81458  
4301.19, 4301.30, 4301.361, 4301.364, 4301.43, 4303.02, 4303.021, 81459  
4303.03, 4303.04, 4303.05, 4303.06, 4303.07, 4303.08, 4303.09, 81460  
4303.10, 4303.11, 4303.12, 4303.121, 4303.13, 4303.14, 4303.141, 81461  
4303.15, 4303.151, 4303.16, 4303.17, 4303.171, 4303.18, 4303.181, 81462  
4303.182, 4303.183, 4303.184, 4303.19, 4303.20, 4303.201, 81463  
4303.202, 4303.203, 4303.204, 4303.21, 4303.22, 4303.23, 4303.231, 81464  
4501.06, 4503.06, 4503.101, 4503.103, 4505.06, 4506.14, 4506.15, 81465  
4506.16, 4506.20, 4506.24, 4508.08, 4509.60, 4511.33, 4511.62, 81466  
4511.63, 4519.55, 4561.18, 4561.21, 4707.071, 4707.072, 4707.10, 81467  
4709.12, 4717.07, 4717.09, 4719.01, 4723.01, 4723.06, 4723.07, 81468  
4723.08, 4723.082, 4723.17, 4723.271, 4723.34, 4723.35, 4723.431, 81469  
4723.63, 4729.01, 4729.41, 4731.27, 4731.65, 4731.71, 4734.15, 81470  
4736.12, 4743.05, 4747.05, 4747.06, 4747.07, 4747.10, 4751.06, 81471  
4751.07, 4759.08, 4771.22, 4779.08, 4779.17, 4779.18, 4903.24, 81472  
4905.79, 4905.91, 4919.79, 4931.45, 4931.47, 4931.48, 4973.17, 81473  
4981.20, 5101.11, 5101.14, 5101.141, 5101.142, 5101.144, 5101.145, 81474  
5101.146, 5101.16, 5101.162, 5101.18, 5101.181, 5101.21, 5101.211, 81475  
5101.212, 5101.22, 5101.24, 5101.26, 5101.27, 5101.28, 5101.35, 81476

5101.36, 5101.46, 5101.58, 5101.59, 5101.75, 5101.80, 5101.83, 81477  
5101.97, 5103.031, 5103.033, 5103.034, 5103.036, 5103.037, 81478  
5103.038, 5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316, 81479  
5103.154, 5104.01, 5104.011, 5104.02, 5104.04, 5104.30, 5104.32, 81480  
5107.02, 5107.30, 5107.37, 5107.40, 5107.60, 5108.01, 5108.03, 81481  
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5111.021, 5111.022, 5111.03, 5111.06, 5111.082, 5111.111, 5111.17, 81483  
5111.171, 5111.20, 5111.21, 5111.22, 5111.251, 5111.252, 5111.34, 81484  
5111.85, 5111.87, 5111.871, 5111.872, 5111.873, 5111.92, 5111.94, 81485  
5112.03, 5112.08, 5112.17, 5112.31, 5112.99, 5115.01, 5115.02, 81486  
5115.03, 5115.04, 5115.05, 5115.07, 5115.10, 5115.11, 5115.13, 81487  
5115.15, 5115.20, 5119.61, 5119.611, 5123.01, 5123.051, 5123.19, 81488  
5123.60, 5123.801, 5126.01, 5126.042, 5126.11, 5126.12, 5126.121, 81489  
5126.15, 5126.18, 5126.44, 5139.04, 5139.33, 5139.34, 5139.36, 81490  
5139.41, 5139.43, 5139.87, 5153.122, 5153.16, 5153.163, 5153.60, 81491  
5153.69, 5153.72, 5153.78, 5310.15, 5502.01, 5502.13, 5513.01, 81492  
5515.07, 5549.21, 5703.052, 5705.39, 5705.41, 5709.20, 5709.21, 81493  
5709.22, 5709.25, 5709.26, 5709.27, 5709.61, 5709.62, 5709.63, 81494  
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5713.07, 5713.08, 5713.081, 5713.082, 5713.30, 5715.27, 5715.39, 81496  
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5727.56, 5727.84, 5727.85, 5727.86, 5728.04, 5728.06, 5728.99, 81498  
5729.08, 5733.04, 5733.05, 5733.051, 5733.056, 5733.057, 5733.059, 81499  
5733.06, 5733.0611, 5733.09, 5733.121, 5733.18, 5733.22, 5733.45, 81500  
5733.49, 5733.98, 5735.05, 5735.14, 5735.142, 5735.15, 5735.19, 81501  
5735.23, 5735.26, 5735.291, 5735.30, 5735.99, 5739.01, 5739.011, 81502  
5739.02, 5739.021, 5739.022, 5739.023, 5739.025, 5739.026, 81503  
5739.03, 5739.032, 5739.033, 5739.09, 5739.10, 5739.12, 5739.121, 81504  
5739.122, 5739.17, 5739.21, 5739.33, 5741.01, 5741.02, 5741.021, 81505  
5741.022, 5741.023, 5741.121, 5743.05, 5743.21, 5743.45, 5745.01, 81506  
5745.02, 5745.04, 5747.01, 5747.02, 5747.12, 5747.31, 5747.80, 81507  
5901.021, 6101.09, 6109.21, 6111.06, 6115.09, 6117.02, 6119.10, 81508

6301.05, and 6301.07, and sections 122.12, 125.831, 125.931, 81509  
125.932, 125.933, 125.934, 125.935, 131.38, 173.45, 173.46, 81510  
173.47, 173.48, 173.49, 173.50, 173.51, 173.52, 173.53, 173.54, 81511  
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1333.96, 1533.06, 1533.39, 1553.01, 1553.02, 1553.03, 1553.04, 81513  
1553.05, 1553.06, 1553.07, 1553.08, 1553.09, 1553.10, 1553.99, 81514  
2305.26, 3301.078, 3301.0719, 3301.0724, 3301.31, 3301.581, 81515  
3313.82, 3313.83, 3313.94, 3317.11, 3318.033, 3318.052, 3318.35, 81516  
3319.06, 3319.34, 3701.142, 3701.144, 3702.543, 3702.581, 4104.42, 81517  
4104.43, 4141.044, 4141.045, 5101.213, 5101.251, 5108.05, 81518  
5111.017, 5111.173, 5115.011, 5115.012, 5115.06, 5115.061, 81519  
5139.42, 5139.45, 5709.211, 5709.23, 5709.231, 5709.24, 5709.30, 81520  
5709.31, 5709.32, 5709.33, 5709.34, 5709.35, 5709.36, 5709.37, 81521  
5709.45, 5709.46, 5709.47, 5709.48, 5709.49, 5709.50, 5709.51, 81522  
5709.52, 5727.39, 5727.44, 5733.111, 5739.012, 5739.034, 5741.011, 81523  
5747.131, 6111.31, 6111.311, 6111.32, 6111.34, 6111.35, 6111.36, 81524  
6111.37, 6111.38, and 6111.39 of the Revised Code are hereby 81525  
repealed. 81526

**Section 3.01.** That the version of section 921.22 of the 81527  
Revised Code that is scheduled to take effect July 1, 2004, be 81528  
amended to read as follows: 81529

**Sec. 921.22.** The pesticide program fund is hereby created in 81530  
the state treasury. ~~All~~ The portion of the money in the fund that 81531  
is collected under this chapter shall be used to carry out the 81532  
purposes of this chapter. The portion of the money in the fund 81533  
that is collected under section 927.53 of the Revised Code shall 81534  
be used to carry out the purposes specified in that section, the 81535  
portion of the money in the fund that is collected under section 81536  
927.69 of the Revised Code shall be used to carry out the purposes 81537  
specified in that section, and the portion of the money in the 81538

fund that is collected under section 927.701 of the Revised Code 81539  
shall be used to carry out the purposes of that section. The fund 81540  
shall consist of fees collected under sections 921.01 to 921.15, 81541  
division (F) of section 927.53, and section 927.69 of the Revised 81542  
Code, money collected under section 927.701 of the Revised Code, 81543  
and all fines, penalties, costs, and damages, except court costs, 81544  
that are collected by either the director of agriculture or the 81545  
attorney general in consequence of any violation of this chapter. 81546

**Section 3.02.** That the existing version of section 921.22 of 81547  
the Revised Code that is scheduled to take effect July 1, 2004, is 81548  
hereby repealed. 81549

**Section 3.03.** Sections 3.01 and 3.02 of this act take effect 81550  
July 1, 2004. 81551

**Section 3.04.** That the version of section 3332.04 of the 81552  
Revised Code that is scheduled to take effect on July 1, 2003, be 81553  
amended to read as follows: 81554

**Sec. 3332.04.** The state board of career colleges and schools 81555  
may appoint an executive director and such other staff as may be 81556  
required for the performance of the board's duties and provide 81557  
necessary facilities. In selecting an executive director, the 81558  
board shall appoint an individual with a background or experience 81559  
in the regulation of commerce, business, or education. The board 81560  
may also arrange for services and facilities to be provided by the 81561  
state board of education and the Ohio board of regents. All 81562  
receipts of the board shall be deposited in the ~~career colleges~~ 81563  
~~and schools operating fund, which is hereby created in the state~~ 81564  
~~treasury. Moneys in the fund shall be used solely for the~~ 81565  
~~administration and enforcement of Chapter 3332. of the Revised~~ 81566  
~~Code. All investment earnings on the fund shall be credited to the~~ 81567

<u>to the credit of the occupational licensing and regulatory fund.</u>	81568
<b>Section 3.05.</b> That the version of section 3332.04 of the Revised Code that is scheduled to take effect on July 1, 2003, is hereby repealed.	81569 81570 81571
<b>Section 3.06.</b> Sections 3.04 and 3.05 of this act take effect July 1, 2003.	81572 81573
<b>Section 3.07.</b> That the version of section 2305.234 of the Revised Code that is scheduled to take effect January 1, 2004, be amended to read as follows:	81574 81575 81576
<b>Sec. 2305.234.</b> (A) As used in this section:	81577
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	81578 81579 81580
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	81581 81582 81583 81584
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	81585 81586
(4) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	81587 81588 81589
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	81590 81591 81592
(b) Registered nurses, advanced practice nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	81593 81594

(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	81595 81596
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	81597 81598
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	81599 81600
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	81601 81602
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	81603 81604
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	81605 81606
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	81607 81608
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	81609 81610
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	81611 81612 81613 81614
(5) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	81615 81616 81617 81618 81619 81620 81621
(6) "Indigent and uninsured person" means a person who meets all of the following requirements:	81622 81623
(a) The person's income is not greater than one hundred fifty	81624

per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended.

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

(c) Either of the following applies:

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

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

(7) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection.

(8) "Nonprofit shelter or health care facility" means a charitable nonprofit corporation organized and operated pursuant to Chapter 1702. of the Revised Code, or any charitable organization not organized and not operated for profit, that

provides shelter, health care services, or shelter and health care 81656  
services to indigent and uninsured persons, except that "shelter 81657  
or health care facility" does not include a hospital as defined in 81658  
section 3727.01 of the Revised Code, a facility licensed under 81659  
Chapter 3721. of the Revised Code, or a medical facility that is 81660  
operated for profit. 81661

(9) "Tort action" means a civil action for damages for 81662  
injury, death, or loss to person or property other than a civil 81663  
action for damages for a breach of contract or another agreement 81664  
between persons or government entities. 81665

(10) "Volunteer" means an individual who provides any 81666  
medical, dental, or other health-care related diagnosis, care, or 81667  
treatment without the expectation of receiving and without receipt 81668  
of any compensation or other form of remuneration from an indigent 81669  
and uninsured person, another person on behalf of an indigent and 81670  
uninsured person, any shelter or health care facility, or any 81671  
other person or government entity. 81672

(11) "Community control sanction" has the same meaning as in 81673  
section 2929.01 of the Revised Code. 81674

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 81675  
health care professional who is a volunteer and complies with 81676  
division (B)(2) of this section is not liable in damages to any 81677  
person or government entity in a tort or other civil action, 81678  
including an action on a medical, dental, chiropractic, 81679  
optometric, or other health-related claim, for injury, death, or 81680  
loss to person or property that allegedly arises from an action or 81681  
omission of the volunteer in the provision at a nonprofit shelter 81682  
or health care facility to an indigent and uninsured person of 81683  
medical, dental, or other health-related diagnosis, care, or 81684  
treatment, including the provision of samples of medicine and 81685  
other medical products, unless the action or omission constitutes 81686  
willful or wanton misconduct. 81687

(2) To qualify for the immunity described in division (B)(1) 81688  
of this section, a health care professional shall do all of the 81689  
following prior to providing diagnosis, care, or treatment: 81690

(a) Determine, in good faith, that the indigent and uninsured 81691  
person is mentally capable of giving informed consent to the 81692  
provision of the diagnosis, care, or treatment and is not subject 81693  
to duress or under undue influence; 81694

(b) Inform the person of the provisions of this section; 81695

(c) Obtain the informed consent of the person and a written 81696  
waiver, signed by the person or by another individual on behalf of 81697  
and in the presence of the person, that states that the person is 81698  
mentally competent to give informed consent and, without being 81699  
subject to duress or under undue influence, gives informed consent 81700  
to the provision of the diagnosis, care, or treatment subject to 81701  
the provisions of this section. 81702

(3) A physician or podiatrist who is not covered by medical 81703  
malpractice insurance, but complies with division (B)(2) of this 81704  
section, is not required to comply with division (A) of section 81705  
4731.143 of the Revised Code. 81706

(C) Subject to divisions (E) and (F)(3) of this section, 81707  
health care workers who are volunteers are not liable in damages 81708  
to any person or government entity in a tort or other civil 81709  
action, including an action upon a medical, dental, chiropractic, 81710  
optometric, or other health-related claim, for injury, death, or 81711  
loss to person or property that allegedly arises from an action or 81712  
omission of the health care worker in the provision at a nonprofit 81713  
shelter or health care facility to an indigent and uninsured 81714  
person of medical, dental, or other health-related diagnosis, 81715  
care, or treatment, unless the action or omission constitutes 81716  
willful or wanton misconduct. 81717

(D) Subject to divisions (E) and (F)(3) of this section and 81718

section 3701.071 of the Revised Code, a nonprofit shelter or 81719  
health care facility associated with a health care professional 81720  
described in division (B)(1) of this section or a health care 81721  
worker described in division (C) of this section is not liable in 81722  
damages to any person or government entity in a tort or other 81723  
civil action, including an action on a medical, dental, 81724  
chiropractic, optometric, or other health-related claim, for 81725  
injury, death, or loss to person or property that allegedly arises 81726  
from an action or omission of the health care professional or 81727  
worker in providing for the shelter or facility medical, dental, 81728  
or other health-related diagnosis, care, or treatment to an 81729  
indigent and uninsured person, unless the action or omission 81730  
constitutes willful or wanton misconduct. 81731

(E)(1) Except as provided in division (E)(2) of this section, 81732  
the immunities provided by divisions (B), (C), and (D) of this 81733  
section are not available to an individual or to a nonprofit 81734  
shelter or health care facility if, at the time of an alleged 81735  
injury, death, or loss to person or property, the individuals 81736  
involved are providing one of the following: 81737

(a) Any medical, dental, or other health-related diagnosis, 81738  
care, or treatment pursuant to a community service work order 81739  
entered by a court under division (B) of section 2951.02 of the 81740  
Revised Code or imposed by a court as a community control 81741  
sanction; 81742

(b) Performance of an operation; 81743

(c) Delivery of a baby. 81744

(2) Division (E)(1) of this section does not apply to an 81745  
individual who provides, or a nonprofit shelter or health care 81746  
facility at which the individual provides, diagnosis, care, or 81747  
treatment that is necessary to preserve the life of a person in a 81748  
medical emergency. 81749

(F)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, or nonprofit shelter or health care facility.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an individual or a nonprofit shelter or health care facility may be entitled in connection with the provision of emergency or other diagnosis, care, or treatment.

(3) This section does not grant an immunity from tort or other civil liability to an individual or a nonprofit shelter or health care facility for actions that are outside the scope of authority of health care professionals or health care workers.

(4) This section does not affect any legal responsibility of a health care professional or health care worker to comply with any applicable law of this state or rule of an agency of this state.

(5) This section does not affect any legal responsibility of a nonprofit shelter or health care facility to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

**Section 3.08.** That the existing version of section 2305.234 of the Revised Code that is scheduled to take effect January 1, 2004, is hereby repealed.

**Section 3.09.** Sections 3.07 and 3.08 of this act take effect January 1, 2004.

**Section 3.10.** That the version of section 3734.44 of the

Revised Code that is scheduled to take effect January 1, 2004, be 81779  
amended to read as follows: 81780

**Sec. 3734.44.** Notwithstanding the provisions of any law to 81781  
the contrary, no permit or license shall be issued or renewed by 81782  
the director of environmental protection, ~~the hazardous waste~~ 81783  
~~facility board,~~ or a board of health: 81784

(A) Unless the director, ~~the hazardous waste facility board,~~ 81785  
or the board of health finds that the applicant, in any prior 81786  
performance record in the transportation, transfer, treatment, 81787  
storage, or disposal of solid wastes, infectious wastes, or 81788  
hazardous waste, has exhibited sufficient reliability, expertise, 81789  
and competency to operate the solid waste, infectious waste, or 81790  
hazardous waste facility, given the potential for harm to human 81791  
health and the environment that could result from the 81792  
irresponsible operation of the facility, or, if no prior record 81793  
exists, that the applicant is likely to exhibit that reliability, 81794  
expertise, and competence; 81795

(B) If any individual or business concern required to be 81796  
listed in the disclosure statement or shown to have a beneficial 81797  
interest in the business of the applicant or the permittee, other 81798  
than an equity interest or debt liability, by the investigation 81799  
thereof, has been convicted of any of the following crimes under 81800  
the laws of this state or equivalent laws of any other 81801  
jurisdiction: 81802

(1) Murder; 81803

(2) Kidnapping; 81804

(3) Gambling; 81805

(4) Robbery; 81806

(5) Bribery; 81807

(6) Extortion;	81808
(7) Criminal usury;	81809
(8) Arson;	81810
(9) Burglary;	81811
(10) Theft and related crimes;	81812
(11) Forgery and fraudulent practices;	81813
(12) Fraud in the offering, sale, or purchase of securities;	81814
(13) Alteration of motor vehicle identification numbers;	81815
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	81816 81817
(15) Unlawful possession or use of destructive devices or explosives;	81818 81819
(16) A violation of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	81820 81821 81822 81823 81824 81825 81826
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	81827 81828
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	81829 81830
(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that is committed knowingly or recklessly, as defined in section 2901.22 of the Revised Code;	81831 81832 81833 81834
(20) A violation of any provision of Chapter 2909. of the Revised Code;	81835 81836

(21) Any offense specified in Chapter 2921. of the Revised Code. 81837  
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(C) Notwithstanding division (B) of this section, no applicant shall be denied the issuance or renewal of a permit or license on the basis of a conviction of any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant or the permittee, other than an equity interest or debt liability, by the investigation thereof for any of the offenses enumerated in that division as disqualification criteria if that applicant has affirmatively demonstrated rehabilitation of the individual or business concern by a preponderance of the evidence. If any such individual was convicted of any of the offenses so enumerated that are felonies, a permit shall be denied unless five years have elapsed since the individual was fully discharged from imprisonment and parole for the offense, from a community control sanction imposed under section 2929.15 of the Revised Code, from a post-release control sanction imposed under section 2967.28 of the Revised Code for the offense, or imprisonment, probation, and parole for an offense that was committed prior to July 1, 1996. In determining whether an applicant has affirmatively demonstrated rehabilitation, the director, ~~the hazardous waste facility board,~~ or the board of health shall request a recommendation on the matter from the attorney general and shall consider and base the determination on the following factors: 81839  
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(1) The nature and responsibilities of the position a convicted individual would hold; 81862  
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(2) The nature and seriousness of the offense; 81864

(3) The circumstances under which the offense occurred; 81865

(4) The date of the offense; 81866

(5) The age of the individual when the offense was committed; 81867

(6) Whether the offense was an isolated or repeated incident;	81868
(7) Any social conditions that may have contributed to the offense;	81869 81870
(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of persons who have or have had the applicant under their supervision;	81871 81872 81873 81874 81875 81876
(9) In the instance of an applicant that is a business concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with applicable environmental laws and standards or instituting an antitrust compliance auditing program to help ensure full compliance with applicable antitrust laws. The business concern shall prove by a preponderance of the evidence that the management controls are effective in preventing the violations that are the subject of concern.	81877 81878 81879 81880 81881 81882 81883 81884 81885 81886 81887 81888 81889 81890 81891
(D) Unless the director, <del>the hazardous waste facility board,</del> or the board of health finds that the applicant has a history of compliance with environmental laws in this state and other jurisdictions and is presently in substantial compliance with, or on a legally enforceable schedule that will result in compliance with, environmental laws in this state and other jurisdictions;	81892 81893 81894 81895 81896 81897
(E) With respect to the approval of a permit, if the director	81898

~~or the hazardous waste facility board~~ determines that current 81899  
prosecutions or pending charges in any jurisdiction for any of the 81900  
offenses enumerated in division (B) of this section against any 81901  
individual or business concern required to be listed in the 81902  
disclosure statement or shown by the investigation to have a 81903  
beneficial interest in the business of the applicant other than an 81904  
equity interest or debt liability are of such magnitude that they 81905  
prevent making the finding required under division (A) of this 81906  
section, provided that at the request of the applicant or the 81907  
individual or business concern charged, the director ~~or the~~ 81908  
~~hazardous waste facility board~~ shall defer decision upon the 81909  
application during the pendency of the charge. 81910

**Section 3.11.** That the existing version of section 3734.44 of 81911  
the Revised Code that is scheduled to take effect on January 1, 81912  
2004, is hereby repealed. 81913

**Section 3.12.** Sections 3.10 and 3.11 of this act take effect 81914  
January 1, 2004. 81915

**Section 3.13.** That the versions of sections 307.93, 2152.19, 81916  
2301.02, 2301.03, 2743.191, 2743.51, 2929.38, 4506.14, 4506.15, 81917  
4506.16, 4506.20, 4511.33, 4511.62, 4511.63, and 4511.75 of the 81918  
Revised Code that are scheduled to take effect January 1, 2004, be 81919  
amended to read as follows: 81920

**Sec. 307.93.** (A) The boards of county commissioners of two or 81921  
more adjacent counties may contract for the joint establishment of 81922  
a multicounty correctional center, and the board of county 81923  
commissioners of a county or the boards of two or more counties 81924  
may contract with any municipal corporation or municipal 81925  
corporations located in that county or those counties for the 81926  
joint establishment of a municipal-county or multicounty-municipal 81927

correctional center. The center shall augment county and, where 81928  
applicable, municipal jail programs and facilities by providing 81929  
custody and rehabilitative programs for those persons under the 81930  
charge of the sheriff of any of the contracting counties or of the 81931  
officer or officers of the contracting municipal corporation or 81932  
municipal corporations having charge of persons incarcerated in 81933  
the municipal jail, workhouse, or other correctional facility who, 81934  
in the opinion of the sentencing court, need programs of custody 81935  
and rehabilitation not available at the county or municipal jail 81936  
and by providing custody and rehabilitative programs in accordance 81937  
with division (C) of this section, if applicable. The contract may 81938  
include, but need not be limited to, provisions regarding the 81939  
acquisition, construction, maintenance, repair, termination of 81940  
operations, and administration of the center. The contract shall 81941  
prescribe the manner of funding of, and debt assumption for, the 81942  
center and the standards and procedures to be followed in the 81943  
operation of the center. Except as provided in division (H) of 81944  
this section, the contracting counties and municipal corporations 81945  
shall form a corrections commission to oversee the administration 81946  
of the center. Members of the commission shall consist of the 81947  
sheriff of each participating county, the president of the board 81948  
of county commissioners of each participating county, the 81949  
presiding judge of the court of common pleas of each participating 81950  
county, or, if the court of common pleas of a participating county 81951  
has only one judge, then that judge, the chief of police of each 81952  
participating municipal corporation, the mayor or city manager of 81953  
each participating municipal corporation, and the presiding judge 81954  
or the sole judge of the municipal court of each participating 81955  
municipal corporation. Any of the foregoing officers may appoint a 81956  
designee to serve in the officer's place on the corrections 81957  
commission. The standards and procedures shall be formulated and 81958  
agreed to by the commission and may be amended at any time during 81959  
the life of the contract by agreement of the parties to the 81960

contract upon the advice of the commission. The standards and 81961  
procedures formulated by the commission shall include, but need 81962  
not be limited to, designation of the person in charge of the 81963  
center, the categories of employees to be employed at the center, 81964  
the appointing authority of the center, and the standards of 81965  
treatment and security to be maintained at the center. The person 81966  
in charge of, and all persons employed to work at, the center 81967  
shall have all the powers of police officers that are necessary 81968  
for the proper performance of the duties relating to their 81969  
positions at the center. 81970

(B) Each board of county commissioners that enters a contract 81971  
under division (A) of this section may appoint a building 81972  
commission pursuant to section 153.21 of the Revised Code. If any 81973  
commissions are appointed, they shall function jointly in the 81974  
construction of a multicounty or multicounty-municipal 81975  
correctional center with all the powers and duties authorized by 81976  
law. 81977

(C) Prior to the acceptance for custody and rehabilitation 81978  
into a center established under this section of any persons who 81979  
are designated by the department of rehabilitation and correction, 81980  
who plead guilty to or are convicted of a felony of the fourth or 81981  
fifth degree, and who satisfy the other requirements listed in 81982  
section 5120.161 of the Revised Code, the corrections commission 81983  
of a center established under this section shall enter into an 81984  
agreement with the department of rehabilitation and correction 81985  
under section 5120.161 of the Revised Code for the custody and 81986  
rehabilitation in the center of persons who are designated by the 81987  
department, who plead guilty to or are convicted of a felony of 81988  
the fourth or fifth degree, and who satisfy the other requirements 81989  
listed in that section, in exchange for a per diem fee per person. 81990  
Persons incarcerated in the center pursuant to an agreement 81991  
entered into under this division shall be subject to supervision 81992

and control in the manner described in section 5120.161 of the Revised Code. This division does not affect the authority of a court to directly sentence a person who is convicted of or pleads guilty to a felony to the center in accordance with section 2929.16 of the Revised Code.

(D) Pursuant to section 2929.37 of the Revised Code, each board of county commissioners and the legislative authority of each municipal corporation that enters into a contract under division (A) of this section may require a person who was convicted of an offense, who is under the charge of the sheriff of their county or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility, and who is confined in the multicounty, municipal-county, or multicounty-municipal correctional center as provided in that division, to reimburse the applicable county or municipal corporation for its expenses incurred by reason of the person's confinement in the center.

(E) Notwithstanding any contrary provision in this section or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the corrections commission of a center may establish a policy that complies with section 2929.38 of the Revised Code and that requires any person who is not indigent and who is confined in the multicounty, municipal-county, or multicounty-municipal correctional center to pay a reception fee, a fee for medical treatment or service requested by and provided to that person, or the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code.

(F)(1) The corrections commission of a center established under this section may establish a commissary for the center. The commissary may be established either in-house or by another arrangement. If a commissary is established, all persons

incarcerated in the center shall receive commissary privileges. A 82025  
person's purchases from the commissary shall be deducted from the 82026  
person's account record in the center's business office. The 82027  
commissary shall provide for the distribution to indigent persons 82028  
incarcerated in the center of necessary hygiene articles and 82029  
writing materials. 82030

(2) If a commissary is established, the corrections 82031  
commission of a center established under this section shall 82032  
establish a commissary fund for the center. The management of 82033  
funds in the commissary fund shall be strictly controlled in 82034  
accordance with procedures adopted by the auditor of state. 82035  
Commissary fund revenue over and above operating costs and reserve 82036  
shall be considered profits. All profits from the commissary fund 82037  
shall be used to purchase supplies and equipment for the benefit 82038  
of persons incarcerated in the center and to pay salary and 82039  
benefits for employees of the center, or for any other persons, 82040  
who work in or are employed for the sole purpose of providing 82041  
service to the commissary. The corrections commission shall adopt 82042  
rules and regulations for the operation of any commissary fund it 82043  
establishes. 82044

(G) In lieu of forming a corrections commission to administer 82045  
a multicounty correctional center or a municipal-county or 82046  
multicounty-municipal correctional center, the boards of county 82047  
commissioners and the legislative authorities of the municipal 82048  
corporations contracting to establish the center may also agree to 82049  
contract for the private operation and management of the center as 82050  
provided in section 9.06 of the Revised Code, but only if the 82051  
center houses only misdemeanor inmates. In order to enter into a 82052  
contract under section 9.06 of the Revised Code, all the boards 82053  
and legislative authorities establishing the center shall approve 82054  
and be parties to the contract. 82055

(H) If a person who is convicted of or pleads guilty to an 82056

offense is sentenced to a term in a multicounty correctional 82057  
center or a municipal-county or multicounty-municipal correctional 82058  
center or is incarcerated in the center in the manner described in 82059  
division (C) of this section, or if a person who is arrested for 82060  
an offense, and who has been denied bail or has had bail set and 82061  
has not been released on bail is confined in a multicounty 82062  
correctional center or a municipal-county or multicounty-municipal 82063  
correctional center pending trial, at the time of reception and at 82064  
other times the officer, officers, or other person in charge of 82065  
the operation of the center determines to be appropriate, the 82066  
officer, officers, or other person in charge of the operation of 82067  
the center may cause the convicted or accused offender to be 82068  
examined and tested for tuberculosis, HIV infection, hepatitis, 82069  
including but not limited to hepatitis A, B, and C, and other 82070  
contagious diseases. The officer, officers, or other person in 82071  
charge of the operation of the center may cause a convicted or 82072  
accused offender in the center who refuses to be tested or treated 82073  
for tuberculosis, HIV infection, hepatitis, including but not 82074  
limited to hepatitis A, B, and C, or another contagious disease to 82075  
be tested and treated involuntarily. 82076

(I) As used in this section, "multicounty-municipal" means 82077  
more than one county and a municipal corporation, or more than one 82078  
municipal corporation and a county, or more than one municipal 82079  
corporation and more than one county. 82080

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 82081  
child, the court may make any of the following orders of 82082  
disposition, in addition to any other disposition authorized or 82083  
required by this chapter: 82084

(1) Any order that is authorized by section 2151.353 of the 82085  
Revised Code for the care and protection of an abused, neglected, 82086  
or dependent child; 82087

(2) Commit the child to the temporary custody of any school, 82088  
camp, institution, or other facility operated for the care of 82089  
delinquent children by the county, by a district organized under 82090  
section 2152.41 or 2151.65 of the Revised Code, or by a private 82091  
agency or organization, within or without the state, that is 82092  
authorized and qualified to provide the care, treatment, or 82093  
placement required, including, but not limited to, a school, camp, 82094  
or facility operated under section 2151.65 of the Revised Code; 82095

(3) Place the child in a detention facility or district 82096  
detention facility operated under section 2152.41 of the Revised 82097  
Code, for up to ninety days; 82098

(4) Place the child on community control under any sanctions, 82099  
services, and conditions that the court prescribes. As a condition 82100  
of community control in every case and in addition to any other 82101  
condition that it imposes upon the child, the court shall require 82102  
the child to abide by the law during the period of community 82103  
control. As referred to in this division, community control 82104  
includes, but is not limited to, the following sanctions and 82105  
conditions: 82106

(a) A period of basic probation supervision in which the 82107  
child is required to maintain contact with a person appointed to 82108  
supervise the child in accordance with sanctions imposed by the 82109  
court; 82110

(b) A period of intensive probation supervision in which the 82111  
child is required to maintain frequent contact with a person 82112  
appointed by the court to supervise the child while the child is 82113  
seeking or maintaining employment and participating in training, 82114  
education, and treatment programs as the order of disposition; 82115

(c) A period of day reporting in which the child is required 82116  
each day to report to and leave a center or another approved 82117  
reporting location at specified times in order to participate in 82118

work, education or training, treatment, and other approved	82119
programs at the center or outside the center;	82120
(d) A period of community service of up to five hundred hours	82121
for an act that would be a felony or a misdemeanor of the first	82122
degree if committed by an adult, up to two hundred hours for an	82123
act that would be a misdemeanor of the second, third, or fourth	82124
degree if committed by an adult, or up to thirty hours for an act	82125
that would be a minor misdemeanor if committed by an adult;	82126
(e) A requirement that the child obtain a high school	82127
diploma, a certificate of high school equivalence, vocational	82128
training, or employment;	82129
(f) A period of drug and alcohol use monitoring;	82130
(g) A requirement of alcohol or drug assessment or	82131
counseling, or a period in an alcohol or drug treatment program	82132
with a level of security for the child as determined necessary by	82133
the court;	82134
(h) A period in which the court orders the child to observe a	82135
curfew that may involve daytime or evening hours;	82136
(i) A requirement that the child serve monitored time;	82137
(j) A period of house arrest with or without electronic	82138
monitoring;	82139
(k) A period of electronic monitoring without house arrest or	82140
electronically monitored house arrest that does not exceed the	82141
maximum sentence of imprisonment that could be imposed upon an	82142
adult who commits the same act.	82143
A period of electronically monitored house arrest imposed	82144
under this division shall not extend beyond the child's	82145
twenty-first birthday. If a court imposes a period of	82146
electronically monitored house arrest upon a child under this	82147
division, it shall require the child: to wear, otherwise have	82148

attached to the child's person, or otherwise be subject to 82149  
monitoring by a certified electronic monitoring device or to 82150  
participate in the operation of and monitoring by a certified 82151  
electronic monitoring system; to remain in the child's home or 82152  
other specified premises for the entire period of electronically 82153  
monitored house arrest except when the court permits the child to 82154  
leave those premises to go to school or to other specified 82155  
premises; to be monitored by a central system that can determine 82156  
the child's location at designated times; to report periodically 82157  
to a person designated by the court; and to enter into a written 82158  
contract with the court agreeing to comply with all requirements 82159  
imposed by the court, agreeing to pay any fee imposed by the court 82160  
for the costs of the electronically monitored house arrest, and 82161  
agreeing to waive the right to receive credit for any time served 82162  
on electronically monitored house arrest toward the period of any 82163  
other dispositional order imposed upon the child if the child 82164  
violates any of the requirements of the dispositional order of 82165  
electronically monitored house arrest. The court also may impose 82166  
other reasonable requirements upon the child. 82167

Unless ordered by the court, a child shall not receive credit 82168  
for any time served on electronically monitored house arrest 82169  
toward any other dispositional order imposed upon the child for 82170  
the act for which was imposed the dispositional order of 82171  
electronically monitored house arrest. 82172

(1) A suspension of the driver's license, probationary 82173  
driver's license, or temporary instruction permit issued to the 82174  
child or a suspension of the registration of all motor vehicles 82175  
registered in the name of the child. A child whose license or 82176  
permit is so suspended is ineligible for issuance of a license or 82177  
permit during the period of suspension. At the end of the period 82178  
of suspension, the child shall not be reissued a license or permit 82179  
until the child has paid any applicable reinstatement fee and 82180

complied with all requirements governing license reinstatement.	82181
(5) Commit the child to the custody of the court;	82182
(6) Require the child to not be absent without legitimate	82183
excuse from the public school the child is supposed to attend for	82184
five or more consecutive days, seven or more school days in one	82185
school month, or twelve or more school days in a school year;	82186
(7)(a) If a child is adjudicated a delinquent child for being	82187
a chronic truant or an habitual truant who previously has been	82188
adjudicated an unruly child for being a habitual truant, do either	82189
or both of the following:	82190
(i) Require the child to participate in a truancy prevention	82191
mediation program;	82192
(ii) Make any order of disposition as authorized by this	82193
section, except that the court shall not commit the child to a	82194
facility described in division (A)(2) or (3) of this section	82195
unless the court determines that the child violated a lawful court	82196
order made pursuant to division (C)(1)(e) of section 2151.354 of	82197
the Revised Code or division (A)(6) of this section.	82198
(b) If a child is adjudicated a delinquent child for being a	82199
chronic truant or a habitual truant who previously has been	82200
adjudicated an unruly child for being a habitual truant and the	82201
court determines that the parent, guardian, or other person having	82202
care of the child has failed to cause the child's attendance at	82203
school in violation of section 3321.38 of the Revised Code, do	82204
either or both of the following:	82205
(i) Require the parent, guardian, or other person having care	82206
of the child to participate in a truancy prevention mediation	82207
program;	82208
(ii) Require the parent, guardian, or other person having	82209
care of the child to participate in any community service program,	82210

preferably a community service program that requires the 82211  
involvement of the parent, guardian, or other person having care 82212  
of the child in the school attended by the child. 82213

(8) Make any further disposition that the court finds proper, 82214  
except that the child shall not be placed in any of the following: 82215

(a) A state correctional institution, a county, multicounty, 82216  
or municipal jail or workhouse, or another place in which an adult 82217  
convicted of a crime, under arrest, or charged with a crime is 82218  
held; 82219

(b) A community corrections facility, if the child would be 82220  
covered by the definition of public safety beds for purposes of 82221  
sections 5139.41 to ~~5139.45~~ 5139.43 of the Revised Code if the 82222  
court exercised its authority to commit the child to the legal 82223  
custody of the department of youth services for 82224  
institutionalization or institutionalization in a secure facility 82225  
pursuant to this chapter. 82226

(B) If a child is adjudicated a delinquent child, in addition 82227  
to any order of disposition made under division (A) of this 82228  
section, the court, in the following situations, shall suspend the 82229  
child's temporary instruction permit, restricted license, 82230  
probationary driver's license, or nonresident operating privilege, 82231  
or suspend the child's ability to obtain such a permit: 82232

(1) The child is adjudicated a delinquent child for violating 82233  
section 2923.122 of the Revised Code, with the suspension and 82234  
denial being in accordance with division (E)(1)(a), (c), (d), or 82235  
(e) of section 2923.122 of the Revised Code. 82236

(2) The child is adjudicated a delinquent child for 82237  
committing an act that if committed by an adult would be a drug 82238  
abuse offense or for violating division (B) of section 2917.11 of 82239  
the Revised Code, with the suspension continuing until the child 82240  
attends and satisfactorily completes a drug abuse or alcohol abuse 82241

education, intervention, or treatment program specified by the 82242  
court. During the time the child is attending the program, the 82243  
court shall retain any temporary instruction permit, probationary 82244  
driver's license, or driver's license issued to the child, and the 82245  
court shall return the permit or license when the child 82246  
satisfactorily completes the program. 82247

(C) The court may establish a victim-offender mediation 82248  
program in which victims and their offenders meet to discuss the 82249  
offense and suggest possible restitution. If the court obtains the 82250  
assent of the victim of the delinquent act committed by the child, 82251  
the court may require the child to participate in the program. 82252

(D)(1) If a child is adjudicated a delinquent child for 82253  
committing an act that would be a felony if committed by an adult 82254  
and if the child caused, attempted to cause, threatened to cause, 82255  
or created a risk of physical harm to the victim of the act, the 82256  
court, prior to issuing an order of disposition under this 82257  
section, shall order the preparation of a victim impact statement 82258  
by the probation department of the county in which the victim of 82259  
the act resides, by the court's own probation department, or by a 82260  
victim assistance program that is operated by the state, a county, 82261  
a municipal corporation, or another governmental entity. The court 82262  
shall consider the victim impact statement in determining the 82263  
order of disposition to issue for the child. 82264

(2) Each victim impact statement shall identify the victim of 82265  
the act for which the child was adjudicated a delinquent child, 82266  
itemize any economic loss suffered by the victim as a result of 82267  
the act, identify any physical injury suffered by the victim as a 82268  
result of the act and the seriousness and permanence of the 82269  
injury, identify any change in the victim's personal welfare or 82270  
familial relationships as a result of the act and any 82271  
psychological impact experienced by the victim or the victim's 82272  
family as a result of the act, and contain any other information 82273

related to the impact of the act upon the victim that the court 82274  
requires. 82275

(3) A victim impact statement shall be kept confidential and 82276  
is not a public record. However, the court may furnish copies of 82277  
the statement to the department of youth services if the 82278  
delinquent child is committed to the department or to both the 82279  
adjudicated delinquent child or the adjudicated delinquent child's 82280  
counsel and the prosecuting attorney. The copy of a victim impact 82281  
statement furnished by the court to the department pursuant to 82282  
this section shall be kept confidential and is not a public 82283  
record. If an officer is preparing pursuant to section 2947.06 or 82284  
2951.03 of the Revised Code or Criminal Rule 32.2a presentence 82285  
investigation report pertaining to a person, the court shall make 82286  
available to the officer, for use in preparing the report, a copy 82287  
of any victim impact statement regarding that person. The copies 82288  
of a victim impact statement that are made available to the 82289  
adjudicated delinquent child or the adjudicated delinquent child's 82290  
counsel and the prosecuting attorney pursuant to this division 82291  
shall be returned to the court by the person to whom they were 82292  
made available immediately following the imposition of an order of 82293  
disposition for the child under this chapter. 82294

The copy of a victim impact statement that is made available 82295  
pursuant to this division to an officer preparing a criminal 82296  
presentence investigation report shall be returned to the court by 82297  
the officer immediately following its use in preparing the report. 82298

(4) The department of youth services shall work with local 82299  
probation departments and victim assistance programs to develop a 82300  
standard victim impact statement. 82301

(E) If a child is adjudicated a delinquent child for being a 82302  
chronic truant or an habitual truant who previously has been 82303  
adjudicated an unruly child for being an habitual truant and the 82304  
court determines that the parent, guardian, or other person having 82305

care of the child has failed to cause the child's attendance at 82306  
school in violation of section 3321.38 of the Revised Code, in 82307  
addition to any order of disposition it makes under this section, 82308  
the court shall warn the parent, guardian, or other person having 82309  
care of the child that any subsequent adjudication of the child as 82310  
an unruly or delinquent child for being an habitual or chronic 82311  
truant may result in a criminal charge against the parent, 82312  
guardian, or other person having care of the child for a violation 82313  
of division (C) of section 2919.21 or section 2919.24 of the 82314  
Revised Code. 82315

(F)(1) During the period of a delinquent child's community 82316  
control granted under this section, authorized probation officers 82317  
who are engaged within the scope of their supervisory duties or 82318  
responsibilities may search, with or without a warrant, the person 82319  
of the delinquent child, the place of residence of the delinquent 82320  
child, and a motor vehicle, another item of tangible or intangible 82321  
personal property, or other real property in which the delinquent 82322  
child has a right, title, or interest or for which the delinquent 82323  
child has the express or implied permission of a person with a 82324  
right, title, or interest to use, occupy, or possess if the 82325  
probation officers have reasonable grounds to believe that the 82326  
delinquent child is not abiding by the law or otherwise is not 82327  
complying with the conditions of the delinquent child's community 82328  
control. The court that places a delinquent child on community 82329  
control under this section shall provide the delinquent child with 82330  
a written notice that informs the delinquent child that authorized 82331  
probation officers who are engaged within the scope of their 82332  
supervisory duties or responsibilities may conduct those types of 82333  
searches during the period of community control if they have 82334  
reasonable grounds to believe that the delinquent child is not 82335  
abiding by the law or otherwise is not complying with the 82336  
conditions of the delinquent child's community control. The court 82337  
also shall provide the written notice described in division (E)(2) 82338

of this section to each parent, guardian, or custodian of the 82339  
delinquent child who is described in that division. 82340

(2) The court that places a child on community control under 82341  
this section shall provide the child's parent, guardian, or other 82342  
custodian with a written notice that informs them that authorized 82343  
probation officers may conduct searches pursuant to division 82344  
(E)(1) of this section. The notice shall specifically state that a 82345  
permissible search might extend to a motor vehicle, another item 82346  
of tangible or intangible personal property, or a place of 82347  
residence or other real property in which a notified parent, 82348  
guardian, or custodian has a right, title, or interest and that 82349  
the parent, guardian, or custodian expressly or impliedly permits 82350  
the child to use, occupy, or possess. 82351

(G) If a juvenile court commits a delinquent child to the 82352  
custody of any person, organization, or entity pursuant to this 82353  
section and if the delinquent act for which the child is so 82354  
committed is a sexually oriented offense, the court in the order 82355  
of disposition shall do one of the following: 82356

(1) Require that the child be provided treatment as described 82357  
in division (A)(2) of section 5139.13 of the Revised Code; 82358

(2) Inform the person, organization, or entity that it is the 82359  
preferred course of action in this state that the child be 82360  
provided treatment as described in division (A)(2) of section 82361  
5139.13 of the Revised Code and encourage the person, 82362  
organization, or entity to provide that treatment. 82363

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 82364  
of common pleas whose terms begin on January 1, 1953, January 2, 82365  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 82366  
successors, shall have the same qualifications, exercise the same 82367  
powers and jurisdiction, and receive the same compensation as 82368  
other judges of the court of common pleas of Franklin county and 82369

shall be elected and designated as judges of the court of common 82370  
pleas, division of domestic relations. They shall have all the 82371  
powers relating to juvenile courts, and all cases under Chapters 82372  
2151. and 2152. of the Revised Code, all parentage proceedings 82373  
under Chapter 3111. of the Revised Code over which the juvenile 82374  
court has jurisdiction, and all divorce, dissolution of marriage, 82375  
legal separation, and annulment cases shall be assigned to them. 82376  
In addition to the judge's regular duties, the judge who is senior 82377  
in point of service shall serve on the children services board and 82378  
the county advisory board and shall be the administrator of the 82379  
domestic relations division and its subdivisions and departments. 82380

82381

(B) In Hamilton county:

82382

(1) The judge of the court of common pleas, whose term begins 82383  
on January 1, 1957, and successors, and the judge of the court of 82384  
common pleas, whose term begins on February 14, 1967, and 82385  
successors, shall be the juvenile judges as provided in Chapters 82386  
2151. and 2152. of the Revised Code, with the powers and 82387  
jurisdiction conferred by those chapters. 82388

(2) The judges of the court of common pleas whose terms begin 82389  
on January 5, 1957, January 16, 1981, and July 1, 1991, and 82390  
successors, shall be elected and designated as judges of the court 82391  
of common pleas, division of domestic relations, and shall have 82392  
assigned to them all divorce, dissolution of marriage, legal 82393  
separation, and annulment cases coming before the court. On or 82394  
after the first day of July and before the first day of August of 82395  
1991 and each year thereafter, a majority of the judges of the 82396  
division of domestic relations shall elect one of the judges of 82397  
the division as administrative judge of that division. If a 82398  
majority of the judges of the division of domestic relations are 82399  
unable for any reason to elect an administrative judge for the 82400

division before the first day of August, a majority of the judges 82401  
of the Hamilton county court of common pleas, as soon as possible 82402  
after that date, shall elect one of the judges of the division of 82403  
domestic relations as administrative judge of that division. The 82404  
term of the administrative judge shall begin on the earlier of the 82405  
first day of August of the year in which the administrative judge 82406  
is elected or the date on which the administrative judge is 82407  
elected by a majority of the judges of the Hamilton county court 82408  
of common pleas and shall terminate on the date on which the 82409  
administrative judge's successor is elected in the following year. 82410

In addition to the judge's regular duties, the administrative 82411  
judge of the division of domestic relations shall be the 82412  
administrator of the domestic relations division and its 82413  
subdivisions and departments and shall have charge of the 82414  
employment, assignment, and supervision of the personnel of the 82415  
division engaged in handling, servicing, or investigating divorce, 82416  
dissolution of marriage, legal separation, and annulment cases, 82417  
including any referees considered necessary by the judges in the 82418  
discharge of their various duties. 82419

The administrative judge of the division of domestic 82420  
relations also shall designate the title, compensation, expense 82421  
allowances, hours, leaves of absence, and vacations of the 82422  
personnel of the division, and shall fix the duties of its 82423  
personnel. The duties of the personnel, in addition to those 82424  
provided for in other sections of the Revised Code, shall include 82425  
the handling, servicing, and investigation of divorce, dissolution 82426  
of marriage, legal separation, and annulment cases and counseling 82427  
and conciliation services that may be made available to persons 82428  
requesting them, whether or not the persons are parties to an 82429  
action pending in the division. 82430

The board of county commissioners shall appropriate the sum 82431  
of money each year as will meet all the administrative expenses of 82432

the division of domestic relations, including reasonable expenses 82433  
of the domestic relations judges and the division counselors and 82434  
other employees designated to conduct the handling, servicing, and 82435  
investigation of divorce, dissolution of marriage, legal 82436  
separation, and annulment cases, conciliation and counseling, and 82437  
all matters relating to those cases and counseling, and the 82438  
expenses involved in the attendance of division personnel at 82439  
domestic relations and welfare conferences designated by the 82440  
division, and the further sum each year as will provide for the 82441  
adequate operation of the division of domestic relations. 82442

The compensation and expenses of all employees and the salary 82443  
and expenses of the judges shall be paid by the county treasurer 82444  
from the money appropriated for the operation of the division, 82445  
upon the warrant of the county auditor, certified to by the 82446  
administrative judge of the division of domestic relations. 82447

The summonses, warrants, citations, subpoenas, and other 82448  
writs of the division may issue to a bailiff, constable, or staff 82449  
investigator of the division or to the sheriff of any county or 82450  
any marshal, constable, or police officer, and the provisions of 82451  
law relating to the subpoenaing of witnesses in other cases shall 82452  
apply insofar as they are applicable. When a summons, warrant, 82453  
citation, subpoena, or other writ is issued to an officer, other 82454  
than a bailiff, constable, or staff investigator of the division, 82455  
the expense of serving it shall be assessed as a part of the costs 82456  
in the case involved. 82457

(3) The judge of the court of common pleas of Hamilton county 82458  
whose term begins on January 3, 1997, and the successor to that 82459  
judge whose term begins on January 3, 2003, shall each be elected 82460  
and designated for one term only as the drug court judge of the 82461  
court of common pleas of Hamilton county. The successors to the 82462  
judge whose term begins on January 3, 2003, shall be elected and 82463  
designated as judges of the general division of the court of 82464

common pleas of Hamilton county and shall not have the authority 82465  
granted by division (B)(3) of this section. The drug court judge 82466  
may accept or reject any case referred to the drug court judge 82467  
under division (B)(3) of this section. After the drug court judge 82468  
accepts a referred case, the drug court judge has full authority 82469  
over the case, including the authority to conduct arraignment, 82470  
accept pleas, enter findings and dispositions, conduct trials, 82471  
order treatment, and if treatment is not successfully completed 82472  
pronounce and enter sentence. 82473

A judge of the general division of the court of common pleas 82474  
of Hamilton county and a judge of the Hamilton county municipal 82475  
court may refer to the drug court judge any case, and any 82476  
companion cases, the judge determines meet the criteria described 82477  
under divisions (B)(3)(a) and (b) of this section. If the drug 82478  
court judge accepts referral of a referred case, the case, and any 82479  
companion cases, shall be transferred to the drug court judge. A 82480  
judge may refer a case meeting the criteria described in divisions 82481  
(B)(3)(a) and (b) of this section that involves a violation of a 82482  
condition of a community control sanction to the drug court judge, 82483  
and, if the drug court judge accepts the referral, the referring 82484  
judge and the drug court judge have concurrent jurisdiction over 82485  
the case. 82486

A judge of the general division of the court of common pleas 82487  
of Hamilton county and a judge of the Hamilton county municipal 82488  
court may refer a case to the drug court judge under division 82489  
(B)(3) of this section if the judge determines that both of the 82490  
following apply: 82491

(a) One of the following applies: 82492

(i) The case involves a drug abuse offense, as defined in 82493  
section 2925.01 of the Revised Code, that is a felony of the third 82494  
or fourth degree if the offense is committed prior to July 1, 82495  
1996, a felony of the third, fourth, or fifth degree if the 82496

offense is committed on or after July 1, 1996, or a misdemeanor. 82497

(ii) The case involves a theft offense, as defined in section 82498  
2913.01 of the Revised Code, that is a felony of the third or 82499  
fourth degree if the offense is committed prior to July 1, 1996, a 82500  
felony of the third, fourth, or fifth degree if the offense is 82501  
committed on or after July 1, 1996, or a misdemeanor, and the 82502  
defendant is drug or alcohol dependent or in danger of becoming 82503  
drug or alcohol dependent and would benefit from treatment. 82504

(b) All of the following apply: 82505

(i) The case involves an offense for which a community 82506  
control sanction may be imposed or is a case in which a mandatory 82507  
prison term or a mandatory jail term is not required to be 82508  
imposed. 82509

(ii) The defendant has no history of violent behavior. 82510

(iii) The defendant has no history of mental illness. 82511

(iv) The defendant's current or past behavior, or both, is 82512  
drug or alcohol driven. 82513

(v) The defendant demonstrates a sincere willingness to 82514  
participate in a fifteen-month treatment process. 82515

(vi) The defendant has no acute health condition. 82516

(vii) If the defendant is incarcerated, the county prosecutor 82517  
approves of the referral. 82518

(4) If the administrative judge of the court of common pleas 82519  
of Hamilton county determines that the volume of cases pending 82520  
before the drug court judge does not constitute a sufficient 82521  
caseload for the drug court judge, the administrative judge, in 82522  
accordance with the Rules of Superintendence for Courts of Common 82523  
Pleas, shall assign individual cases to the drug court judge from 82524  
the general docket of the court. If the assignments so occur, the 82525  
administrative judge shall cease the assignments when the 82526

administrative judge determines that the volume of cases pending 82527  
before the drug court judge constitutes a sufficient caseload for 82528  
the drug court judge. 82529

(5) As used in division (B) of this section, "community 82530  
control sanction," "mandatory prison term," and "mandatory jail 82531  
term" have the same meanings as in section 2929.01 of the Revised 82532  
Code. 82533

(C) In Lorain county, the judges of the court of common pleas 82534  
whose terms begin on January 3, 1959, January 4, 1989, and January 82535  
2, 1999, and successors, shall have the same qualifications, 82536  
exercise the same powers and jurisdiction, and receive the same 82537  
compensation as the other judges of the court of common pleas of 82538  
Lorain county and shall be elected and designated as the judges of 82539  
the court of common pleas, division of domestic relations. They 82540  
shall have all of the powers relating to juvenile courts, and all 82541  
cases under Chapters 2151. and 2152. of the Revised Code, all 82542  
parentage proceedings over which the juvenile court has 82543  
jurisdiction, and all divorce, dissolution of marriage, legal 82544  
separation, and annulment cases shall be assigned to them, except 82545  
cases that for some special reason are assigned to some other 82546  
judge of the court of common pleas. 82547

(D) In Lucas county: 82548

(1) The judges of the court of common pleas whose terms begin 82549  
on January 1, 1955, and January 3, 1965, and successors, shall 82550  
have the same qualifications, exercise the same powers and 82551  
jurisdiction, and receive the same compensation as other judges of 82552  
the court of common pleas of Lucas county and shall be elected and 82553  
designated as judges of the court of common pleas, division of 82554  
domestic relations. All divorce, dissolution of marriage, legal 82555  
separation, and annulment cases shall be assigned to them. 82556

The judge of the division of domestic relations, senior in 82557

point of service, shall be considered as the presiding judge of 82558  
the court of common pleas, division of domestic relations, and 82559  
shall be charged exclusively with the assignment and division of 82560  
the work of the division and the employment and supervision of all 82561  
other personnel of the domestic relations division. 82562

(2) The judges of the court of common pleas whose terms begin 82563  
on January 5, 1977, and January 2, 1991, and successors shall have 82564  
the same qualifications, exercise the same powers and 82565  
jurisdiction, and receive the same compensation as other judges of 82566  
the court of common pleas of Lucas county, shall be elected and 82567  
designated as judges of the court of common pleas, juvenile 82568  
division, and shall be the juvenile judges as provided in Chapters 82569  
2151. and 2152. of the Revised Code with the powers and 82570  
jurisdictions conferred by those chapters. In addition to the 82571  
judge's regular duties, the judge of the court of common pleas, 82572  
juvenile division, senior in point of service, shall be the 82573  
administrator of the juvenile division and its subdivisions and 82574  
departments and shall have charge of the employment, assignment, 82575  
and supervision of the personnel of the division engaged in 82576  
handling, servicing, or investigating juvenile cases, including 82577  
any referees considered necessary by the judges of the division in 82578  
the discharge of their various duties. 82579

The judge of the court of common pleas, juvenile division, 82580  
senior in point of service, also shall designate the title, 82581  
compensation, expense allowance, hours, leaves of absence, and 82582  
vacation of the personnel of the division and shall fix the duties 82583  
of the personnel of the division. The duties of the personnel, in 82584  
addition to other statutory duties include the handling, 82585  
servicing, and investigation of juvenile cases and counseling and 82586  
conciliation services that may be made available to persons 82587  
requesting them, whether or not the persons are parties to an 82588  
action pending in the division. 82589

(3) If one of the judges of the court of common pleas, 82590  
division of domestic relations, or one of the judges of the 82591  
juvenile division is sick, absent, or unable to perform that 82592  
judge's judicial duties or the volume of cases pending in that 82593  
judge's division necessitates it, the duties shall be performed by 82594  
the judges of the other of those divisions. 82595

(E) In Mahoning county: 82596

(1) The judge of the court of common pleas whose term began 82597  
on January 1, 1955, and successors, shall have the same 82598  
qualifications, exercise the same powers and jurisdiction, and 82599  
receive the same compensation as other judges of the court of 82600  
common pleas of Mahoning county, shall be elected and designated 82601  
as judge of the court of common pleas, division of domestic 82602  
relations, and shall be assigned all the divorce, dissolution of 82603  
marriage, legal separation, and annulment cases coming before the 82604  
court. In addition to the judge's regular duties, the judge of the 82605  
court of common pleas, division of domestic relations, shall be 82606  
the administrator of the domestic relations division and its 82607  
subdivisions and departments and shall have charge of the 82608  
employment, assignment, and supervision of the personnel of the 82609  
division engaged in handling, servicing, or investigating divorce, 82610  
dissolution of marriage, legal separation, and annulment cases, 82611  
including any referees considered necessary in the discharge of 82612  
the various duties of the judge's office. 82613

The judge also shall designate the title, compensation, 82614  
expense allowances, hours, leaves of absence, and vacations of the 82615  
personnel of the division and shall fix the duties of the 82616  
personnel of the division. The duties of the personnel, in 82617  
addition to other statutory duties, include the handling, 82618  
servicing, and investigation of divorce, dissolution of marriage, 82619  
legal separation, and annulment cases and counseling and 82620  
conciliation services that may be made available to persons 82621

requesting them, whether or not the persons are parties to an 82622  
action pending in the division. 82623

(2) The judge of the court of common pleas whose term began 82624  
on January 2, 1969, and successors, shall have the same 82625  
qualifications, exercise the same powers and jurisdiction, and 82626  
receive the same compensation as other judges of the court of 82627  
common pleas of Mahoning county, shall be elected and designated 82628  
as judge of the court of common pleas, juvenile division, and 82629  
shall be the juvenile judge as provided in Chapters 2151. and 82630  
2152. of the Revised Code, with the powers and jurisdictions 82631  
conferred by those chapters. In addition to the judge's regular 82632  
duties, the judge of the court of common pleas, juvenile division, 82633  
shall be the administrator of the juvenile division and its 82634  
subdivisions and departments and shall have charge of the 82635  
employment, assignment, and supervision of the personnel of the 82636  
division engaged in handling, servicing, or investigating juvenile 82637  
cases, including any referees considered necessary by the judge in 82638  
the discharge of the judge's various duties. 82639

The judge also shall designate the title, compensation, 82640  
expense allowances, hours, leaves of absence, and vacation of the 82641  
personnel of the division and shall fix the duties of the 82642  
personnel of the division. The duties of the personnel, in 82643  
addition to other statutory duties, include the handling, 82644  
servicing, and investigation of juvenile cases and counseling and 82645  
conciliation services that may be made available to persons 82646  
requesting them, whether or not the persons are parties to an 82647  
action pending in the division. 82648

(3) If a judge of the court of common pleas, division of 82649  
domestic relations or juvenile division, is sick, absent, or 82650  
unable to perform that judge's judicial duties, or the volume of 82651  
cases pending in that judge's division necessitates it, that 82652  
judge's duties shall be performed by another judge of the court of 82653

common pleas. 82654

(F) In Montgomery county: 82655

(1) The judges of the court of common pleas whose terms begin 82656  
on January 2, 1953, and January 4, 1977, and successors, shall 82657  
have the same qualifications, exercise the same powers and 82658  
jurisdiction, and receive the same compensation as other judges of 82659  
the court of common pleas of Montgomery county and shall be 82660  
elected and designated as judges of the court of common pleas, 82661  
division of domestic relations. These judges shall have assigned 82662  
to them all divorce, dissolution of marriage, legal separation, 82663  
and annulment cases. 82664

The judge of the division of domestic relations, senior in 82665  
point of service, shall be charged exclusively with the assignment 82666  
and division of the work of the division and shall have charge of 82667  
the employment and supervision of the personnel of the division 82668  
engaged in handling, servicing, or investigating divorce, 82669  
dissolution of marriage, legal separation, and annulment cases, 82670  
including any necessary referees, except those employees who may 82671  
be appointed by the judge, junior in point of service, under this 82672  
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 82673  
Code. The judge of the division of domestic relations, senior in 82674  
point of service, also shall designate the title, compensation, 82675  
expense allowances, hours, leaves of absence, and vacation of the 82676  
personnel of the division and shall fix their duties. 82677

(2) The judges of the court of common pleas whose terms begin 82678  
on January 1, 1953, and January 1, 1993, and successors, shall 82679  
have the same qualifications, exercise the same powers and 82680  
jurisdiction, and receive the same compensation as other judges of 82681  
the court of common pleas of Montgomery county, shall be elected 82682  
and designated as judges of the court of common pleas, juvenile 82683  
division, and shall be, and have the powers and jurisdiction of, 82684  
the juvenile judge as provided in Chapters 2151. and 2152. of the 82685

Revised Code. 82686

In addition to the judge's regular duties, the judge of the 82687  
court of common pleas, juvenile division, senior in point of 82688  
service, shall be the administrator of the juvenile division and 82689  
its subdivisions and departments and shall have charge of the 82690  
employment, assignment, and supervision of the personnel of the 82691  
juvenile division, including any necessary referees, who are 82692  
engaged in handling, servicing, or investigating juvenile cases. 82693  
The judge, senior in point of service, also shall designate the 82694  
title, compensation, expense allowances, hours, leaves of absence, 82695  
and vacation of the personnel of the division and shall fix their 82696  
duties. The duties of the personnel, in addition to other 82697  
statutory duties, shall include the handling, servicing, and 82698  
investigation of juvenile cases and of any counseling and 82699  
conciliation services that are available upon request to persons, 82700  
whether or not they are parties to an action pending in the 82701  
division. 82702

If one of the judges of the court of common pleas, division 82703  
of domestic relations, or one of the judges of the court of common 82704  
pleas, juvenile division, is sick, absent, or unable to perform 82705  
that judge's duties or the volume of cases pending in that judge's 82706  
division necessitates it, the duties of that judge may be 82707  
performed by the judge or judges of the other of those divisions. 82708

(G) In Richland county, ~~the:~~ 82709

(1) The judge of the court of common pleas whose term begins 82710  
on January 1, 1957, and successors, shall have the same 82711  
qualifications, exercise the same powers and jurisdiction, and 82712  
receive the same compensation as the other judges of the court of 82713  
common pleas of Richland county and shall be elected and 82714  
designated as judge of the court of common pleas, division of 82715  
domestic relations. That judge shall have ~~all of the powers~~ 82716  
~~relating to juvenile courts, and all cases under Chapters 2151.~~ 82717

~~and 2152. of the Revised Code, all parentage proceedings over~~ 82718  
~~which the juvenile court has jurisdiction, and assigned to that~~ 82719  
~~judge and hear~~ all divorce, dissolution of marriage, legal 82720  
separation, and annulment cases ~~shall be assigned to that judge,~~ 82721  
~~except in cases that for some special reason are assigned to some~~ 82722  
~~other judge of the court of common pleas that come before the~~ 82723  
~~court. Except in cases that are subject to the exclusive original~~ 82724  
~~jurisdiction of the juvenile court, the judge of the division of~~ 82725  
~~domestic relations shall have assigned to that judge and hear all~~ 82726  
~~cases pertaining to paternity, custody, visitation, child support,~~ 82727  
~~or the allocation of parental rights and responsibilities for the~~ 82728  
~~care of children and all post-decree proceedings arising from any~~ 82729  
~~case pertaining to any of those matters. The judge of the division~~ 82730  
~~of domestic relations shall have assigned to that judge and hear~~ 82731  
~~all proceedings under the uniform interstate family support act~~ 82732  
~~contained in Chapter 3115. of the Revised Code.~~ 82733

(2) The judge of the court of common pleas whose term begins 82734  
on January 3, 2005, and successors, shall have the same 82735  
qualifications, exercise the same powers and jurisdiction, and 82736  
receive the same compensation as other judges of the court of 82737  
common pleas of Richland county, shall be elected and designated 82738  
as judge of the court of common pleas, juvenile division, and 82739  
shall be, and have the powers and jurisdiction of, the juvenile 82740  
judge as provided in Chapters 2151. and 2152. of the Revised Code. 82741  
Except in cases that are subject to the exclusive original 82742  
jurisdiction of the juvenile court, the judge of the juvenile 82743  
division shall not have jurisdiction or the power to hear, and 82744  
shall not be assigned, any case pertaining to paternity, custody, 82745  
visitation, child support, or the allocation of parental rights 82746  
and responsibilities for the care of children or any post-decree 82747  
proceeding arising from any case pertaining to any of those 82748  
matters. The judge of the juvenile division shall not have 82749  
jurisdiction or the power to hear, and shall not be assigned, any 82750

proceeding under the uniform interstate family support act 82751  
contained in Chapter 3115. of the Revised Code. The judge of the 82752  
juvenile division shall be the administrator of the juvenile 82753  
division and its subdivisions and departments. The judge shall 82754  
have charge of the employment, assignment, and supervision of the 82755  
personnel of the juvenile division who are engaged in handling, 82756  
servicing, or investigating juvenile cases, including any 82757  
magistrates whom the judge considers necessary for the discharge 82758  
of the judge's various duties. 82759

The judge of the juvenile division also shall designate the 82760  
title, compensation, expense allowances, hours, leaves of absence, 82761  
and vacation of the personnel of the division and shall fix their 82762  
duties. The duties of the personnel, in addition to other 82763  
statutory duties, include the handling, servicing, and 82764  
investigation of juvenile cases and providing any counseling, 82765  
conciliation, and mediation services that the court makes 82766  
available to persons, whether or not the persons are parties to an 82767  
action pending in the court, who request the services. 82768

(H) In Stark county, the judges of the court of common pleas 82769  
whose terms begin on January 1, 1953, January 2, 1959, and January 82770  
1, 1993, and successors, shall have the same qualifications, 82771  
exercise the same powers and jurisdiction, and receive the same 82772  
compensation as other judges of the court of common pleas of Stark 82773  
county and shall be elected and designated as judges of the court 82774  
of common pleas, division of domestic relations. They shall have 82775  
all the powers relating to juvenile courts, and all cases under 82776  
Chapters 2151. and 2152. of the Revised Code, all parentage 82777  
proceedings over which the juvenile court has jurisdiction, and 82778  
all divorce, dissolution of marriage, legal separation, and 82779  
annulment cases, except cases that are assigned to some other 82780  
judge of the court of common pleas for some special reason, shall 82781  
be assigned to the judges. 82782

The judge of the division of domestic relations, second most senior in point of service, shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, and necessary referees required for the judge's respective court.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 of the Revised Code and with the assignment and division of the work of the division and the employment and supervision of all other personnel of the division, including, but not limited to, that judge's necessary referees, but excepting those employees who may be appointed by the judge second most senior in point of service. The senior judge further shall serve in every other position in which the statutes permit or require a juvenile judge to serve.

(I) In Summit county:

(1) The judges of the court of common pleas whose terms begin on January 4, 1967, and January 6, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them and hear all divorce, dissolution of marriage, legal separation, and annulment cases that come before the court. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judges of the division of domestic relations shall have assigned to them and hear all cases pertaining to paternity, custody, visitation, child support, or the allocation of parental rights

and responsibilities for the care of children and all post-decree 82815  
proceedings arising from any case pertaining to any of those 82816  
matters. The judges of the division of domestic relations shall 82817  
have assigned to them and hear all proceedings under the uniform 82818  
interstate family support act contained in Chapter 3115. of the 82819  
Revised Code. 82820

The judge of the division of domestic relations, senior in 82821  
point of service, shall be the administrator of the domestic 82822  
relations division and its subdivisions and departments and shall 82823  
have charge of the employment, assignment, and supervision of the 82824  
personnel of the division, including any necessary referees, who 82825  
are engaged in handling, servicing, or investigating divorce, 82826  
dissolution of marriage, legal separation, and annulment cases. 82827  
That judge also shall designate the title, compensation, expense 82828  
allowances, hours, leaves of absence, and vacations of the 82829  
personnel of the division and shall fix their duties. The duties 82830  
of the personnel, in addition to other statutory duties, shall 82831  
include the handling, servicing, and investigation of divorce, 82832  
dissolution of marriage, legal separation, and annulment cases and 82833  
of any counseling and conciliation services that are available 82834  
upon request to all persons, whether or not they are parties to an 82835  
action pending in the division. 82836

(2) The judge of the court of common pleas whose term begins 82837  
on January 1, 1955, and successors, shall have the same 82838  
qualifications, exercise the same powers and jurisdiction, and 82839  
receive the same compensation as other judges of the court of 82840  
common pleas of Summit county, shall be elected and designated as 82841  
judge of the court of common pleas, juvenile division, and shall 82842  
be, and have the powers and jurisdiction of, the juvenile judge as 82843  
provided in Chapters 2151. and 2152. of the Revised Code. Except 82844  
in cases that are subject to the exclusive original jurisdiction 82845  
of the juvenile court, the judge of the juvenile division shall 82846

not have jurisdiction or the power to hear, and shall not be 82847  
assigned, any case pertaining to paternity, custody, visitation, 82848  
child support, or the allocation of parental rights and 82849  
responsibilities for the care of children or any post-decree 82850  
proceeding arising from any case pertaining to any of those 82851  
matters. The judge of the juvenile division shall not have 82852  
jurisdiction or the power to hear, and shall not be assigned, any 82853  
proceeding under the uniform interstate family support act 82854  
contained in Chapter 3115. of the Revised Code. 82855

The juvenile judge shall be the administrator of the juvenile 82856  
division and its subdivisions and departments and shall have 82857  
charge of the employment, assignment, and supervision of the 82858  
personnel of the juvenile division, including any necessary 82859  
referees, who are engaged in handling, servicing, or investigating 82860  
juvenile cases. The judge also shall designate the title, 82861  
compensation, expense allowances, hours, leaves of absence, and 82862  
vacation of the personnel of the division and shall fix their 82863  
duties. The duties of the personnel, in addition to other 82864  
statutory duties, shall include the handling, servicing, and 82865  
investigation of juvenile cases and of any counseling and 82866  
conciliation services that are available upon request to persons, 82867  
whether or not they are parties to an action pending in the 82868  
division. 82869

(J) In Trumbull county, the judges of the court of common 82870  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 82871  
and successors, shall have the same qualifications, exercise the 82872  
same powers and jurisdiction, and receive the same compensation as 82873  
other judges of the court of common pleas of Trumbull county and 82874  
shall be elected and designated as judges of the court of common 82875  
pleas, division of domestic relations. They shall have all the 82876  
powers relating to juvenile courts, and all cases under Chapters 82877  
2151. and 2152. of the Revised Code, all parentage proceedings 82878

over which the juvenile court has jurisdiction, and all divorce, 82879  
dissolution of marriage, legal separation, and annulment cases 82880  
shall be assigned to them, except cases that for some special 82881  
reason are assigned to some other judge of the court of common 82882  
pleas. 82883

(K) In Butler county: 82884

(1) The judges of the court of common pleas whose terms begin 82885  
on January 1, 1957, and January 4, 1993, and successors, shall 82886  
have the same qualifications, exercise the same powers and 82887  
jurisdiction, and receive the same compensation as other judges of 82888  
the court of common pleas of Butler county and shall be elected 82889  
and designated as judges of the court of common pleas, division of 82890  
domestic relations. The judges of the division of domestic 82891  
relations shall have assigned to them all divorce, dissolution of 82892  
marriage, legal separation, and annulment cases coming before the 82893  
court, except in cases that for some special reason are assigned 82894  
to some other judge of the court of common pleas. The judge senior 82895  
in point of service shall be charged with the assignment and 82896  
division of the work of the division and with the employment and 82897  
supervision of all other personnel of the domestic relations 82898  
division. 82899

The judge senior in point of service also shall designate the 82900  
title, compensation, expense allowances, hours, leaves of absence, 82901  
and vacations of the personnel of the division and shall fix their 82902  
duties. The duties of the personnel, in addition to other 82903  
statutory duties, shall include the handling, servicing, and 82904  
investigation of divorce, dissolution of marriage, legal 82905  
separation, and annulment cases and providing any counseling and 82906  
conciliation services that the division makes available to 82907  
persons, whether or not the persons are parties to an action 82908  
pending in the division, who request the services. 82909

(2) The judges of the court of common pleas whose terms begin 82910

on January 3, 1987, and January 2, 2003, and successors, shall 82911  
have the same qualifications, exercise the same powers and 82912  
jurisdiction, and receive the same compensation as other judges of 82913  
the court of common pleas of Butler county, shall be elected and 82914  
designated as judges of the court of common pleas, juvenile 82915  
division, and shall be the juvenile judges as provided in Chapters 82916  
2151. and 2152. of the Revised Code, with the powers and 82917  
jurisdictions conferred by those chapters. The judge of the court 82918  
of common pleas, juvenile division, who is senior in point of 82919  
service, shall be the administrator of the juvenile division and 82920  
its subdivisions and departments. The judge, senior in point of 82921  
service, shall have charge of the employment, assignment, and 82922  
supervision of the personnel of the juvenile division who are 82923  
engaged in handling, servicing, or investigating juvenile cases, 82924  
including any referees whom the judge considers necessary for the 82925  
discharge of the judge's various duties. 82926

The judge, senior in point of service, also shall designate 82927  
the title, compensation, expense allowances, hours, leaves of 82928  
absence, and vacation of the personnel of the division and shall 82929  
fix their duties. The duties of the personnel, in addition to 82930  
other statutory duties, include the handling, servicing, and 82931  
investigation of juvenile cases and providing any counseling and 82932  
conciliation services that the division makes available to 82933  
persons, whether or not the persons are parties to an action 82934  
pending in the division, who request the services. 82935

(3) If a judge of the court of common pleas, division of 82936  
domestic relations or juvenile division, is sick, absent, or 82937  
unable to perform that judge's judicial duties or the volume of 82938  
cases pending in the judge's division necessitates it, the duties 82939  
of that judge shall be performed by the other judges of the 82940  
domestic relations and juvenile divisions. 82941

(L)(1) In Cuyahoga county, the judges of the court of common 82942

pleas whose terms begin on January 8, 1961, January 9, 1961, 82943  
January 18, 1975, January 19, 1975, and January 13, 1987, and 82944  
successors, shall have the same qualifications, exercise the same 82945  
powers and jurisdiction, and receive the same compensation as 82946  
other judges of the court of common pleas of Cuyahoga county and 82947  
shall be elected and designated as judges of the court of common 82948  
pleas, division of domestic relations. They shall have all the 82949  
powers relating to all divorce, dissolution of marriage, legal 82950  
separation, and annulment cases, except in cases that are assigned 82951  
to some other judge of the court of common pleas for some special 82952  
reason. 82953

(2) The administrative judge is administrator of the domestic 82954  
relations division and its subdivisions and departments and has 82955  
the following powers concerning division personnel: 82956

(a) Full charge of the employment, assignment, and 82957  
supervision; 82958

(b) Sole determination of compensation, duties, expenses, 82959  
allowances, hours, leaves, and vacations. 82960

(3) "Division personnel" include persons employed or referees 82961  
engaged in hearing, servicing, investigating, counseling, or 82962  
conciliating divorce, dissolution of marriage, legal separation 82963  
and annulment matters. 82964

(M) In Lake county: 82965

(1) The judge of the court of common pleas whose term begins 82966  
on January 2, 1961, and successors, shall have the same 82967  
qualifications, exercise the same powers and jurisdiction, and 82968  
receive the same compensation as the other judges of the court of 82969  
common pleas of Lake county and shall be elected and designated as 82970  
judge of the court of common pleas, division of domestic 82971  
relations. The judge shall be assigned all the divorce, 82972  
dissolution of marriage, legal separation, and annulment cases 82973

coming before the court, except in cases that for some special 82974  
reason are assigned to some other judge of the court of common 82975  
pleas. The judge shall be charged with the assignment and division 82976  
of the work of the division and with the employment and 82977  
supervision of all other personnel of the domestic relations 82978  
division. 82979

The judge also shall designate the title, compensation, 82980  
expense allowances, hours, leaves of absence, and vacations of the 82981  
personnel of the division and shall fix their duties. The duties 82982  
of the personnel, in addition to other statutory duties, shall 82983  
include the handling, servicing, and investigation of divorce, 82984  
dissolution of marriage, legal separation, and annulment cases and 82985  
providing any counseling and conciliation services that the 82986  
division makes available to persons, whether or not the persons 82987  
are parties to an action pending in the division, who request the 82988  
services. 82989

(2) The judge of the court of common pleas whose term begins 82990  
on January 4, 1979, and successors, shall have the same 82991  
qualifications, exercise the same powers and jurisdiction, and 82992  
receive the same compensation as other judges of the court of 82993  
common pleas of Lake county, shall be elected and designated as 82994  
judge of the court of common pleas, juvenile division, and shall 82995  
be the juvenile judge as provided in Chapters 2151. and 2152. of 82996  
the Revised Code, with the powers and jurisdictions conferred by 82997  
those chapters. The judge of the court of common pleas, juvenile 82998  
division, shall be the administrator of the juvenile division and 82999  
its subdivisions and departments. The judge shall have charge of 83000  
the employment, assignment, and supervision of the personnel of 83001  
the juvenile division who are engaged in handling, servicing, or 83002  
investigating juvenile cases, including any referees whom the 83003  
judge considers necessary for the discharge of the judge's various 83004  
duties. 83005

The judge also shall designate the title, compensation, 83006  
expense allowances, hours, leaves of absence, and vacation of the 83007  
personnel of the division and shall fix their duties. The duties 83008  
of the personnel, in addition to other statutory duties, include 83009  
the handling, servicing, and investigation of juvenile cases and 83010  
providing any counseling and conciliation services that the 83011  
division makes available to persons, whether or not the persons 83012  
are parties to an action pending in the division, who request the 83013  
services. 83014

(3) If a judge of the court of common pleas, division of 83015  
domestic relations or juvenile division, is sick, absent, or 83016  
unable to perform that judge's judicial duties or the volume of 83017  
cases pending in the judge's division necessitates it, the duties 83018  
of that judge shall be performed by the other judges of the 83019  
domestic relations and juvenile divisions. 83020

(N) In Erie county, the judge of the court of common pleas 83021  
whose term begins on January 2, 1971, and successors, shall have 83022  
the same qualifications, exercise the same powers and 83023  
jurisdiction, and receive the same compensation as the other judge 83024  
of the court of common pleas of Erie county and shall be elected 83025  
and designated as judge of the court of common pleas, division of 83026  
domestic relations. The judge shall have all the powers relating 83027  
to juvenile courts, and shall be assigned all cases under Chapters 83028  
2151. and 2152. of the Revised Code, parentage proceedings over 83029  
which the juvenile court has jurisdiction, and divorce, 83030  
dissolution of marriage, legal separation, and annulment cases, 83031  
except cases that for some special reason are assigned to some 83032  
other judge. 83033

(O) In Greene county: 83034

(1) The judge of the court of common pleas whose term begins 83035  
on January 1, 1961, and successors, shall have the same 83036  
qualifications, exercise the same powers and jurisdiction, and 83037

receive the same compensation as the other judges of the court of 83038  
common pleas of Greene county and shall be elected and designated 83039  
as the judge of the court of common pleas, division of domestic 83040  
relations. The judge shall be assigned all divorce, dissolution of 83041  
marriage, legal separation, annulment, uniform reciprocal support 83042  
enforcement, and domestic violence cases and all other cases 83043  
related to domestic relations, except cases that for some special 83044  
reason are assigned to some other judge of the court of common 83045  
pleas. 83046

The judge shall be charged with the assignment and division 83047  
of the work of the division and with the employment and 83048  
supervision of all other personnel of the division. The judge also 83049  
shall designate the title, compensation, hours, leaves of absence, 83050  
and vacations of the personnel of the division and shall fix their 83051  
duties. The duties of the personnel of the division, in addition 83052  
to other statutory duties, shall include the handling, servicing, 83053  
and investigation of divorce, dissolution of marriage, legal 83054  
separation, and annulment cases and the provision of counseling 83055  
and conciliation services that the division considers necessary 83056  
and makes available to persons who request the services, whether 83057  
or not the persons are parties in an action pending in the 83058  
division. The compensation for the personnel shall be paid from 83059  
the overall court budget and shall be included in the 83060  
appropriations for the existing judges of the general division of 83061  
the court of common pleas. 83062

(2) The judge of the court of common pleas whose term begins 83063  
on January 1, 1995, and successors, shall have the same 83064  
qualifications, exercise the same powers and jurisdiction, and 83065  
receive the same compensation as the other judges of the court of 83066  
common pleas of Greene county, shall be elected and designated as 83067  
judge of the court of common pleas, juvenile division, and, on or 83068  
after January 1, 1995, shall be the juvenile judge as provided in 83069

Chapters 2151. and 2152. of the Revised Code with the powers and 83070  
jurisdiction conferred by those chapters. The judge of the court 83071  
of common pleas, juvenile division, shall be the administrator of 83072  
the juvenile division and its subdivisions and departments. The 83073  
judge shall have charge of the employment, assignment, and 83074  
supervision of the personnel of the juvenile division who are 83075  
engaged in handling, servicing, or investigating juvenile cases, 83076  
including any referees whom the judge considers necessary for the 83077  
discharge of the judge's various duties. 83078

The judge also shall designate the title, compensation, 83079  
expense allowances, hours, leaves of absence, and vacation of the 83080  
personnel of the division and shall fix their duties. The duties 83081  
of the personnel, in addition to other statutory duties, include 83082  
the handling, servicing, and investigation of juvenile cases and 83083  
providing any counseling and conciliation services that the court 83084  
makes available to persons, whether or not the persons are parties 83085  
to an action pending in the court, who request the services. 83086

(3) If one of the judges of the court of common pleas, 83087  
general division, is sick, absent, or unable to perform that 83088  
judge's judicial duties or the volume of cases pending in the 83089  
general division necessitates it, the duties of that judge of the 83090  
general division shall be performed by the judge of the division 83091  
of domestic relations and the judge of the juvenile division. 83092

(P) In Portage county, the judge of the court of common 83093  
pleas, whose term begins January 2, 1987, and successors, shall 83094  
have the same qualifications, exercise the same powers and 83095  
jurisdiction, and receive the same compensation as the other 83096  
judges of the court of common pleas of Portage county and shall be 83097  
elected and designated as judge of the court of common pleas, 83098  
division of domestic relations. The judge shall be assigned all 83099  
divorce, dissolution of marriage, legal separation, and annulment 83100  
cases coming before the court, except in cases that for some 83101

special reason are assigned to some other judge of the court of 83102  
common pleas. The judge shall be charged with the assignment and 83103  
division of the work of the division and with the employment and 83104  
supervision of all other personnel of the domestic relations 83105  
division. 83106

The judge also shall designate the title, compensation, 83107  
expense allowances, hours, leaves of absence, and vacations of the 83108  
personnel of the division and shall fix their duties. The duties 83109  
of the personnel, in addition to other statutory duties, shall 83110  
include the handling, servicing, and investigation of divorce, 83111  
dissolution of marriage, legal separation, and annulment cases and 83112  
providing any counseling and conciliation services that the 83113  
division makes available to persons, whether or not the persons 83114  
are parties to an action pending in the division, who request the 83115  
services. 83116

(Q) In Clermont county, the judge of the court of common 83117  
pleas, whose term begins January 2, 1987, and successors, shall 83118  
have the same qualifications, exercise the same powers and 83119  
jurisdiction, and receive the same compensation as the other 83120  
judges of the court of common pleas of Clermont county and shall 83121  
be elected and designated as judge of the court of common pleas, 83122  
division of domestic relations. The judge shall be assigned all 83123  
divorce, dissolution of marriage, legal separation, and annulment 83124  
cases coming before the court, except in cases that for some 83125  
special reason are assigned to some other judge of the court of 83126  
common pleas. The judge shall be charged with the assignment and 83127  
division of the work of the division and with the employment and 83128  
supervision of all other personnel of the domestic relations 83129  
division. 83130

The judge also shall designate the title, compensation, 83131  
expense allowances, hours, leaves of absence, and vacations of the 83132  
personnel of the division and shall fix their duties. The duties 83133

of the personnel, in addition to other statutory duties, shall 83134  
include the handling, servicing, and investigation of divorce, 83135  
dissolution of marriage, legal separation, and annulment cases and 83136  
providing any counseling and conciliation services that the 83137  
division makes available to persons, whether or not the persons 83138  
are parties to an action pending in the division, who request the 83139  
services. 83140

(R) In Warren county, the judge of the court of common pleas, 83141  
whose term begins January 1, 1987, and successors, shall have the 83142  
same qualifications, exercise the same powers and jurisdiction, 83143  
and receive the same compensation as the other judges of the court 83144  
of common pleas of Warren county and shall be elected and 83145  
designated as judge of the court of common pleas, division of 83146  
domestic relations. The judge shall be assigned all divorce, 83147  
dissolution of marriage, legal separation, and annulment cases 83148  
coming before the court, except in cases that for some special 83149  
reason are assigned to some other judge of the court of common 83150  
pleas. The judge shall be charged with the assignment and division 83151  
of the work of the division and with the employment and 83152  
supervision of all other personnel of the domestic relations 83153  
division. 83154

The judge also shall designate the title, compensation, 83155  
expense allowances, hours, leaves of absence, and vacations of the 83156  
personnel of the division and shall fix their duties. The duties 83157  
of the personnel, in addition to other statutory duties, shall 83158  
include the handling, servicing, and investigation of divorce, 83159  
dissolution of marriage, legal separation, and annulment cases and 83160  
providing any counseling and conciliation services that the 83161  
division makes available to persons, whether or not the persons 83162  
are parties to an action pending in the division, who request the 83163  
services. 83164

(S) In Licking county, the judge of the court of common 83165

pleas, whose term begins January 1, 1991, and successors, shall 83166  
have the same qualifications, exercise the same powers and 83167  
jurisdiction, and receive the same compensation as the other 83168  
judges of the court of common pleas of Licking county and shall be 83169  
elected and designated as judge of the court of common pleas, 83170  
division of domestic relations. The judge shall be assigned all 83171  
divorce, dissolution of marriage, legal separation, and annulment 83172  
cases, all cases arising under Chapter 3111. of the Revised Code, 83173  
all proceedings involving child support, the allocation of 83174  
parental rights and responsibilities for the care of children and 83175  
the designation for the children of a place of residence and legal 83176  
custodian, parenting time, and visitation, and all post-decree 83177  
proceedings and matters arising from those cases and proceedings, 83178  
except in cases that for some special reason are assigned to 83179  
another judge of the court of common pleas. The judge shall be 83180  
charged with the assignment and division of the work of the 83181  
division and with the employment and supervision of the personnel 83182  
of the division. 83183

The judge shall designate the title, compensation, expense 83184  
allowances, hours, leaves of absence, and vacations of the 83185  
personnel of the division and shall fix the duties of the 83186  
personnel of the division. The duties of the personnel of the 83187  
division, in addition to other statutory duties, shall include the 83188  
handling, servicing, and investigation of divorce, dissolution of 83189  
marriage, legal separation, and annulment cases, cases arising 83190  
under Chapter 3111. of the Revised Code, and proceedings involving 83191  
child support, the allocation of parental rights and 83192  
responsibilities for the care of children and the designation for 83193  
the children of a place of residence and legal custodian, 83194  
parenting time, and visitation and providing any counseling and 83195  
conciliation services that the division makes available to 83196  
persons, whether or not the persons are parties to an action 83197  
pending in the division, who request the services. 83198

(T) In Allen county, the judge of the court of common pleas, 83199  
whose term begins January 1, 1993, and successors, shall have the 83200  
same qualifications, exercise the same powers and jurisdiction, 83201  
and receive the same compensation as the other judges of the court 83202  
of common pleas of Allen county and shall be elected and 83203  
designated as judge of the court of common pleas, division of 83204  
domestic relations. The judge shall be assigned all divorce, 83205  
dissolution of marriage, legal separation, and annulment cases, 83206  
all cases arising under Chapter 3111. of the Revised Code, all 83207  
proceedings involving child support, the allocation of parental 83208  
rights and responsibilities for the care of children and the 83209  
designation for the children of a place of residence and legal 83210  
custodian, parenting time, and visitation, and all post-decree 83211  
proceedings and matters arising from those cases and proceedings, 83212  
except in cases that for some special reason are assigned to 83213  
another judge of the court of common pleas. The judge shall be 83214  
charged with the assignment and division of the work of the 83215  
division and with the employment and supervision of the personnel 83216  
of the division. 83217

The judge shall designate the title, compensation, expense 83218  
allowances, hours, leaves of absence, and vacations of the 83219  
personnel of the division and shall fix the duties of the 83220  
personnel of the division. The duties of the personnel of the 83221  
division, in addition to other statutory duties, shall include the 83222  
handling, servicing, and investigation of divorce, dissolution of 83223  
marriage, legal separation, and annulment cases, cases arising 83224  
under Chapter 3111. of the Revised Code, and proceedings involving 83225  
child support, the allocation of parental rights and 83226  
responsibilities for the care of children and the designation for 83227  
the children of a place of residence and legal custodian, 83228  
parenting time, and visitation, and providing any counseling and 83229  
conciliation services that the division makes available to 83230  
persons, whether or not the persons are parties to an action 83231

pending in the division, who request the services. 83232

(U) In Medina county, the judge of the court of common pleas 83233  
whose term begins January 1, 1995, and successors, shall have the 83234  
same qualifications, exercise the same powers and jurisdiction, 83235  
and receive the same compensation as other judges of the court of 83236  
common pleas of Medina county and shall be elected and designated 83237  
as judge of the court of common pleas, division of domestic 83238  
relations. The judge shall be assigned all divorce, dissolution of 83239  
marriage, legal separation, and annulment cases, all cases arising 83240  
under Chapter 3111. of the Revised Code, all proceedings involving 83241  
child support, the allocation of parental rights and 83242  
responsibilities for the care of children and the designation for 83243  
the children of a place of residence and legal custodian, 83244  
parenting time, and visitation, and all post-decree proceedings 83245  
and matters arising from those cases and proceedings, except in 83246  
cases that for some special reason are assigned to another judge 83247  
of the court of common pleas. The judge shall be charged with the 83248  
assignment and division of the work of the division and with the 83249  
employment and supervision of the personnel of the division. 83250

The judge shall designate the title, compensation, expense 83251  
allowances, hours, leaves of absence, and vacations of the 83252  
personnel of the division and shall fix the duties of the 83253  
personnel of the division. The duties of the personnel, in 83254  
addition to other statutory duties, include the handling, 83255  
servicing, and investigation of divorce, dissolution of marriage, 83256  
legal separation, and annulment cases, cases arising under Chapter 83257  
3111. of the Revised Code, and proceedings involving child 83258  
support, the allocation of parental rights and responsibilities 83259  
for the care of children and the designation for the children of a 83260  
place of residence and legal custodian, parenting time, and 83261  
visitation, and providing counseling and conciliation services 83262  
that the division makes available to persons, whether or not the 83263

persons are parties to an action pending in the division, who 83264  
request the services. 83265

(V) In Fairfield county, the judge of the court of common 83266  
pleas whose term begins January 2, 1995, and successors, shall 83267  
have the same qualifications, exercise the same powers and 83268  
jurisdiction, and receive the same compensation as the other 83269  
judges of the court of common pleas of Fairfield county and shall 83270  
be elected and designated as judge of the court of common pleas, 83271  
division of domestic relations. The judge shall be assigned all 83272  
divorce, dissolution of marriage, legal separation, and annulment 83273  
cases, all cases arising under Chapter 3111. of the Revised Code, 83274  
all proceedings involving child support, the allocation of 83275  
parental rights and responsibilities for the care of children and 83276  
the designation for the children of a place of residence and legal 83277  
custodian, parenting time, and visitation, and all post-decree 83278  
proceedings and matters arising from those cases and proceedings, 83279  
except in cases that for some special reason are assigned to 83280  
another judge of the court of common pleas. The judge also has 83281  
concurrent jurisdiction with the probate-juvenile division of the 83282  
court of common pleas of Fairfield county with respect to and may 83283  
hear cases to determine the custody of a child, as defined in 83284  
section 2151.011 of the Revised Code, who is not the ward of 83285  
another court of this state, cases that are commenced by a parent, 83286  
guardian, or custodian of a child, as defined in section 2151.011 83287  
of the Revised Code, to obtain an order requiring a parent of the 83288  
child to pay child support for that child when the request for 83289  
that order is not ancillary to an action for divorce, dissolution 83290  
of marriage, annulment, or legal separation, a criminal or civil 83291  
action involving an allegation of domestic violence, an action for 83292  
support under Chapter 3115. of the Revised Code, or an action that 83293  
is within the exclusive original jurisdiction of the 83294  
probate-juvenile division of the court of common pleas of 83295  
Fairfield county and that involves an allegation that the child is 83296

an abused, neglected, or dependent child, and post-decree 83297  
proceedings and matters arising from those types of cases. 83298

The judge of the domestic relations division shall be charged 83299  
with the assignment and division of the work of the division and 83300  
with the employment and supervision of the personnel of the 83301  
division. 83302

The judge shall designate the title, compensation, expense 83303  
allowances, hours, leaves of absence, and vacations of the 83304  
personnel of the division and shall fix the duties of the 83305  
personnel of the division. The duties of the personnel of the 83306  
division, in addition to other statutory duties, shall include the 83307  
handling, servicing, and investigation of divorce, dissolution of 83308  
marriage, legal separation, and annulment cases, cases arising 83309  
under Chapter 3111. of the Revised Code, and proceedings involving 83310  
child support, the allocation of parental rights and 83311  
responsibilities for the care of children and the designation for 83312  
the children of a place of residence and legal custodian, 83313  
parenting time, and visitation, and providing any counseling and 83314  
conciliation services that the division makes available to 83315  
persons, regardless of whether the persons are parties to an 83316  
action pending in the division, who request the services. When the 83317  
judge hears a case to determine the custody of a child, as defined 83318  
in section 2151.011 of the Revised Code, who is not the ward of 83319  
another court of this state or a case that is commenced by a 83320  
parent, guardian, or custodian of a child, as defined in section 83321  
2151.011 of the Revised Code, to obtain an order requiring a 83322  
parent of the child to pay child support for that child when the 83323  
request for that order is not ancillary to an action for divorce, 83324  
dissolution of marriage, annulment, or legal separation, a 83325  
criminal or civil action involving an allegation of domestic 83326  
violence, an action for support under Chapter 3115. of the Revised 83327  
Code, or an action that is within the exclusive original 83328

jurisdiction of the probate-juvenile division of the court of 83329  
common pleas of Fairfield county and that involves an allegation 83330  
that the child is an abused, neglected, or dependent child, the 83331  
duties of the personnel of the domestic relations division also 83332  
include the handling, servicing, and investigation of those types 83333  
of cases. 83334

(W)(1) In Clark county, the judge of the court of common 83335  
pleas whose term begins on January 2, 1995, and successors, shall 83336  
have the same qualifications, exercise the same powers and 83337  
jurisdiction, and receive the same compensation as other judges of 83338  
the court of common pleas of Clark county and shall be elected and 83339  
designated as judge of the court of common pleas, domestic 83340  
relations division. The judge shall have all the powers relating 83341  
to juvenile courts, and all cases under Chapters 2151. and 2152. 83342  
of the Revised Code and all parentage proceedings under Chapter 83343  
3111. of the Revised Code over which the juvenile court has 83344  
jurisdiction shall be assigned to the judge of the division of 83345  
domestic relations. All divorce, dissolution of marriage, legal 83346  
separation, annulment, uniform reciprocal support enforcement, and 83347  
other cases related to domestic relations shall be assigned to the 83348  
domestic relations division, and the presiding judge of the court 83349  
of common pleas shall assign the cases to the judge of the 83350  
domestic relations division and the judges of the general 83351  
division. 83352

(2) In addition to the judge's regular duties, the judge of 83353  
the division of domestic relations shall serve on the children 83354  
services board and the county advisory board. 83355

(3) If the judge of the court of common pleas of Clark 83356  
county, division of domestic relations, is sick, absent, or unable 83357  
to perform that judge's judicial duties or if the presiding judge 83358  
of the court of common pleas of Clark county determines that the 83359  
volume of cases pending in the division of domestic relations 83360

necessitates it, the duties of the judge of the division of 83361  
domestic relations shall be performed by the judges of the general 83362  
division or probate division of the court of common pleas of Clark 83363  
county, as assigned for that purpose by the presiding judge of 83364  
that court, and the judges so assigned shall act in conjunction 83365  
with the judge of the division of domestic relations of that 83366  
court. 83367

(X) In Scioto county, the judge of the court of common pleas 83368  
whose term begins January 2, 1995, and successors, shall have the 83369  
same qualifications, exercise the same powers and jurisdiction, 83370  
and receive the same compensation as other judges of the court of 83371  
common pleas of Scioto county and shall be elected and designated 83372  
as judge of the court of common pleas, division of domestic 83373  
relations. The judge shall be assigned all divorce, dissolution of 83374  
marriage, legal separation, and annulment cases, all cases arising 83375  
under Chapter 3111. of the Revised Code, all proceedings involving 83376  
child support, the allocation of parental rights and 83377  
responsibilities for the care of children and the designation for 83378  
the children of a place of residence and legal custodian, 83379  
parenting time, visitation, and all post-decree proceedings and 83380  
matters arising from those cases and proceedings, except in cases 83381  
that for some special reason are assigned to another judge of the 83382  
court of common pleas. The judge shall be charged with the 83383  
assignment and division of the work of the division and with the 83384  
employment and supervision of the personnel of the division. 83385

The judge shall designate the title, compensation, expense 83386  
allowances, hours, leaves of absence, and vacations of the 83387  
personnel of the division and shall fix the duties of the 83388  
personnel of the division. The duties of the personnel, in 83389  
addition to other statutory duties, include the handling, 83390  
servicing, and investigation of divorce, dissolution of marriage, 83391  
legal separation, and annulment cases, cases arising under Chapter 83392

3111. of the Revised Code, and proceedings involving child 83393  
support, the allocation of parental rights and responsibilities 83394  
for the care of children and the designation for the children of a 83395  
place of residence and legal custodian, parenting time, and 83396  
visitation, and providing counseling and conciliation services 83397  
that the division makes available to persons, whether or not the 83398  
persons are parties to an action pending in the division, who 83399  
request the services. 83400

(Y) In Auglaize county, the judge of the probate and juvenile 83401  
divisions of the Auglaize county court of common pleas also shall 83402  
be the administrative judge of the domestic relations division of 83403  
the court and shall be assigned all divorce, dissolution of 83404  
marriage, legal separation, and annulment cases coming before the 83405  
court. The judge shall have all powers as administrator of the 83406  
domestic relations division and shall have charge of the personnel 83407  
engaged in handling, servicing, or investigating divorce, 83408  
dissolution of marriage, legal separation, and annulment cases, 83409  
including any referees considered necessary for the discharge of 83410  
the judge's various duties. 83411

(Z)(1) In Marion county, the judge of the court of common 83412  
pleas whose term begins on February 9, 1999, and the successors to 83413  
that judge, shall have the same qualifications, exercise the same 83414  
powers and jurisdiction, and receive the same compensation as the 83415  
other judges of the court of common pleas of Marion county and 83416  
shall be elected and designated as judge of the court of common 83417  
pleas, domestic relations-juvenile-probate division. Except as 83418  
otherwise specified in this division, that judge, and the 83419  
successors to that judge, shall have all the powers relating to 83420  
juvenile courts, and all cases under Chapters 2151. and 2152. of 83421  
the Revised Code, all cases arising under Chapter 3111. of the 83422  
Revised Code, all divorce, dissolution of marriage, legal 83423  
separation, and annulment cases, all proceedings involving child 83424

support, the allocation of parental rights and responsibilities 83425  
for the care of children and the designation for the children of a 83426  
place of residence and legal custodian, parenting time, and 83427  
visitation, and all post-decree proceedings and matters arising 83428  
from those cases and proceedings shall be assigned to that judge 83429  
and the successors to that judge. Except as provided in division 83430  
(Z)(2) of this section and notwithstanding any other provision of 83431  
any section of the Revised Code, on and after February 9, 2003, 83432  
the judge of the court of common pleas of Marion county whose term 83433  
begins on February 9, 1999, and the successors to that judge, 83434  
shall have all the powers relating to the probate division of the 83435  
court of common pleas of Marion county in addition to the powers 83436  
previously specified in this division, and shall exercise 83437  
concurrent jurisdiction with the judge of the probate division of 83438  
that court over all matters that are within the jurisdiction of 83439  
the probate division of that court under Chapter 2101., and other 83440  
provisions, of the Revised Code in addition to the jurisdiction of 83441  
the domestic relations-juvenile-probate division of that court 83442  
otherwise specified in division (Z)(1) of this section. 83443

(2) The judge of the domestic relations-juvenile-probate 83444  
division of the court of common pleas of Marion county or the 83445  
judge of the probate division of the court of common pleas of 83446  
Marion county, whichever of those judges is senior in total length 83447  
of service on the court of common pleas of Marion county, 83448  
regardless of the division or divisions of service, shall serve as 83449  
the clerk of the probate division of the court of common pleas of 83450  
Marion county. 83451

(3) On and after February 9, 2003, all references in law to 83452  
"the probate court," "the probate judge," "the juvenile court," or 83453  
"the judge of the juvenile court" shall be construed, with respect 83454  
to Marion county, as being references to both "the probate 83455  
division" and "the domestic relations-juvenile-probate division" 83456

and as being references to both "the judge of the probate division" and "the judge of the domestic relations-juvenile-probate division." On and after February 9, 2003, all references in law to "the clerk of the probate court" shall be construed, with respect to Marion county, as being references to the judge who is serving pursuant to division (Z)(2) of this section as the clerk of the probate division of the court of common pleas of Marion county.

(AA) In Muskingum county, the judge of the court of common pleas whose term begins on January 2, 2003, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Muskingum county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases and all proceedings under the uniform interstate family support act contained in Chapter 3115. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge shall be assigned and hear all cases pertaining to paternity, visitation, child support, the allocation of parental rights and responsibilities for the care of children, and the designation for the children of a place of residence and legal custodian, and all post-decree proceedings arising from any case pertaining to any of those matters.

(BB) If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in this section is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by another judge of the court of common pleas of that

county, assigned for that purpose by the presiding judge of the 83489  
court of common pleas of that county to act in place of or in 83490  
conjunction with that judge, as the case may require. 83491

**Sec. 2743.191.** (A)(1) There is hereby created in the state 83492  
treasury the reparations fund, which shall be used only for the 83493  
following purposes: 83494

(a) The payment of awards of reparations that are granted by 83495  
the attorney general; 83496

(b) The compensation of any personnel needed by the attorney 83497  
general to administer sections 2743.51 to 2743.72 of the Revised 83498  
Code; 83499

(c) The compensation of witnesses as provided in division 83500  
~~(B)~~(J) of section 2743.65 of the Revised Code; 83501

(d) Other administrative costs of hearing and determining 83502  
claims for an award of reparations by the attorney general; 83503

(e) The costs of administering sections 2907.28 and 2969.01 83504  
to 2969.06 of the Revised Code; 83505

(f) The costs of investigation and decision-making as 83506  
certified by the attorney general; 83507

(g) The provision of state financial assistance to victim 83508  
assistance programs in accordance with sections 109.91 and 109.92 83509  
of the Revised Code; 83510

(h) The costs of paying the expenses of sex offense-related 83511  
examinations and antibiotics pursuant to section 2907.28 of the 83512  
Revised Code; 83513

(i) The cost of printing and distributing the pamphlet 83514  
prepared by the attorney general pursuant to section 109.42 of the 83515  
Revised Code; 83516

(j) Subject to division (D) of section 2743.71 of the Revised 83517

Code, the costs associated with the printing and providing of 83518  
information cards or other printed materials to law enforcement 83519  
agencies and prosecuting authorities and with publicizing the 83520  
availability of awards of reparations pursuant to section 2743.71 83521  
of the Revised Code; 83522

(k) The payment of costs of administering a DNA specimen 83523  
collection procedure pursuant to section 2152.74 of the Revised 83524  
Code in relation to any act identified in division (E)(1) to (5) 83525  
of that section and pursuant to section 2901.07 of the Revised 83526  
Code in relation to any act identified in division (E)(1) to (5) 83527  
of that section, of performing DNA analysis of those DNA 83528  
specimens, and of entering the resulting DNA records regarding 83529  
those analyses into the DNA database pursuant to section 109.573 83530  
of the Revised Code. 83531

(2) All costs paid pursuant to section 2743.70 of the Revised 83532  
Code, the portions of license reinstatement fees mandated by 83533  
division (F)(2)(b) of section 4511.191 of the Revised Code to be 83534  
credited to the fund, the portions of the proceeds of the sale of 83535  
a forfeited vehicle specified in division (C)(2) of section 83536  
4503.234 of the Revised Code, payments collected by the department 83537  
of rehabilitation and correction from prisoners who voluntarily 83538  
participate in an approved work and training program pursuant to 83539  
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 83540  
all moneys collected by the state pursuant to its right of 83541  
subrogation provided in section 2743.72 of the Revised Code shall 83542  
be deposited in the fund. 83543

(B) In making an award of reparations, the attorney general 83544  
shall render the award against the state. The award shall be 83545  
accomplished only through the following procedure, and the 83546  
following procedure may be enforced by writ of mandamus directed 83547  
to the appropriate official: 83548

(1) The attorney general shall provide for payment of the 83549

claimant or providers in the amount of the award only if the 83550  
amount of the award is fifty dollars or more. 83551

(2) The expense shall be charged against all available 83552  
unencumbered moneys in the fund. 83553

(3) If sufficient unencumbered moneys do not exist in the 83554  
fund, the attorney general shall make application for payment of 83555  
the award out of the emergency purposes account or any other 83556  
appropriation for emergencies or contingencies, and payment out of 83557  
this account or other appropriation shall be authorized if there 83558  
are sufficient moneys greater than the sum total of then pending 83559  
emergency purposes account requests or requests for releases from 83560  
the other appropriations. 83561

(4) If sufficient moneys do not exist in the account or any 83562  
other appropriation for emergencies or contingencies to pay the 83563  
award, the attorney general shall request the general assembly to 83564  
make an appropriation sufficient to pay the award, and no payment 83565  
shall be made until the appropriation has been made. The attorney 83566  
general shall make this appropriation request during the current 83567  
biennium and during each succeeding biennium until a sufficient 83568  
appropriation is made. If, prior to the time that an appropriation 83569  
is made by the general assembly pursuant to this division, the 83570  
fund has sufficient unencumbered funds to pay the award or part of 83571  
the award, the available funds shall be used to pay the award or 83572  
part of the award, and the appropriation request shall be amended 83573  
to request only sufficient funds to pay that part of the award 83574  
that is unpaid. 83575

(C) The attorney general shall not make payment on a decision 83576  
or order granting an award until all appeals have been determined 83577  
and all rights to appeal exhausted, except as otherwise provided 83578  
in this section. If any party to a claim for an award of 83579  
reparations appeals from only a portion of an award, and a 83580  
remaining portion provides for the payment of money by the state, 83581

that part of the award calling for the payment of money by the 83582  
state and not a subject of the appeal shall be processed for 83583  
payment as described in this section. 83584

(D) The attorney general shall prepare itemized bills for the 83585  
costs of printing and distributing the pamphlet the attorney 83586  
general prepares pursuant to section 109.42 of the Revised Code. 83587  
The itemized bills shall set forth the name and address of the 83588  
persons owed the amounts set forth in them. 83589

(E) As used in this section, "DNA analysis" and "DNA 83590  
specimen" have the same meanings as in section 109.573 of the 83591  
Revised Code. 83592

**Sec. 2743.51.** As used in sections 2743.51 to 2743.72 of the 83593  
Revised Code: 83594

(A) "Claimant" means both of the following categories of 83595  
persons: 83596

(1) Any of the following persons who claim an award of 83597  
reparations under sections 2743.51 to 2743.72 of the Revised Code: 83598

(a) A victim who was one of the following at the time of the 83599  
criminally injurious conduct: 83600

(i) A resident of the United States; 83601

(ii) A resident of a foreign country the laws of which permit 83602  
residents of this state to recover compensation as victims of 83603  
offenses committed in that country. 83604

(b) A dependent of a deceased victim who is described in 83605  
division (A)(1)(a) of this section; 83606

(c) A third person, other than a collateral source, who 83607  
legally assumes or voluntarily pays the obligations of a victim, 83608  
or of a dependent of a victim, who is described in division 83609  
(A)(1)(a) of this section, which obligations are incurred as a 83610

result of the criminally injurious conduct that is the subject of 83611  
the claim and may include, but are not limited to, medical or 83612  
burial expenses; 83613

(d) A person who is authorized to act on behalf of any person 83614  
who is described in division (A)(1)(a), (b), or (c) of this 83615  
section; 83616

(e) The estate of a deceased victim who is described in 83617  
division (A)(1)(a) of this section. 83618

(2) Any of the following persons who claim an award of 83619  
reparations under sections 2743.51 to 2743.72 of the Revised Code: 83620

(a) A victim who had a permanent place of residence within 83621  
this state at the time of the criminally injurious conduct and 83622  
who, at the time of the criminally injurious conduct, complied 83623  
with any one of the following: 83624

(i) Had a permanent place of employment in this state; 83625

(ii) Was a member of the regular armed forces of the United 83626  
States or of the United States coast guard or was a full-time 83627  
member of the Ohio organized militia or of the United States army 83628  
reserve, naval reserve, or air force reserve; 83629

(iii) Was retired and receiving social security or any other 83630  
retirement income; 83631

(iv) Was sixty years of age or older; 83632

(v) Was temporarily in another state for the purpose of 83633  
receiving medical treatment; 83634

(vi) Was temporarily in another state for the purpose of 83635  
performing employment-related duties required by an employer 83636  
located within this state as an express condition of employment or 83637  
employee benefits; 83638

(vii) Was temporarily in another state for the purpose of 83639  
receiving occupational, vocational, or other job-related training 83640

or instruction required by an employer located within this state 83641  
as an express condition of employment or employee benefits; 83642

(viii) Was a full-time student at an academic institution, 83643  
college, or university located in another state; 83644

(ix) Had not departed the geographical boundaries of this 83645  
state for a period exceeding thirty days or with the intention of 83646  
becoming a citizen of another state or establishing a permanent 83647  
place of residence in another state. 83648

(b) A dependent of a deceased victim who is described in 83649  
division (A)(2)(a) of this section; 83650

(c) A third person, other than a collateral source, who 83651  
legally assumes or voluntarily pays the obligations of a victim, 83652  
or of a dependent of a victim, who is described in division 83653  
(A)(2)(a) of this section, which obligations are incurred as a 83654  
result of the criminally injurious conduct that is the subject of 83655  
the claim and may include, but are not limited to, medical or 83656  
burial expenses; 83657

(d) A person who is authorized to act on behalf of any person 83658  
who is described in division (A)(2)(a), (b), or (c) of this 83659  
section; 83660

(e) The estate of a deceased victim who is described in 83661  
division (A)(2)(a) of this section. 83662

(B) "Collateral source" means a source of benefits or 83663  
advantages for economic loss otherwise reparable that the victim 83664  
or claimant has received, or that is readily available to the 83665  
victim or claimant, from any of the following sources: 83666

(1) The offender; 83667

(2) The government of the United States or any of its 83668  
agencies, a state or any of its political subdivisions, or an 83669  
instrumentality of two or more states, unless the law providing 83670

for the benefits or advantages makes them excess or secondary to	83671
benefits under sections 2743.51 to 2743.72 of the Revised Code;	83672
(3) Social security, medicare, and medicaid;	83673
(4) State-required, temporary, nonoccupational disability	83674
insurance;	83675
(5) Workers' compensation;	83676
(6) Wage continuation programs of any employer;	83677
(7) Proceeds of a contract of insurance payable to the victim	83678
for loss that the victim sustained because of the criminally	83679
injurious conduct;	83680
(8) A contract providing prepaid hospital and other health	83681
care services, or benefits for disability;	83682
(9) That portion of the proceeds of all contracts of	83683
insurance payable to the claimant on account of the death of the	83684
victim that exceeds fifty thousand dollars;	83685
(10) Any compensation recovered or recoverable under the laws	83686
of another state, district, territory, or foreign country because	83687
the victim was the victim of an offense committed in that state,	83688
district, territory, or country.	83689
"Collateral source" does not include any money, or the	83690
monetary value of any property, that is subject to sections	83691
2969.01 to 2969.06 of the Revised Code <u>or that is received as a</u>	83692
<u>benefit from the Ohio public safety officers death benefit fund</u>	83693
<u>created by section 742.62 of the Revised Code.</u>	83694
(C) "Criminally injurious conduct" means one of the	83695
following:	83696
(1) For the purposes of any person described in division	83697
(A)(1) of this section, any conduct that occurs or is attempted in	83698
this state; poses a substantial threat of personal injury or	83699
death; and is punishable by fine, imprisonment, or death, or would	83700

be so punishable but for the fact that the person engaging in the 83701  
conduct lacked capacity to commit the crime under the laws of this 83702  
state. Criminally injurious conduct does not include conduct 83703  
arising out of the ownership, maintenance, or use of a motor 83704  
vehicle, except when any of the following applies: 83705

(a) The person engaging in the conduct intended to cause 83706  
personal injury or death; 83707

(b) The person engaging in the conduct was using the vehicle 83708  
to flee immediately after committing a felony or an act that would 83709  
constitute a felony but for the fact that the person engaging in 83710  
the conduct lacked the capacity to commit the felony under the 83711  
laws of this state; 83712

(c) The person engaging in the conduct was using the vehicle 83713  
in a manner that constitutes an OVI violation; 83714

(d) The conduct occurred on or after July 25, 1990, and the 83715  
person engaging in the conduct was using the vehicle in a manner 83716  
that constitutes a violation of section 2903.08 of the Revised 83717  
Code. 83718

(2) For the purposes of any person described in division 83719  
(A)(2) of this section, any conduct that occurs or is attempted in 83720  
another state, district, territory, or foreign country; poses a 83721  
substantial threat of personal injury or death; and is punishable 83722  
by fine, imprisonment, or death, or would be so punishable but for 83723  
the fact that the person engaging in the conduct lacked capacity 83724  
to commit the crime under the laws of the state, district, 83725  
territory, or foreign country in which the conduct occurred or was 83726  
attempted. Criminally injurious conduct does not include conduct 83727  
arising out of the ownership, maintenance, or use of a motor 83728  
vehicle, except when any of the following applies: 83729

(a) The person engaging in the conduct intended to cause 83730  
personal injury or death; 83731

(b) The person engaging in the conduct was using the vehicle 83732  
to flee immediately after committing a felony or an act that would 83733  
constitute a felony but for the fact that the person engaging in 83734  
the conduct lacked the capacity to commit the felony under the 83735  
laws of the state, district, territory, or foreign country in 83736  
which the conduct occurred or was attempted; 83737

(c) The person engaging in the conduct was using the vehicle 83738  
in a manner that constitutes an OVI violation; 83739

(d) The conduct occurred on or after July 25, 1990, the 83740  
person engaging in the conduct was using the vehicle in a manner 83741  
that constitutes a violation of any law of the state, district, 83742  
territory, or foreign country in which the conduct occurred, and 83743  
that law is substantially similar to a violation of section 83744  
2903.08 of the Revised Code. 83745

(3) For the purposes of any person described in division 83746  
(A)(1) or (2) of this section, terrorism that occurs within or 83747  
outside the territorial jurisdiction of the United States. 83748

(D) "Dependent" means an individual wholly or partially 83749  
dependent upon the victim for care and support, and includes a 83750  
child of the victim born after the victim's death. 83751

(E) "Economic loss" means economic detriment consisting only 83752  
of allowable expense, work loss, funeral expense, unemployment 83753  
benefits loss, replacement services loss, cost of crime scene 83754  
cleanup, and cost of evidence replacement. If criminally injurious 83755  
conduct causes death, economic loss includes a dependent's 83756  
economic loss and a dependent's replacement services loss. 83757  
Noneconomic detriment is not economic loss; however, economic loss 83758  
may be caused by pain and suffering or physical impairment. 83759

(F)(1) "Allowable expense" means reasonable charges incurred 83760  
for reasonably needed products, services, and accommodations, 83761  
including those for medical care, rehabilitation, rehabilitative 83762

occupational training, and other remedial treatment and care and 83763  
including replacement costs for eyeglasses and other corrective 83764  
lenses. It does not include that portion of a charge for a room in 83765  
a hospital, clinic, convalescent home, nursing home, or any other 83766  
institution engaged in providing nursing care and related services 83767  
in excess of a reasonable and customary charge for semiprivate 83768  
accommodations, unless accommodations other than semiprivate 83769  
accommodations are medically required. 83770

(2) An immediate family member of a victim of criminally 83771  
injurious conduct that consists of a homicide, a sexual assault, 83772  
domestic violence, or a severe and permanent incapacitating injury 83773  
resulting in paraplegia or a similar life-altering condition, who 83774  
requires psychiatric care or counseling as a result of the 83775  
criminally injurious conduct, may be reimbursed for that care or 83776  
counseling as an allowable expense through the victim's 83777  
application. The cumulative allowable expense for care or 83778  
counseling of that nature shall not exceed two thousand five 83779  
hundred dollars for each immediate family member of a victim of 83780  
that type ~~shall not exceed two~~ and seven thousand five hundred 83781  
dollars in the aggregate for all immediate family members of a 83782  
victim of that type. 83783

(3) A family member of a victim who died as a proximate 83784  
result of criminally injurious conduct may be reimbursed as an 83785  
allowable expense through the victim's application for wages lost 83786  
and travel expenses incurred in order to attend criminal justice 83787  
proceedings arising from the criminally injurious conduct. The 83788  
cumulative allowable expense for wages lost and travel expenses 83789  
incurred by a family member to attend criminal justice proceedings 83790  
shall not exceed five hundred dollars for each family member of 83791  
the victim and two thousand dollars in the aggregate for all 83792  
family members of the victim. 83793

(4) "Allowable expense" includes attorney's fees not 83794

exceeding two thousand five hundred dollars, at a rate not 83795  
exceeding one hundred fifty dollars per hour, incurred to 83796  
successfully obtain a restraining order, custody order, or other 83797  
order to physically separate a victim from an offender, if the 83798  
attorney has not received payment under section 2743.65 of the 83799  
Revised Code for assisting a claimant with an application for an 83800  
award of reparations under sections 2743.51 to 2743.72 of the 83801  
Revised Code. 83802

(G) "Work loss" means loss of income from work that the 83803  
injured person would have performed if the person had not been 83804  
injured and expenses reasonably incurred by the person to obtain 83805  
services in lieu of those the person would have performed for 83806  
income, reduced by any income from substitute work actually 83807  
performed by the person, or by income the person would have earned 83808  
in available appropriate substitute work that the person was 83809  
capable of performing but unreasonably failed to undertake. 83810

(H) "Replacement services loss" means expenses reasonably 83811  
incurred in obtaining ordinary and necessary services in lieu of 83812  
those the injured person would have performed, not for income, but 83813  
for the benefit of the person's self or family, if the person had 83814  
not been injured. 83815

(I) "Dependent's economic loss" means loss after a victim's 83816  
death of contributions of things of economic value to the victim's 83817  
dependents, not including services they would have received from 83818  
the victim if the victim had not suffered the fatal injury, less 83819  
expenses of the dependents avoided by reason of the victim's 83820  
death. If a minor child of a victim is adopted after the victim's 83821  
death, the minor child continues after the adoption to incur a 83822  
dependent's economic loss as a result of the victim's death. If 83823  
the surviving spouse of a victim remarries, the surviving spouse 83824  
continues after the remarriage to incur a dependent's economic 83825  
loss as a result of the victim's death. 83826

(J) "Dependent's replacement services loss" means loss 83827  
reasonably incurred by dependents after a victim's death in 83828  
obtaining ordinary and necessary services in lieu of those the 83829  
victim would have performed for their benefit if the victim had 83830  
not suffered the fatal injury, less expenses of the dependents 83831  
avoided by reason of the victim's death and not subtracted in 83832  
calculating the dependent's economic loss. If a minor child of a 83833  
victim is adopted after the victim's death, the minor child 83834  
continues after the adoption to incur a dependent's replacement 83835  
services loss as a result of the victim's death. If the surviving 83836  
spouse of a victim remarries, the surviving spouse continues after 83837  
the remarriage to incur a dependent's replacement services loss as 83838  
a result of the victim's death. 83839

(K) "Noneconomic detriment" means pain, suffering, 83840  
inconvenience, physical impairment, or other nonpecuniary damage. 83841

(L) "Victim" means a person who suffers personal injury or 83842  
death as a result of any of the following: 83843

(1) Criminally injurious conduct; 83844

(2) The good faith effort of any person to prevent criminally 83845  
injurious conduct; 83846

(3) The good faith effort of any person to apprehend a person 83847  
suspected of engaging in criminally injurious conduct. 83848

(M) "Contributory misconduct" means any conduct of the 83849  
claimant or of the victim through whom the claimant claims an 83850  
award of reparations that is unlawful or intentionally tortious 83851  
and that, without regard to the conduct's proximity in time or 83852  
space to the criminally injurious conduct, has a causal 83853  
relationship to the criminally injurious conduct that is the basis 83854  
of the claim. 83855

(N)(1) "Funeral expense" means any reasonable charges that 83856  
are not in excess of five seven thousand five hundred dollars per 83857

funeral and that are incurred for expenses directly related to a 83858  
victim's funeral, cremation, or burial and any wages lost or 83859  
travel expenses incurred by a family member of a victim in order 83860  
to attend the victim's funeral, cremation, or burial. 83861

(2) An award for funeral expenses shall be applied first to 83862  
expenses directly related to the victim's funeral, cremation, or 83863  
burial. An award for wages lost or travel expenses incurred by a 83864  
family member of the victim shall not exceed five hundred dollars 83865  
for each family member and shall not exceed in the aggregate the 83866  
difference between seven thousand five hundred dollars and 83867  
expenses that are reimbursed by the program and that are directly 83868  
related to the victim's funeral, cremation, or burial. 83869

(O) "Unemployment benefits loss" means a loss of unemployment 83870  
benefits pursuant to Chapter 4141. of the Revised Code when the 83871  
loss arises solely from the inability of a victim to meet the able 83872  
to work, available for suitable work, or the actively seeking 83873  
suitable work requirements of division (A)(4)(a) of section 83874  
4141.29 of the Revised Code. 83875

(P) "OVI violation" means any of the following: 83876

(1) A violation of section 4511.19 of the Revised Code, of 83877  
any municipal ordinance prohibiting the operation of a vehicle 83878  
while under the influence of alcohol, a drug of abuse, or a 83879  
combination of them, or of any municipal ordinance prohibiting the 83880  
operation of a vehicle with a prohibited concentration of alcohol 83881  
in the whole blood, blood serum or plasma, breath, or urine; 83882

(2) A violation of division (A)(1) of section 2903.06 of the 83883  
Revised Code; 83884

(3) A violation of division (A)(2), (3), or (4) of section 83885  
2903.06 of the Revised Code or of a municipal ordinance 83886  
substantially similar to any of those divisions, if the offender 83887  
was under the influence of alcohol, a drug of abuse, or a 83888

combination of them, at the time of the commission of the offense; 83889

(4) For purposes of any person described in division (A)(2) 83890  
of this section, a violation of any law of the state, district, 83891  
territory, or foreign country in which the criminally injurious 83892  
conduct occurred, if that law is substantially similar to a 83893  
violation described in division (P)(1) or (2) of this section or 83894  
if that law is substantially similar to a violation described in 83895  
division (P)(3) of this section and the offender was under the 83896  
influence of alcohol, a drug of abuse, or a combination of them, 83897  
at the time of the commission of the offense. 83898

(Q) "Pendency of the claim" for an original reparations 83899  
application or supplemental reparations application means the 83900  
period of time from the date the criminally injurious conduct upon 83901  
which the application is based occurred until the date a final 83902  
decision, order, or judgment concerning that original reparations 83903  
application or supplemental reparations application is issued. 83904

(R) "Terrorism" means any activity to which all of the 83905  
following apply: 83906

(1) The activity involves a violent act or an act that is 83907  
dangerous to human life. 83908

(2) The act described in division (R)(1) of this section is 83909  
committed within the territorial jurisdiction of the United States 83910  
and is a violation of the criminal laws of the United States, this 83911  
state, or any other state or the act described in division (R)(1) 83912  
of this section is committed outside the territorial jurisdiction 83913  
of the United States and would be a violation of the criminal laws 83914  
of the United States, this state, or any other state if committed 83915  
within the territorial jurisdiction of the United States. 83916

(3) The activity appears to be intended to do any of the 83917  
following: 83918

(a) Intimidate or coerce a civilian population; 83919

(b) Influence the policy of any government by intimidation or coercion;	83920 83921
(c) Affect the conduct of any government by assassination or kidnapping.	83922 83923
(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum.	83924 83925 83926 83927 83928 83929 83930
(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States.	83931 83932 83933 83934
(T) "Cost of crime scene cleanup" means reasonable and necessary costs of cleaning the scene <u>and repairing, for the purpose of personal security, property damaged at the scene</u> where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim.	83935 83936 83937 83938 83939
(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim.	83940 83941 83942 83943
(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an allowable expense or a funeral expense.	83944 83945 83946
(W) "Immediate family member" means an individual <u>who resided in the same permanent household as a victim at the time of the criminally injurious conduct and who is related to a the victim</u> <del>within the first degree</del> by affinity or consanguinity.	83947 83948 83949 83950

(X) "Family member" means an individual who is related to a 83951  
victim by affinity or consanguinity. 83952

**Sec. 2929.38.** (A) A board of commissioners of a county, in an 83953  
agreement with the sheriff, a legislative authority of a municipal 83954  
corporation, a corrections commission, a judicial corrections 83955  
board, or any other public or private entity that operates a local 83956  
detention facility described in division (A) of section 2929.37 of 83957  
the Revised Code, may establish a policy that requires any 83958  
prisoner who is confined in the facility as a result of pleading 83959  
guilty to or having been convicted of an offense to pay a one-time 83960  
reception fee for the costs of processing the prisoner into the 83961  
facility at the time of the prisoner's initial entry into the 83962  
facility under the confinement in question, to pay a reasonable 83963  
fee for any medical or dental treatment or service requested by 83964  
and provided to that prisoner, and to pay the fee for a random 83965  
drug test assessed under division (E) of section 341.26, and 83966  
division (E) of section 753.33 of the Revised Code. The fee for 83967  
the medical treatment or service shall not exceed the actual cost 83968  
of the treatment or service provided. No prisoner confined in the 83969  
local detention facility shall be denied any necessary medical 83970  
care because of inability to pay the fees. 83971

(B) Upon assessment of a one-time reception fee as described 83972  
in division (A) of this section, the provision of the requested 83973  
medical treatment or service, or the assessment of a fee for a 83974  
random drug test, payment of the required fee may be automatically 83975  
deducted from the prisoner's inmate account in the business office 83976  
of the local detention facility in which the prisoner is confined. 83977  
If there is no money in the account, a deduction may be made at a 83978  
later date during the prisoner's confinement if the money becomes 83979  
available in the account. If, after release, the prisoner has an 83980  
unpaid balance of those fees, the sheriff, legislative authority 83981  
of the municipal corporation, corrections commission, judicial 83982

corrections board, or other entity that operates the local 83983  
detention facility described in division (A) of section 2929.37 of 83984  
the Revised Code may bill the prisoner for the payment of the 83985  
unpaid fees. Fees received for medical or dental treatment or 83986  
services shall be paid to the commissary fund, if one exists for 83987  
the facility, or if no commissary fund exists, to the general fund 83988  
of the treasury of the political subdivision that incurred the 83989  
expenses, in the same proportion as those expenses were borne by 83990  
the political subdivision. Fees received for medical treatment or 83991  
services that are placed in the commissary fund under this 83992  
division shall be used for the same purposes as profits from the 83993  
commissary fund, except that they shall not be used to pay any 83994  
salary or benefits of any person who works in or is employed for 83995  
the sole purpose of providing service to the commissary. 83996

(C) Any fee paid by a person under this section shall be 83997  
deducted from any medical or dental costs that the person is 83998  
ordered to reimburse under a financial sanction imposed pursuant 83999  
to section 2929.28 of the Revised Code or to repay under a policy 84000  
adopted under section 2929.37 of the Revised Code. 84001

(D) As used in this section, "inmate account" has the same 84002  
meaning as in section 2969.21 of the Revised Code. 84003

**Sec. 4506.14.** (A) Commercial driver's licenses shall expire 84004  
as follows: 84005

(1) Except as provided in division (A)(3) of this section, 84006  
each such license issued to replace an operator's or chauffeur's 84007  
license shall expire on the original expiration date of the 84008  
operator's or chauffeur's license and, upon renewal, shall expire 84009  
on the licensee's birthday in the fourth year after the date of 84010  
issuance. 84011

(2) Except as provided in division (A)(3) of this section, 84012  
each such license issued as an original license to a person whose 84013

residence is in this state shall expire on the licensee's birthday 84014  
in the fourth year after the date of issuance, and each such 84015  
license issued to a person whose temporary residence is in this 84016  
state shall expire in accordance with rules adopted by the 84017  
registrar of motor vehicles. A license issued to a person with a 84018  
temporary residence in this state is nonrenewable, but may be 84019  
replaced with a new license within ninety days prior to its 84020  
expiration upon the applicant's compliance with all applicable 84021  
requirements. 84022

(3) Each such license issued to replace the operator's or 84023  
chauffeur's license of a person who is less than twenty-one years 84024  
of age, and each such license issued as an original license to a 84025  
person who is less than twenty-one years of age, shall expire on 84026  
the licensee's twenty-first birthday. 84027

(B) No commercial driver's license shall be issued for a 84028  
period longer than four years and ninety days. Except as provided 84029  
in section 4507.12 of the Revised Code, the registrar may waive 84030  
the examination of any person applying for the renewal of a 84031  
commercial driver's license issued under this chapter, provided 84032  
that the applicant presents either an unexpired commercial 84033  
driver's license or a commercial driver's license that has expired 84034  
not more than six months prior to the date of application. 84035

(C) Subject to the requirements of this chapter and except as 84036  
provided in division (A)(2) of this section in regard to a person 84037  
whose temporary residence is in this state, every commercial 84038  
driver's license shall be renewable ninety days before its 84039  
expiration upon payment of the fees required by section 4506.08 of 84040  
the Revised Code. Each person applying for renewal of a commercial 84041  
driver's license shall complete the application form prescribed by 84042  
section 4506.07 of the Revised Code and shall provide all 84043  
certifications required. If the person wishes to retain an 84044  
endorsement authorizing the person to transport hazardous 84045

materials, the person shall take and successfully complete the 84046  
written test for the endorsement and shall submit to any 84047  
background check required by federal law. 84048

(D) Each person licensed as a driver under this chapter shall 84049  
notify the registrar of any change in the person's address within 84050  
ten days following that change. The notification shall be in 84051  
writing on a form provided by the registrar and shall include the 84052  
full name, date of birth, license number, county of residence, 84053  
social security number, and new address of the person. 84054

(E) Whoever violates division (D) of this section is guilty 84055  
of a minor misdemeanor. 84056

**Sec. 4506.15.** (A) No person shall do any of the following: 84057

(1) Drive a commercial motor vehicle while having a 84058  
measurable or detectable amount of alcohol or of a controlled 84059  
substance in the person's blood, breath, or urine; 84060

(2) Drive a commercial motor vehicle while having an alcohol 84061  
concentration of four-hundredths of one per cent or more; 84062

(3) Drive a commercial motor vehicle while under the 84063  
influence of a controlled substance; 84064

(4) Knowingly leave the scene of an accident involving a 84065  
commercial motor vehicle driven by the person; 84066

(5) Use a commercial motor vehicle in the commission of a 84067  
felony; 84068

(6) Refuse to submit to a test under section 4506.17 of the 84069  
Revised Code; 84070

(7) Violate an out-of-service order issued under this 84071  
chapter; 84072

(8) Violate any prohibition described in divisions (A)(2) to 84073  
(7) of this section while transporting hazardous materials; 84074

(9) Use a commercial motor vehicle in the commission of a 84075  
felony involving the manufacture, distribution, or dispensing of a 84076  
controlled substance as defined in section 3719.01 of the Revised 84077  
Code; 84078

(10) Drive a commercial motor vehicle in violation of any 84079  
provision of sections 4511.61 to 4511.63 of the Revised Code or 84080  
any federal or local law or ordinance pertaining to 84081  
railroad-highway grade crossings. 84082

(B) Whoever violates this section is guilty of a misdemeanor 84083  
of the first degree. 84084

**Sec. 4506.16.** (A) Whoever violates division (A)(1) of section 84085  
4506.15 of the Revised Code or a similar law of another state or a 84086  
foreign jurisdiction, immediately shall be placed out-of-service 84087  
for twenty-four hours, in addition to any disqualification 84088  
required by this section and any other penalty imposed by the 84089  
Revised Code. 84090

(B) The registrar of motor vehicles shall disqualify any 84091  
person from operating a commercial motor vehicle as follows: 84092

~~(1) Subject to division (B)(4) of this section, upon~~ Upon a 84093  
first conviction for a violation of any provision of divisions 84094  
(A)(2) to (7) of section 4506.15 of the Revised Code or a similar 84095  
law of another state or a foreign jurisdiction, one year, ~~in~~ 84096  
~~addition to any other penalty imposed by the Revised Code;~~ 84097

~~(2) Upon a first conviction for a violation of division~~ 84098  
~~(A)(8) of section 4506.15 of the Revised Code or a similar law of~~ 84099  
~~another state or a foreign jurisdiction, three years, in addition~~ 84100  
~~to any other penalty imposed by the Revised Code;~~ 84101

~~(3) Upon and upon~~ a second conviction for a violation of any 84102  
~~provision of divisions (A)(2) to (7) of section 4506.15 of the~~ 84103  
~~Revised Code or a similar law of another state or a foreign~~ 84104

~~jurisdiction, or any combination of such violations arising from 84105  
two or more separate incidents, the person shall be disqualified 84106  
for life or for any other period of time as determined by the 84107  
United States secretary of transportation and designated by the 84108  
director of public safety by rule, in addition to any other 84109  
penalty imposed by the Revised Code; 84110~~

~~(4)(2) Upon a first conviction for a violation of division 84111  
(A)(8) of section 4506.15 of the Revised Code or a similar law of 84112  
another state or a foreign jurisdiction, three years; 84113~~

~~(3) Upon conviction of a violation of division (A)(5)(9) of 84114  
section 4506.15 of the Revised Code or a similar law of another 84115  
state or a foreign jurisdiction in connection with the 84116  
manufacture, distribution, or dispensing of a controlled substance 84117  
or the possession with intent to manufacture, distribute, or 84118  
dispense a controlled substance, the person shall be disqualified 84119  
for life, in addition to any other penalty imposed by the Revised 84120  
Code; 84121~~

~~(4) Upon a first conviction for a violation of division 84122  
(A)(10) of section 4506.15 of the Revised Code or a similar law of 84123  
another state or a foreign jurisdiction, occurring in a three-year 84124  
period, the person shall be disqualified for not less than sixty 84125  
days, upon a second conviction occurring in the three-year period, 84126  
the person shall be disqualified for not less than one hundred 84127  
twenty days, and upon a subsequent conviction occurring within a 84128  
three-year period, the person shall be disqualified for not less 84129  
than one year; 84130~~

~~(5) Upon conviction of two serious traffic violations 84131  
involving the operation of a commercial motor vehicle by the 84132  
person and arising from separate incidents occurring in a 84133  
three-year period, the person shall be disqualified for sixty 84134  
days, in addition to any other penalty imposed by the Revised 84135  
Code; 84136~~

(6) Upon conviction of three serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days, ~~in addition to any other penalty imposed by the Revised Code.~~

(C) For the purposes of this section, conviction of a violation for which disqualification is required may be evidenced by any of the following:

(1) A judgment entry of a court of competent jurisdiction in this or any other state;

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;

(3) A computer record obtained from or through the commercial driver's license information system;

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.

(D) Any record described in division (C) of this section shall be deemed to be self-authenticating when it is received by the bureau of motor vehicles.

(E) When disqualifying a driver, the registrar shall cause the records of the bureau to be updated to reflect that action within ten days after it occurs.

(F) The registrar immediately shall notify a driver who is finally convicted of any offense described in section 4506.15 of the Revised Code or division (B)(~~3~~) (4), (5), or (6) of this section and thereby is subject to disqualification, of the offense or offenses involved, of the length of time for which disqualification is to be imposed, and that the driver may request

a hearing within thirty days of the mailing of the notice to show 84167  
cause why the driver should not be disqualified from operating a 84168  
commercial motor vehicle. If a request for such a hearing is not 84169  
made within thirty days of the mailing of the notice, the order of 84170  
disqualification is final. The registrar may designate hearing 84171  
examiners who, after affording all parties reasonable notice, 84172  
shall conduct a hearing to determine whether the disqualification 84173  
order is supported by reliable evidence. The registrar shall adopt 84174  
rules to implement this division. 84175

(G) Any person who is disqualified from operating a 84176  
commercial motor vehicle under this section may apply to the 84177  
registrar for a driver's license to operate a motor vehicle other 84178  
than a commercial motor vehicle, provided the person's commercial 84179  
driver's license is not otherwise suspended. A person whose 84180  
commercial driver's license is suspended shall not apply to the 84181  
registrar for or receive a driver's license under Chapter 4507. of 84182  
the Revised Code during the period of suspension. 84183

(H) The disqualifications imposed under this section are in 84184  
addition to any other penalty imposed by the Revised Code. 84185

**Sec. 4506.20.** (A) Each employer shall require every applicant 84186  
for employment as a driver of a commercial motor vehicle to 84187  
provide the information specified in section 4506.20 of the 84188  
Revised Code. 84189

(B) No employer shall knowingly permit or authorize any 84190  
driver employed by the employer to drive a commercial motor 84191  
vehicle during any period in which any of the following apply: 84192

(1) The driver's commercial driver's license is suspended, 84193  
revoked, or canceled by any state or a foreign jurisdiction; 84194

(2) The driver has lost the privilege to drive, or currently 84195  
is disqualified from driving, a commercial motor vehicle in any 84196

state or foreign jurisdiction;	84197
(3) The driver is subject to an out-of-service order in any state or foreign jurisdiction;	84198
(4) The driver has more than one driver's license.	84199
(C) <u>No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of section 4506.15 of the Revised Code.</u>	84200
(D)(1) Whoever violates <u>division (A) or (B) of this section</u> is guilty of a misdemeanor of the first degree.	84201
(2) <u>Whoever violates division (C) of this section may be assessed a fine not to exceed ten thousand dollars.</u>	84202
<b>Sec. 4511.33.</b> (A) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, or wherever within municipal corporations traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:	84203
(1) A vehicle or trackless trolley shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.	84204
(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle or trackless trolley shall not be driven in the center lane except when overtaking and passing another vehicle or trackless trolley where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle or trackless trolley is proceeding and is posted with signs to give notice of such	84205
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allocation. 84227

(3) Official signs may be erected directing specified traffic 84228  
to use a designated lane or designating those lanes to be used by 84229  
traffic moving in a particular direction regardless of the center 84230  
of the roadway, or restricting the use of a particular lane to 84231  
only buses during certain hours or during all hours, and drivers 84232  
of vehicles and trackless trolleys shall obey the directions of 84233  
such signs. 84234

(4) Official traffic control devices may be installed 84235  
prohibiting the changing of lanes on sections of roadway and 84236  
drivers of vehicles shall obey the directions of every such 84237  
device. 84238

(B) Except as otherwise provided in this division, whoever 84239  
violates this section is guilty of a minor misdemeanor. If, within 84240  
one year of the offense, the offender previously has been 84241  
convicted of or pleaded guilty to one predicate motor vehicle or 84242  
traffic offense, whoever violates this section is guilty of a 84243  
misdemeanor of the fourth degree. If, within one year of the 84244  
offense, the offender previously has been convicted of two or more 84245  
predicate motor vehicle or traffic offenses, whoever violates this 84246  
section is guilty of a misdemeanor of the third degree. 84247

**Sec. 4511.62.** (A)(1) Whenever any person driving a vehicle or 84248  
trackless trolley approaches a railroad grade crossing, the person 84249  
shall stop within fifty feet, but not less than fifteen feet from 84250  
the nearest rail of the railroad if any of the following 84251  
circumstances exist at the crossing: 84252

(a) A clearly visible electric or mechanical signal device 84253  
gives warning of the immediate approach of a train. 84254

(b) A crossing gate is lowered. 84255

(c) A flagperson gives or continues to give a signal of the 84256

approach or passage of a train. 84257

(d) There is insufficient space on the other side of the 84258  
railroad grade crossing to accommodate the vehicle or trackless 84259  
trolley the person is operating without obstructing the passage of 84260  
other vehicles, trackless trolleys, pedestrians, or railroad 84261  
trains, notwithstanding any traffic control signal indication to 84262  
proceed. 84263

(e) An approaching train is emitting an audible signal or is 84264  
plainly visible and is in hazardous proximity to the crossing. 84265

(f) There is insufficient undercarriage clearance to safely 84266  
negotiate the crossing. 84267

(2) A person who is driving a vehicle or trackless trolley 84268  
and who approaches a railroad grade crossing shall not proceed as 84269  
long as any of the circumstances described in divisions (A)(1)(a) 84270  
to ~~(e)~~(f) of this section exist at the crossing. 84271

(B) No person shall drive any vehicle through, around, or 84272  
under any crossing gate or barrier at a railroad crossing while 84273  
the gate or barrier is closed or is being opened or closed unless 84274  
the person is signaled by a law enforcement officer or flagperson 84275  
that it is permissible to do so. 84276

(C) Whoever violates this section is guilty of a misdemeanor 84277  
of the fourth degree. 84278

**Sec. 4511.63.** (A) The operator of ~~any motor vehicle or~~ 84279  
~~trackless trolley, carrying passengers, for hire, of any school~~ 84280  
~~bus, any vehicle described in division (C) of this section, or of~~ 84281  
~~any vehicle carrying explosives or flammable liquids as~~ 84282  
transporting a cargo or as such part of a cargo as material or 84283  
materials required to constitute a hazard be placarded under 49 84284  
C.F.R. Parts 100-185, before crossing at grade any track of a 84285  
railroad, shall stop the vehicle ~~or trackless trolley~~ and, while 84286

so stopped, shall listen through an open door or open window and 84287  
look in both directions along the track for any approaching train, 84288  
and for signals indicating the approach of a train, and shall 84289  
proceed only upon exercising due care after stopping, looking, and 84290  
listening as required by this section. Upon proceeding, the 84291  
operator of such a vehicle shall cross only in a gear that will 84292  
ensure there will be no necessity for changing gears while 84293  
traversing the crossing and shall not shift gears while crossing 84294  
the tracks. 84295

(B) This section does not apply at any ~~of the following:~~ 84296

~~(1) Street street railway grade crossings within a municipal 84297  
corporation, or to abandoned tracks, spur tracks, side tracks, and 84298  
industrial tracks when the public utilities commission has 84299  
authorized and approved the crossing of the tracks without making 84300  
the stop required by this section:~~ 84301

~~(2) Through June 30, 1995, a street railway grade crossing 84302  
where out of service signs are posted in accordance with section 84303  
4955.37 of the Revised Code. 84304~~

(C) This section applies to any vehicle used for the 84305  
transportation of pupils to and from a school or school-related 84306  
function if the vehicle is owned or operated by, or operated under 84307  
contract with, a public or nonpublic school. 84308

(D) For purposes of this section, "bus" means any vehicle 84309  
originally designed by its manufacturer to transport sixteen or 84310  
more passengers, including the driver, or carries sixteen or more 84311  
passengers, including the driver. 84312

(E) Except as otherwise provided in this division, whoever 84313  
violates this section is guilty of a minor misdemeanor. If the 84314  
offender previously has been convicted of or pleaded guilty to one 84315  
or more violations of this section or section 4511.76, 4511.761, 84316  
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 84317

municipal ordinance that is substantially similar to any of those 84318  
sections, whoever violates this section is guilty of a misdemeanor 84319  
of the fourth degree. 84320

**Sec. 4511.75.** (A) The driver of a vehicle, streetcar, or 84321  
trackless trolley upon meeting or overtaking from either direction 84322  
any school bus stopped for the purpose of receiving or discharging 84323  
any school child, person attending programs offered by community 84324  
boards of mental health and county boards of mental retardation 84325  
and developmental disabilities, or child attending a program 84326  
offered by a head start agency, shall stop at least ten feet from 84327  
the front or rear of the school bus and shall not proceed until 84328  
such school bus resumes motion, or until signaled by the school 84329  
bus driver to proceed. 84330

It is no defense to a charge under this division that the 84331  
school bus involved failed to display or be equipped with an 84332  
automatically extended stop warning sign as required by division 84333  
(B) of this section. 84334

(B) Every school bus shall be equipped with amber and red 84335  
visual signals meeting the requirements of section 4511.771 of the 84336  
Revised Code, and an automatically extended stop warning sign of a 84337  
type approved by the state board of education, which shall be 84338  
actuated by the driver of the bus whenever but only whenever the 84339  
bus is stopped or stopping on the roadway for the purpose of 84340  
receiving or discharging school children, persons attending 84341  
programs offered by community boards of mental health and county 84342  
boards of mental retardation and developmental disabilities, or 84343  
children attending programs offered by head start agencies. A 84344  
school bus driver shall not actuate the visual signals or the stop 84345  
warning sign in designated school bus loading areas where the bus 84346  
is entirely off the roadway or at school buildings when children 84347  
or persons attending programs offered by community boards of 84348

mental health and county boards of mental retardation and 84349  
developmental disabilities are loading or unloading at curbside or 84350  
at buildings when children attending programs offered by head 84351  
start agencies are loading or unloading at curbside. The visual 84352  
signals and stop warning sign shall be synchronized or otherwise 84353  
operated as required by rule of the board. 84354

(C) Where a highway has been divided into four or more 84355  
traffic lanes, a driver of a vehicle, streetcar, or trackless 84356  
trolley need not stop for a school bus approaching from the 84357  
opposite direction which has stopped for the purpose of receiving 84358  
or discharging any school child, persons attending programs 84359  
offered by community boards of mental health and county boards of 84360  
mental retardation and developmental disabilities, or children 84361  
attending programs offered by head start agencies. The driver of 84362  
any vehicle, streetcar, or trackless trolley overtaking the school 84363  
bus shall comply with division (A) of this section. 84364

(D) School buses operating on divided highways or on highways 84365  
with four or more traffic lanes shall receive and discharge all 84366  
school children, persons attending programs offered by community 84367  
boards of mental health and county boards of mental retardation 84368  
and developmental disabilities, and children attending programs 84369  
offered by head start agencies on their residence side of the 84370  
highway. 84371

(E) No school bus driver shall start the driver's bus until 84372  
after any child, person attending programs offered by community 84373  
boards of mental health and county boards of mental retardation 84374  
and developmental disabilities, or child attending a program 84375  
offered by a head start agency who may have alighted therefrom has 84376  
reached a place of safety on the child's or person's residence 84377  
side of the road. 84378

(F)(1) Whoever violates division (A) of this section may be 84379  
fined an amount not to exceed five hundred dollars. A person who 84380

is issued a citation for a violation of division (A) of this 84381  
section is not permitted to enter a written plea of guilty and 84382  
waive the person's right to contest the citation in a trial but 84383  
instead must appear in person in the proper court to answer the 84384  
charge. 84385

(2) In addition to and independent of any other penalty 84386  
provided by law, the court or mayor may impose upon an offender 84387  
who violates this section a class seven suspension of the 84388  
offender's driver's license, commercial driver's license, 84389  
temporary instruction permit, probationary license, or nonresident 84390  
operating privilege from the range specified in division (A)(7) of 84391  
section 4510.02 of the Revised Code. When a license is suspended 84392  
under this section, the court or mayor shall cause the offender to 84393  
deliver the license to the court, and the court or clerk of the 84394  
court immediately shall forward the license to the registrar of 84395  
motor vehicles, together with notice of the court's action. 84396

(G) As used in this section: 84397

(1) "Head start agency" has the same meaning as in ~~division~~ 84398  
~~(A)(1)~~ of section 3301.31 of the Revised Code. 84399

(2) "School bus," as used in relation to children who attend 84400  
a program offered by a head start agency, means a bus that is 84401  
owned and operated by a head start agency, is equipped with an 84402  
automatically extended stop warning sign of a type approved by the 84403  
state board of education, is painted the color and displays the 84404  
markings described in section 4511.77 of the Revised Code, and is 84405  
equipped with amber and red visual signals meeting the 84406  
requirements of section 4511.771 of the Revised Code, irrespective 84407  
of whether or not the bus has fifteen or more children aboard at 84408  
any time. "School bus" does not include a van owned and operated 84409  
by a head start agency, irrespective of its color, lights, or 84410  
markings. 84411

**Section 3.14.** That the existing versions of sections 307.93, 84412  
2152.19, 2301.02, 2301.03, 2743.191, 2743.51, 2929.38, 4506.14, 84413  
4506.15, 4506.16, 4506.20, 4511.33, 4511.62, 4511.63, and 4511.75 84414  
of the Revised Code that are scheduled to take effect January 1, 84415  
2004, are hereby repealed. 84416

**Section 3.15.** Sections 3.13 and 3.14 of this act take effect 84417  
January 1, 2004, except section 4511.75 of the Revised Code, as 84418  
amended in those sections of this act, takes effect July 1, 2004. 84419  
The amendment of section 4511.75 of the Revised Code by those 84420  
sections of this act is not intended to supersede the amendment of 84421  
the version of section 4511.75 of the Revised Code that is 84422  
scheduled to take effect January 1, 2004. 84423

**Section 3.16.** That the version of section 5739.033 of the 84424  
Revised Code as it results from Am. Sub. S.B. 143 of the 124th 84425  
General Assembly, as amended by H.B. 675 of the 124th General 84426  
Assembly, be amended to read as follows: 84427

**Sec. 5739.033.** The amount of tax due pursuant to sections 84428  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 84429  
the sum of the taxes imposed pursuant to those sections at the 84430  
situs sourcing location of the sale as determined under this 84431  
section or, if applicable, under division (C) of section 5739.031 84432  
or section 5739.034 of the Revised Code. This section applies only 84433  
to a vendor's or seller's obligation to collect and remit sales 84434  
taxes under section 5739.02, 5739.021, 5739.023, or 5739.026 of 84435  
the Revised Code or use taxes under section 5741.02, 5741.021, 84436  
5741.022, or 5741.023 of the Revised Code. This section does not 84437  
affect the obligation of a consumer to remit use taxes on the 84438  
storage, use, or other consumption of tangible personal property 84439  
or on the benefit realized of any service provided, to the 84440  
jurisdiction of that storage, use, or consumption, or benefit 84441

realized. 84442

(A) Except for sales, other than leases, of titled motor 84443  
vehicles, titled watercraft, or titled outboard motors as provided 84444  
in section 5741.05 of the Revised Code, or as otherwise provided 84445  
in this section and section 5739.034 of the Revised Code, ~~the~~ 84446  
~~situs of all sales is the vendor's place of business.~~ shall be 84447  
sourced as follows: 84448

(1) If the consumer or ~~the consumer's~~ a donee designated by 84449  
the consumer receives tangible personal property or a service at a 84450  
vendor's place of business ~~of the vendor, the situs of the sale is~~ 84451  
shall be sourced to that place of business. 84452

(2) When the tangible personal property or service is not 84453  
received at a vendor's place of business, ~~the situs of the sale is~~ 84454  
shall be sourced to the location known to the vendor where the 84455  
consumer or a the donee designated by the consumer receives the 84456  
tangible personal property or service, including the location 84457  
indicated by instructions for delivery to the consumer or the 84458  
consumer's donee, ~~known to the vendor.~~ 84459

(3) If divisions (A)(1) and (2) of this section do not apply, 84460  
~~the situs of the sale is~~ shall be sourced to the location 84461  
indicated by an address for the consumer that is available from 84462  
the vendor's business records ~~of the vendor~~ that are maintained in 84463  
the ordinary course of the vendor's business, when use of that 84464  
address does not constitute bad faith. 84465

(4) If divisions (A)(1), (2), and (3) of this section do not 84466  
apply, ~~the situs of the sale is~~ shall be sourced to the location 84467  
indicated by an address for the consumer obtained during the 84468  
consummation of the sale, including the address associated with 84469  
the consumer's payment instrument, if no other address is 84470  
available, when use of that address does not constitute bad faith. 84471

(5) If divisions (A)(1), (2), (3), and (4) of this section do 84472

not apply, including in the circumstance where the vendor is 84473  
without sufficient information to apply any of those divisions, 84474  
~~the situs of the sale is~~ shall be sourced to the address from 84475  
which tangible personal property was shipped, or from which the 84476  
service was provided, disregarding any location that merely 84477  
provided the electronic transfer of the property sold or service 84478  
provided. 84479

(6) As used in division (A) of this section, "receive" means 84480  
taking possession of tangible personal property or making first 84481  
use of a service. "Receive" does not include possession by a 84482  
shipping company on behalf of a consumer. 84483

(B)(1) Notwithstanding divisions (A)(1) to (5) of this 84484  
section, a ~~manufacturer or other~~ consumer that is not a holder of 84485  
a direct payment permit granted under section 5739.031 of the 84486  
Revised Code, that purchases ~~tangible personal property~~ computer 84487  
software delivered electronically or a service for use in 84488  
business, and that knows at the time of purchase that ~~the property~~ 84489  
such software or service will be concurrently available for use in 84490  
more than one taxing jurisdiction shall deliver to the vendor in 84491  
conjunction with its purchase a multiple points of use exemption 84492  
form prescribed by the tax commissioner disclosing this fact. On 84493  
receipt of the multiple points of use exemption form, the vendor 84494  
is relieved of its obligation to collect, pay, or remit the tax 84495  
due, and the consumer must ~~collect, pay, or remit~~ the tax directly 84496  
to the state. 84497

(2) A consumer that delivers such form to a vendor may use 84498  
any reasonable, consistent, and uniform method of apportioning the 84499  
tax due on the ~~tangible personal property~~ computer software 84500  
delivered electronically or service for use in business that is 84501  
supported by the consumer's business records as they existed at 84502  
the time of the sale. 84503

(3) The multiple points of use exemption form shall remain in 84504

effect for all future sales by the vendor to the consumer until it 84505  
is revoked in writing by the consumer, except as to the consumer's 84506  
specific apportionment of a subsequent sale under division (B)(2) 84507  
of this section and the facts existing at the time of the sale. 84508

(C) A person who holds a direct payment permit issued under 84509  
section 5739.031 of the Revised Code is not required to deliver a 84510  
multiple points of use exemption form to a vendor. But such permit 84511  
holder shall comply with division (B)(2) of this section in 84512  
apportioning the tax due on ~~tangible personal property~~ computer 84513  
software delivered electronically or a service used in business 84514  
that will be concurrently available for use in more than one 84515  
taxing jurisdiction. 84516

(D) ~~Except as provided in division (F) of this section:~~ 84517

~~(1) If the vendor provides a service specified in division 84518  
(B)(3)(f) or (i) of section 5739.01 of the Revised Code, the situs 84519  
of the sale is the location of the telephone number or account as 84520  
reflected in the records of the vendor. 84521~~

~~(2) In the case of a telecommunications service, if the 84522  
telephone number or account is located outside this state, the 84523  
situs of the sale is the location in this state from which the 84524  
service originated (1) Notwithstanding divisions (A)(1) to (5) of 84525  
this section, the purchaser of direct mail that is not a holder of 84526  
a direct payment permit shall provide to the vendor in conjunction 84527  
with the purchase either a direct mail form prescribed by the tax 84528  
commissioner, or information to show the jurisdictions to which 84529  
the direct mail is delivered to recipients. 84530~~

(2) Upon receipt of a direct mail form, the vendor is 84531  
relieved of all obligations to collect, pay, or remit the 84532  
applicable tax and the purchaser is obligated to pay that tax on a 84533  
direct pay basis. A direct mail form shall remain in effect for 84534  
all future sales of direct mail by the vendor to the purchaser 84535

until it is revoked in writing. 84536

(3) Upon receipt of information from the purchaser showing 84537  
the jurisdictions to which the direct mail is delivered to 84538  
recipients, the vendor shall collect the tax according to the 84539  
delivery information provided by the purchaser. In the absence of 84540  
bad faith, the vendor is relieved of any further obligation to 84541  
collect tax on any transaction where the vendor has collected tax 84542  
pursuant to the delivery information provided by the purchaser. 84543

(4) If the purchaser of direct mail does not have a direct 84544  
payment permit and does not provide the vendor with either a 84545  
direct mail form or delivery information as required by division 84546  
(D)(1) of this section, the vendor shall collect the tax according 84547  
to division (A)(5) of this section. Nothing in division (D)(4) of 84548  
this section shall limit a purchaser's obligation to pay sales or 84549  
use tax to any state to which the direct mail is delivered. 84550

(5) If a purchaser of direct mail provides the vendor with 84551  
documentation of direct payment authority, the purchaser shall not 84552  
be required to provide a direct mail form or delivery information 84553  
to the vendor. 84554

(E) If the vendor provides lodging to transient guests as 84555  
specified in division (B)(2) of section 5739.01 of the Revised 84556  
Code, ~~the situs of the sale is~~ shall be sourced to the location 84557  
where the lodging is located. 84558

~~(F) Except as otherwise provided in this division, if the~~ 84559  
~~vendor sells a prepaid authorization number or a prepaid telephone~~ 84560  
~~ealling card, the situs of the sale is the vendor's place of~~ 84561  
~~business and shall be taxed at the time of sale. If the vendor~~ 84562  
~~sells a prepaid authorization number or prepaid telephone calling~~ 84563  
~~eard through a telephone call, electronic commerce, or any other~~ 84564  
~~form of remote commerce, the situs of the sale is the consumer's~~ 84565  
~~shipping address, or, if there is no item shipped, at the~~ 84566

consumer's billing address (1) As used in this division and 84567  
division (G) of this section, "transportation equipment" means any 84568  
of the following: 84569

(a) Locomotives and railcars that are utilized for the 84570  
carriage of persons or property in interstate commerce. 84571

(b) Trucks and truck-tractors with a gross vehicle weight 84572  
rating of greater than ten thousand pounds, trailers, 84573  
semi-trailers, or passenger buses that are registered through the 84574  
international registration plan and are operated under authority 84575  
of a carrier authorized and certificated by the United States 84576  
department of transportation or another federal authority to 84577  
engage in the carriage of persons or property in interstate 84578  
commerce. 84579

(c) Aircraft that are operated by air carriers authorized and 84580  
certificated by the United States department of transportation or 84581  
another federal authority to engage in the carriage of persons or 84582  
property in interstate or foreign commerce. 84583

(d) Containers designed for use on and component parts 84584  
attached to or secured on the items set forth in division 84585  
(F)(1)(a), (b), or (c) of this section. 84586

(2) A sale, lease, or rental of transportation equipment 84587  
shall be sourced pursuant to division (A) of this section. 84588

(G)(1) A lease or rental of tangible personal property that 84589  
does not require recurring periodic payments shall be sourced 84590  
pursuant to division (A) of this section. 84591

(2) A lease or rental of tangible personal property that 84592  
requires recurring periodic payments shall be sourced as follows: 84593

(a) In the case of a motor vehicle, other than a motor 84594  
vehicle that is transportation equipment, such lease or rental 84595  
shall be sourced to the primary property location as follows: 84596

(i) For a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code, the primary property location is the address of the lessee or renter used for titling the motor vehicle pursuant to section 4505.06 of the Revised Code at the time the lease or rental is consummated. 84597  
84598  
84599  
84600  
84601

(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the primary property location for each lease or rental installment is the primary property location for the period covered by the installment. 84602  
84603  
84604  
84605

(b) In the case of an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced to the primary property location as follows: 84606  
84607  
84608

(i) For a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code, the primary property location is the primary property location at the time the lease or rental is consummated. 84609  
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84611  
84612

(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the primary property location for each lease or rental installment is the primary property location for the period covered by the installment. 84613  
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84615  
84616

(c) In the case of a watercraft or an outboard motor required to be titled in this state pursuant to Chapter 1548. of the Revised Code, such lease or rental shall be sourced to the primary property location as follows: 84617  
84618  
84619  
84620

(i) For a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code, the primary property location is the address of the lessee or renter shown on the title. 84621  
84622  
84623  
84624

(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the primary property location for the initial lease or rental installment is the 84625  
84626  
84627

address of the lessee or renter shown on the title. For each 84628  
subsequent installment, the primary property location is the 84629  
primary property location for the period covered by the 84630  
installment. 84631

(d) In the case of a lease or rental of all other tangible 84632  
personal property, other than transportation equipment, such lease 84633  
or rental shall be sourced as follows: 84634

(i) For a lease or rental that is taxed pursuant to division 84635  
(A)(2) of section 5739.02 of the Revised Code, the lease or rental 84636  
shall be sourced pursuant to division (A) of this section at the 84637  
time the lease or rental is consummated. 84638

(ii) For a lease or rental that is taxed pursuant to division 84639  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 84640  
or rental installment shall be sourced pursuant to division (A) of 84641  
this section. Each subsequent installment shall be sourced to the 84642  
primary property location for the period covered by the 84643  
installment. 84644

(3) As used in division (G) of this section, "primary 84645  
property location" means an address for tangible personal property 84646  
provided by the lessee or renter that is available to the lessor 84647  
or owner from its records maintained in the ordinary course of 84648  
business, when use of that address does not constitute bad faith. 84649

**Section 3.17.** That the existing version of section 5739.033 84650  
of the Revised Code as it results from Am. Sub. S.B. 143 of the 84651  
124th General Assembly, as amended by H.B. 675 of the 124th 84652  
General Assembly, is hereby repealed. 84653

**Section 3.18.** The amendments in Sections 3.16 and 3.17 of 84654  
this act provide for or are essential to the implementation of a 84655  
tax levy. Therefore, under Ohio Constitution, Article II, Section 84656  
1d, those Sections are not subject to the referendum and go into 84657

effect January 1, 2004. 84658

**Section 3.19.** Section 4723.063 of the Revised Code is hereby 84659  
repealed, effective December 31, 2013. 84660

**Section 3.20.** That the version of section 5101.28 of the 84661  
Revised Code that is scheduled to take effect January 1, 2004, be 84662  
amended to read as follows: 84663

**Sec. 5101.28.** (A) ~~The department of job and family services~~ 84664  
~~shall enter into written agreements with law enforcement agencies~~ 84665  
~~to exchange, obtain, or share~~ (1) On request of the department of 84666  
job and family services or a county agency, a law enforcement 84667  
agency shall provide information regarding public assistance 84668  
recipients to enable the department, ~~or county agencies, and law~~ 84669  
~~enforcement agencies~~ agency to determine, for eligibility 84670  
purposes, whether a recipient or a member of a recipient's 84671  
assistance group is ~~either of the following:~~ 84672

~~(1) A a fugitive felon;~~ 84673

~~(2) Violating felon or violating~~ a condition of probation, a 84674  
community control sanction, parole, or a post-release control 84675  
sanction imposed under state or federal law. 84676

(2) A county agency may enter into a written agreement with a 84677  
local law enforcement agency establishing procedures concerning 84678  
access to information and providing for compliance with division 84679  
(F) of this section. 84680

(B) ~~The~~ To the extent permitted by federal law, the 84681  
department and county agencies shall provide information, except 84682  
information directly related to the receipt of medical assistance 84683  
or medical services, regarding recipients of public assistance 84684  
under a program administered by the state department or a county 84685  
agency pursuant to Chapter 5107., 5108., or 5115. of the Revised 84686

Code to law enforcement agencies on request for the purposes of 84687  
investigations, prosecutions, and criminal and civil proceedings 84688  
that are within the scope of the law enforcement agencies' 84689  
official duties. 84690

(C) Information about a recipient shall be exchanged, 84691  
obtained, or shared only if the department, county agency, or law 84692  
enforcement agency requesting the information gives sufficient 84693  
information to specifically identify the recipient. In addition to 84694  
the recipient's name, identifying information may include the 84695  
recipient's current or last known address, social security number, 84696  
other identifying number, age, gender, physical characteristics, 84697  
any information specified in an agreement entered into under 84698  
division (A) of this section, or any information considered 84699  
appropriate by the department or agency. 84700

(D)(1) The department and its officers and employees are not 84701  
liable in damages in a civil action for any injury, death, or loss 84702  
to person or property that allegedly arises from the release of 84703  
information in accordance with divisions (A), (B), and (C) of this 84704  
section. This section does not affect any immunity or defense that 84705  
the department and its officers and employees may be entitled to 84706  
under another section of the Revised Code or the common law of 84707  
this state, including section 9.86 of the Revised Code. 84708

(2) The county agencies and their employees are not liable in 84709  
damages in a civil action for any injury, death, or loss to person 84710  
or property that allegedly arises from the release of information 84711  
in accordance with divisions (A), (B), and (C) of this section. 84712  
"Employee" has the same meaning as in division (B) of section 84713  
2744.01 of the Revised Code. This section does not affect any 84714  
immunity or defense that the county agencies and their employees 84715  
may be entitled to under another section of the Revised Code or 84716  
the common law of this state, including section 2744.02 and 84717  
division (A)(6) of section 2744.03 of the Revised Code. 84718

(E) To the extent permitted by federal law, the department 84719  
and county agencies shall provide access to information to the 84720  
auditor of state acting pursuant to Chapter 117. or sections 84721  
5101.181 and 5101.182 of the Revised Code and to any other 84722  
government entity authorized by ~~or~~ federal law to conduct an audit 84723  
of or similar activity involving a public assistance program. 84724

(F) The auditor of state shall prepare an annual report on 84725  
the outcome of the agreements required under division (A) of this 84726  
section. The report shall include the number of fugitive felons, 84727  
probation and parole violators, and violators of community control 84728  
sanctions and post-release control sanctions apprehended during 84729  
the immediately preceding year as a result of the exchange of 84730  
information pursuant to that division. The auditor of state shall 84731  
file the report with the governor, the president and minority 84732  
leader of the senate, and the speaker and minority leader of the 84733  
house of representatives. The state department, county agencies, 84734  
and law enforcement agencies shall cooperate with the auditor of 84735  
state's office in gathering the information required under this 84736  
division. 84737

(G) To the extent permitted by federal law, the department of 84738  
job and family services, county departments of job and family 84739  
services, and employees of the departments may report to a public 84740  
children services agency or other appropriate agency information 84741  
on known or suspected physical or mental injury, sexual abuse or 84742  
exploitation, or negligent treatment or maltreatment, of a child 84743  
receiving public assistance, if circumstances indicate that the 84744  
child's health or welfare is threatened. 84745

(H) As used in this section: 84746

(1) "Community control sanction" has the same meaning as in 84747  
section 2929.01 of the Revised Code. 84748

(2) "Post-release control sanction" has the same meaning as 84749

in section 2967.01 of the Revised Code. 84750

**Section 3.21.** That the existing version of section 5101.28 of 84751  
the Revised Code that is scheduled to take effect January 1, 2004, 84752  
is hereby repealed. 84753

**Section 3.22.** Sections 3.20 and 3.21 of this act shall take 84754  
effect January 1, 2004. 84755

**Section 3.23.** That the version of section 5743.45 of the 84756  
Revised Code that is scheduled to take effect January 1, 2004, be 84757  
amended to read as follows: 84758

**Sec. 5743.45.** (A) As used in this section, "felony" has the 84759  
same meaning as in section 109.511 of the Revised Code. 84760

(B) For purposes of enforcing this chapter and Chapters 84761  
5728., 5735., 5739., 5741., and 5747. of the Revised Code and 84762  
subject to division (C) of this section, the tax commissioner, by 84763  
journal entry, may delegate any investigation powers of the 84764  
commissioner to an employee of the department of taxation who has 84765  
been certified by the Ohio peace officer training commission and 84766  
who is engaged in the enforcement of those chapters. A separate 84767  
journal entry shall be entered for each employee to whom that 84768  
power is delegated. Each journal entry shall be a matter of public 84769  
record and shall be maintained in an administrative portion of the 84770  
journal as provided for in division (L) of section 5703.05 of the 84771  
Revised Code. When that journal entry is completed, the employee 84772  
to whom it pertains, while engaged within the scope of the 84773  
employee's duties in enforcing the provisions of this chapter or 84774  
Chapter 5728., 5735., 5739., 5741., or 5747. of the Revised Code, 84775  
has the power of a police officer to carry concealed weapons, make 84776  
arrests, and obtain warrants for violations of any provision in 84777  
those chapters. The commissioner, at any time, may suspend or 84778

revoke the commissioner's delegation by journal entry. No employee 84779  
of the department shall divulge any information acquired as a 84780  
result of an investigation pursuant to this chapter or Chapter 84781  
5728., 5735., 5739., 5741., or 5747. of the Revised Code, except 84782  
as may be required by the commissioner or a court. 84783

(C)(1) The tax commissioner shall not delegate any 84784  
investigation powers to an employee of the department of taxation 84785  
pursuant to division (B) of this section on a permanent basis, on 84786  
a temporary basis, for a probationary term, or on other than a 84787  
permanent basis if the employee previously has been convicted of 84788  
or has pleaded guilty to a felony. 84789

(2)(a) The tax commissioner shall revoke the delegation of 84790  
investigation powers to an employee to whom the delegation was 84791  
made pursuant to division (B) of this section if that employee 84792  
does either of the following: 84793

(i) Pleads guilty to a felony; 84794

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 84795  
plea agreement as provided in division (D) of section 2929.43 of 84796  
the Revised Code in which the employee agrees to surrender the 84797  
certificate awarded to that employee under section 109.77 of the 84798  
Revised Code. 84799

(b) The tax commissioner shall suspend the delegation of 84800  
investigation powers to an employee to whom the delegation was 84801  
made pursuant to division (B) of this section if that employee is 84802  
convicted, after trial, of a felony. If the employee files an 84803  
appeal from that conviction and the conviction is upheld by the 84804  
highest court to which the appeal is taken or if the employee does 84805  
not file a timely appeal, the commissioner shall revoke the 84806  
delegation of investigation powers to that employee. If the 84807  
employee files an appeal that results in that employee's acquittal 84808  
of the felony or conviction of a misdemeanor, or in the dismissal 84809

of the felony charge against that employee, the commissioner shall 84810  
reinstate the delegation of investigation powers to that employee. 84811  
The suspension, revocation, and reinstatement of the delegation of 84812  
investigation powers to an employee under division (C)(2) of this 84813  
section shall be made by journal entry pursuant to division (B) of 84814  
this section. An employee to whom the delegation of investigation 84815  
powers is reinstated under division (C)(2)(b) of this section 84816  
shall not receive any back pay for the exercise of those 84817  
investigation powers unless that employee's conviction of the 84818  
felony was reversed on appeal, or the felony charge was dismissed, 84819  
because the court found insufficient evidence to convict the 84820  
employee of the felony. 84821

(3) Division (C) of this section does not apply regarding an 84822  
offense that was committed prior to January 1, 1997. 84823

(4) The suspension or revocation of the delegation of 84824  
investigation powers to an employee under division (C)(2) of this 84825  
section shall be in accordance with Chapter 119. of the Revised 84826  
Code. 84827

**Section 3.24.** That the existing version of section 5743.45 of 84828  
the Revised Code that is scheduled to take effect January 1, 2004, 84829  
is hereby repealed. 84830

**Section 3.25.** Sections 3.23 and 3.24 of this act take effect 84831  
January 1, 2004. 84832

**Section 3.26.** Section 5111.161 of the Revised Code is hereby 84833  
repealed, effective October 1, 2006. 84834

**Section 4.** Except as otherwise provided, all appropriation 84835  
items (AI) in this act are appropriated out of any moneys in the 84836  
state treasury to the credit of the designated fund that are not 84837  
otherwise appropriated. For all appropriations made in this act, 84838

the amounts in the first column are for fiscal year 2004 and the				84839
amounts in the second column are for fiscal year 2005.				84840
FND AI	AI TITLE		APPROPRIATIONS	84841
<b>Section 5. ACC ACCOUNTANCY BOARD OF OHIO</b>				84842
General Services Fund Group				84843
4J8 889-601	CPA Education	\$ 209,510	\$ 209,510	84844
	Assistance			
4K9 889-609	Operating Expenses	\$ 1,010,583	\$ 1,055,578	84845
TOTAL GSF General Services Fund				84846
Group		\$ 1,220,093	\$ 1,265,088	84847
TOTAL ALL BUDGET FUND GROUPS				84848
		\$ 1,220,093	\$ 1,265,088	
<b>Section 6. PAY ACCRUED LEAVE LIABILITY</b>				84850
Accrued Leave Liability Fund Group				84851
806 995-666	Accrued Leave Fund	\$ 70,783,792	\$ 78,296,200	84852
807 995-667	Disability Fund	\$ 47,269,465	\$ 50,098,308	84853
TOTAL ALF Accrued Leave Liability				84854
Fund Group		\$ 118,053,257	\$ 128,394,508	84855
Agency Fund Group				84856
808 995-668	State Employee Health	\$ 312,724,593	\$ 371,450,611	84857
	Benefit Fund			
809 995-669	Dependent Care	\$ 3,691,169	\$ 4,060,286	84858
	Spending Account			
810 995-670	Life Insurance	\$ 1,925,110	\$ 1,992,489	84859
	Investment Fund			
811 995-671	Parental Leave Benefit	\$ 4,350,302	\$ 4,785,332	84860
	Fund			
TOTAL AGY Agency Fund Group				84861
TOTAL ALL BUDGET FUND GROUPS				84862
		\$ 440,744,431	\$ 510,683,226	
ACCRUED LEAVE LIABILITY FUND				84863

The foregoing appropriation item 995-666, Accrued Leave Fund, 84864  
shall be used to make payments from the Accrued Leave Liability 84865  
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 84866  
If it is determined by the Director of Budget and Management that 84867  
additional amounts are necessary, the amounts are appropriated. 84868

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 84869

The foregoing appropriation item 995-667, Disability Fund, 84870  
shall be used to make payments from the State Employee Disability 84871  
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 84872  
Revised Code. If it is determined by the Director of Budget and 84873  
Management that additional amounts are necessary, the amounts are 84874  
appropriated. 84875

STATE EMPLOYEE HEALTH BENEFIT FUND 84876

The foregoing appropriation item 995-668, State Employee 84877  
Health Benefit Fund, shall be used to make payments from the State 84878  
Employee Health Benefit Fund (Fund 808), pursuant to section 84879  
124.87 of the Revised Code. If it is determined by the Director of 84880  
Budget and Management that additional amounts are necessary, the 84881  
amounts are appropriated. 84882

DEPENDENT CARE SPENDING ACCOUNT 84883

The foregoing appropriation item 995-669, Dependent Care 84884  
Spending Account, shall be used to make payments from the 84885  
Dependent Care Spending Account (Fund 809) to employees eligible 84886  
for dependent care expenses. If it is determined by the Director 84887  
of Budget and Management that additional amounts are necessary, 84888  
the amounts are appropriated. 84889

LIFE INSURANCE INVESTMENT FUND 84890

The foregoing appropriation item 995-670, Life Insurance 84891  
Investment Fund, shall be used to make payments from the Life 84892  
Insurance Investment Fund (Fund 810) for the costs and expenses of 84893

the state's life insurance benefit program pursuant to section 84894  
 125.212 of the Revised Code. If it is determined by the Director 84895  
 of Budget and Management that additional amounts are necessary, 84896  
 the amounts are appropriated. 84897

PARENTAL LEAVE BENEFIT FUND 84898

The foregoing appropriation item 995-671, Parental Leave 84899  
 Benefit Fund, shall be used to make payments from the Parental 84900  
 Leave Benefit Fund (Fund 811) to employees eligible for parental 84901  
 leave benefits pursuant to section 124.137 of the Revised Code. If 84902  
 it is determined by the Director of Budget and Management that 84903  
 additional amounts are necessary, the amounts are appropriated. 84904

**Section 7. ADJ ADJUTANT GENERAL** 84905

General Revenue Fund 84906

GRF 745-401	Ohio Military Reserve	\$	14,889	\$	15,188	84907
GRF 745-404	Air National Guard	\$	1,915,177	\$	1,939,762	84908
GRF 745-409	Central Administration	\$	3,976,734	\$	3,899,590	84909
GRF 745-499	Army National Guard	\$	3,987,516	\$	4,086,222	84910
GRF 745-502	Ohio National Guard	\$	100,953	\$	102,973	84911

Unit Fund

TOTAL GRF General Revenue Fund \$ 9,995,269 \$ 10,043,735 84912

General Services Fund Group 84913

534 745-612	Armory Improvements	\$	534,304	\$	534,304	84914
536 745-620	Camp Perry/Buckeye Inn	\$	1,094,970	\$	1,094,970	84915

Operations

537 745-604	ONG Maintenance	\$	219,826	\$	219,826	84916
TOTAL GSF	General Services Fund	\$	1,849,100	\$	1,849,100	84917

Group

Federal Special Revenue Fund Group 84918

3E8 745-628	Air National Guard	\$	11,901,459	\$	12,174,760	84919
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Operations and

		Maintenance Agreement					
3R8	745-603	Counter Drug	\$	25,000	\$	25,000	84920
		Operations					
3S0	745-602	Higher Ground Training	\$	10,937	\$	10,937	84921
341	745-615	Air National Guard	\$	2,181,960	\$	2,312,877	84922
		Base Security					
342	745-616	Army National Guard	\$	8,109,221	\$	8,686,892	84923
		Service Agreement					
TOTAL FED	Federal	Special Revenue	\$	22,228,577	\$	23,210,466	84924
		Fund Group					
		State Special Revenue Fund Group					84925
528	745-605	Marksmanship	\$	66,078	\$	66,078	84926
		Activities					
TOTAL SSR	State	Special Revenue	\$	66,078	\$	66,078	84927
		Fund Group					
TOTAL ALL BUDGET	FUND	GROUPS	\$	34,139,024	\$	35,169,379	84928
		<b>Section 8. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>					84930
		General Revenue Fund					84931
GRF	100-402	Unemployment	\$	100,000	\$	100,000	84932
		Compensation					
GRF	100-405	Agency Audit Expenses	\$	350,000	\$	350,000	84933
GRF	100-406	County & University	\$	400,000	\$	400,000	84934
		Human Resources					
		Services					
GRF	100-410	Veterans' Records	\$	19,729	\$	47,123	84935
		Conversion					
GRF	100-417	MARCS	\$	900,000	\$	900,000	84936
GRF	100-418	Digital Government	\$	3,446,645	\$	3,643,649	84937
GRF	100-419	Network Security	\$	3,000,000	\$	1,000,000	84938
GRF	100-421	OAKS Project	\$	450,000	\$	450,000	84939
		Implementation					

GRF 100-433	State of Ohio Computer Center	\$ 4,936,073	\$ 4,991,719	84940
GRF 100-439	Equal Opportunity Certification Programs	\$ 661,531	\$ 661,531	84941
GRF 100-447	OBA - Building Rent Payments	\$ 105,675,000	\$ 117,027,700	84942
GRF 100-448	OBA - Building Operating Payments	\$ 25,445,550	\$ 26,003,250	84943
GRF 100-449	DAS - Building Operating Payments	\$ 4,264,675	\$ 4,460,417	84944
GRF 100-451	Minority Affairs	\$ 50,000	\$ 50,000	84945
GRF 100-734	Major Maintenance - State Bldgs	\$ 45,000	\$ 45,000	84946
GRF 102-321	Construction Compliance	\$ 1,250,000	\$ 1,250,000	84947
GRF 130-321	State Agency Support Services	\$ 2,778,000	\$ 2,522,000	84948
TOTAL GRF	General Revenue Fund	\$ 153,772,203	\$ 163,902,389	84949
	General Services Fund Group			84950
112 100-616	Director's Office	\$ 5,503,547	\$ 5,503,547	84951
115 100-632	Central Service Agency	\$ 431,176	\$ 448,574	84952
117 100-644	General Services Division - Operating	\$ 7,622,861	\$ 8,653,304	84953
122 100-637	Fleet Management	\$ 4,169,589	\$ 4,352,849	84954
125 100-622	Human Resources Division - Operating	\$ 21,489,800	\$ 21,764,800	84955
127 100-627	Vehicle Liability Insurance	\$ 3,363,894	\$ 3,344,644	84956
128 100-620	Collective Bargaining	\$ 3,410,952	\$ 3,410,952	84957
130 100-606	Risk Management Reserve	\$ 217,904	\$ 223,904	84958
131 100-639	State Architect's Office	\$ 6,510,117	\$ 6,473,867	84959

132	100-631	DAS Building Management	\$	10,921,019	\$	10,721,430	84960
188	100-649	Equal Opportunity Division - Operating	\$	1,082,353	\$	1,103,697	84961
201	100-653	General Services Resale Merchandise	\$	1,533,000	\$	1,553,000	84962
210	100-612	State Printing	\$	6,160,200	\$	6,674,421	84963
4P3	100-603	Departmental MIS Services	\$	6,077,535	\$	6,233,638	84964
427	100-602	Investment Recovery	\$	4,023,473	\$	3,953,216	84965
5C2	100-605	MARCS Administration	\$	6,632,527	\$	9,268,178	84966
5C3	100-608	Skilled Trades	\$	1,840,327	\$	1,905,655	84967
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000	84968
5L7	100-610	Professional Development	\$	2,700,000	\$	2,700,000	84969
5V6	100-619	Employee Educational Development	\$	809,071	\$	811,129	84970
TOTAL GSF General Services Fund							84971
Group			\$	106,499,345	\$	111,100,805	84972
Intragovernmental Service Fund Group							84973
133	100-607	Information Technology Fund	\$	100,987,526	\$	102,272,838	84974
4N6	100-617	Major IT Purchases	\$	15,452,006	\$	10,617,166	84975
TOTAL ISF Intragovernmental							84976
Service Fund Group			\$	116,439,532	\$	112,890,004	84977
Agency Fund Group							84978
113	100-628	Unemployment Compensation Pass Through	\$	4,200,000	\$	4,200,000	84979
124	100-629	Payroll Deductions	\$	1,971,000,000	\$	2,050,000,000	84980
TOTAL AGY Agency Fund Group			\$	1,975,200,000	\$	2,054,200,000	84981
Holding Account Redistribution Fund Group							84982

R08 100-646 General Services	\$	20,000	\$	20,000	84983
Refunds					
TOTAL 090 Holding Account					84984
Redistribution Fund Group	\$	20,000	\$	20,000	84985
TOTAL ALL BUDGET FUND GROUPS	\$	2,351,931,080	\$	2,442,113,198	84986

**Section 8.01. AGENCY AUDIT EXPENSES** 84988

The foregoing appropriation item 100-405, Agency Audit 84989  
 Expenses, shall be used for auditing expenses designated in 84990  
 division (A)(1) of section 117.13 of the Revised Code for those 84991  
 state agencies audited on a biennial basis. 84992

**Section 8.02. OHIO BUILDING AUTHORITY** 84993

The foregoing appropriation item 100-447, OBA - Building Rent 84994  
 Payments, shall be used to meet all payments at the times they are 84995  
 required to be made during the period from July 1, 2003, to June 84996  
 30, 2005, by the Department of Administrative Services to the Ohio 84997  
 Building Authority pursuant to leases and agreements under Chapter 84998  
 152. of the Revised Code, but limited to the aggregate amount of 84999  
 \$222,702,700. These appropriations are the source of funds pledged 85000  
 for bond service charges on obligations issued pursuant to Chapter 85001  
 152. of the Revised Code. 85002

The foregoing appropriation item 100-448, OBA - Building 85003  
 Operating Payments, shall be used to meet all payments at the 85004  
 times that they are required to be made during the period from 85005  
 July 1, 2003, to June 30, 2005, by the Department of 85006  
 Administrative Services to the Ohio Building Authority pursuant to 85007  
 leases and agreements under Chapter 152. of the Revised Code, but 85008  
 limited to the aggregate amount of \$51,448,800. 85009

The payments to the Ohio Building Authority are for the 85010  
 purpose of paying the expenses of agencies that occupy space in 85011  
 the various state facilities. The Department of Administrative 85012

Services may enter into leases and agreements with the Ohio 85013  
Building Authority providing for the payment of these expenses. 85014  
The Ohio Building Authority shall report to the Department of 85015  
Administrative Services and the Office of Budget and Management 85016  
not later than five months after the start of a fiscal year the 85017  
actual expenses incurred by the Ohio Building Authority in 85018  
operating the facilities and any balances remaining from payments 85019  
and rentals received in the prior fiscal year. The Department of 85020  
Administrative Services shall reduce subsequent payments by the 85021  
amount of the balance reported to it by the Ohio Building 85022  
Authority. 85023

**Section 8.03.** DAS - BUILDING OPERATING PAYMENTS 85024

The foregoing appropriation item 100-449, DAS - Building 85025  
Operating Payments, shall be used to pay the rent expenses of 85026  
veterans organizations pursuant to section 123.024 of the Revised 85027  
Code in fiscal years 2004 and 2005. 85028

The foregoing appropriation item, 100-449, DAS - Building 85029  
Operating Payments, may be used to provide funding for the cost of 85030  
property appraisals or building studies that the Department of 85031  
Administrative Services may be required to obtain for property 85032  
that is being sold by the state or property under consideration to 85033  
be renovated or purchased by the state. 85034

Notwithstanding section 125.28 of the Revised Code, the 85035  
remaining portion of the appropriation may be used to pay the 85036  
operating expenses of state facilities maintained by the 85037  
Department of Administrative Services that are not billed to 85038  
building tenants. These expenses may include, but are not limited 85039  
to, the costs for vacant space and space undergoing renovation, 85040  
and the rent expenses of tenants that are relocated due to 85041  
building renovations. These payments shall be processed by the 85042  
Department of Administrative Services through intrastate transfer 85043

vouchers and placed in the Building Management Fund (Fund 132). 85044

**Section 8.04. CENTRAL SERVICE AGENCY FUND** 85045

The Director of Budget and Management may transfer up to 85046  
\$423,200 in fiscal year 2004 and up to \$427,700 in fiscal year 85047  
2005 from the Occupational Licensing and Regulatory Fund (Fund 85048  
4K9) to the Central Service Agency Fund (Fund 115). The Director 85049  
of Budget and Management may transfer up to \$40,700 in fiscal year 85050  
2004 and up to \$41,200 in fiscal year 2005 from the State Medical 85051  
Board Operating Fund (Fund 5C6) to the Central Service Agency Fund 85052  
(Fund 115). The appropriation item 100-632, Central Service 85053  
Agency, shall be used to purchase the necessary equipment, 85054  
products, and services to maintain a local area network for the 85055  
professional licensing boards, and to support their licensing 85056  
applications in fiscal years 2004 and 2005. The amount of the cash 85057  
transfer is appropriated to appropriation item 100-632, Central 85058  
Service Agency. 85059

**Section 8.05. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 85060

With approval of the Director of Budget and Management, the 85061  
Department of Administrative Services may seek reimbursement from 85062  
state agencies for the actual costs and expenses the department 85063  
incurs in the collective bargaining arbitration process. The 85064  
reimbursements shall be processed through intrastate transfer 85065  
vouchers and placed in the Collective Bargaining Fund (Fund 128). 85066

**Section 8.06. EQUAL OPPORTUNITY PROGRAM** 85067

The Department of Administrative Services, with the approval 85068  
of the Director of Budget and Management, shall establish charges 85069  
for recovering the costs of administering the activities supported 85070  
by the State EEO Fund (Fund 188). These charges shall be deposited 85071  
to the credit of the State EEO Fund (Fund 188) upon payment made 85072

by state agencies, state-supported or state-assisted institutions 85073  
of higher education, and tax-supported agencies, municipal 85074  
corporations, and other political subdivisions of the state, for 85075  
services rendered. 85076

**Section 8.07. MERCHANDISE FOR RESALE** 85077

The foregoing appropriation item 100-653, General Services 85078  
Resale Merchandise, shall be used to account for merchandise for 85079  
resale, which is administered by the General Services Division. 85080  
Deposits to the fund may comprise the cost of merchandise for 85081  
resale and shipping fees. 85082

**Section 8.08. DEPARTMENTAL MIS** 85083

The foregoing appropriation item 100-603, Departmental MIS 85084  
Services, may be used to pay operating expenses of management 85085  
information systems activities in the Department of Administrative 85086  
Services. The Department of Administrative Services shall 85087  
establish charges for recovering the costs of management 85088  
information systems activities. These charges shall be deposited 85089  
to the credit of the Departmental MIS Services Fund (Fund 4P3). 85090

Notwithstanding any other language to the contrary, the 85091  
Director of Budget and Management may transfer up to \$1,000,000 of 85092  
fiscal year 2004 appropriations and up to \$1,000,000 of fiscal 85093  
year 2005 appropriations from appropriation item 100-603, 85094  
Departmental MIS Services, to any Department of Administrative 85095  
Services non-General Revenue Fund appropriation item. The 85096  
appropriations transferred shall be used to make payments for 85097  
management information systems services. 85098

**Section 8.09. INVESTMENT RECOVERY FUND** 85099

Notwithstanding division (B) of section 125.14 of the Revised 85100  
Code, cash balances in the Investment Recovery Fund (Fund 427) may 85101

be used to support the operating expenses of the Federal Surplus 85102  
Operating Program created in sections 125.84 to 125.90 of the 85103  
Revised Code. 85104

Notwithstanding division (B) of section 125.14 of the Revised 85105  
Code, cash balances in the Investment Recovery Fund may be used to 85106  
support the operating expenses of the State Property Inventory and 85107  
Fixed Assets Management System Program. 85108

Of the foregoing appropriation item 100-602, Investment 85109  
Recovery, up to \$1,958,155 in fiscal year 2004 and up to 85110  
\$2,049,162 in fiscal year 2005 shall be used to pay the operating 85111  
expenses of the State Surplus Property Program, the Surplus 85112  
Federal Property Program, and the State Property Inventory and 85113  
Fixed Assets Management System Program pursuant to Chapter 125. of 85114  
the Revised Code and this section. If additional appropriations 85115  
are necessary for the operations of these programs, the Director 85116  
of Administrative Services shall seek increased appropriations 85117  
from the Controlling Board under section 131.35 of the Revised 85118  
Code. 85119

Of the foregoing appropriation item 100-602, Investment 85120  
Recovery, \$2,221,029 in fiscal year 2004 and \$2,130,022 in fiscal 85121  
year 2005 shall be used to transfer proceeds from the sale of 85122  
surplus property from the Investment Recovery Fund to non-General 85123  
Revenue Funds pursuant to division (A)(2) of section 125.14 of the 85124  
Revised Code. If it is determined by the Director of 85125  
Administrative Services that additional appropriations are 85126  
necessary for the transfer of such sale proceeds, the Director of 85127  
Administrative Services may request the Director of Budget and 85128  
Management to increase the amounts. Such amounts are hereby 85129  
appropriated. 85130

Notwithstanding division (B) of section 125.14 of the Revised 85131  
Code, the Director of Budget and Management, at the request of the 85132  
Director of Administrative Services, shall transfer up to 85133

\$2,811,197 of the amounts held for transfer to the General Revenue Fund from the Investment Recovery Fund to the General Services Fund (Fund 117) during the biennium beginning July 1, 2003, and ending June 30, 2005. The cash transferred to the General Services Fund shall be used to pay the operating expenses of the Competitive Sealed Proposal Program, to provide operating cash for the General Services Fund, and to provide operating cash for the newly created rate pools for Real Estate Leasing and Interior Design Services.

**Section 8.10. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM**

Notwithstanding division (B)(3) of section 4505.09 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, may transfer up to \$4,887,390 in fiscal year 2004 and \$1,000,000 in fiscal year 2005 from the Automated Title Processing System (Fund 849) to the Multi-Agency Radio Communications Systems Administration Fund (Fund 5C2). The cash transferred to the Multi-Agency Radio Communications Systems Administration Fund shall be used for the development of the MARCS system.

Effective with the implementation of the Multi-Agency Radio Communications System, the Director of Administrative Services shall collect user fees from participants in the system. The Director of Administrative Services, with the advice of the Multi-Agency Radio Communications System Steering Committee and the Director of Budget and Management, shall determine the amount of the fees and the manner by which the fees shall be collected. Such user charges shall comply with the applicable cost principles issued by the federal Office of Management and Budget. All moneys from user charges and fees shall be deposited in the state treasury to the credit of the Multi-Agency Radio Communications System Administration Fund (Fund 5C2). All interest income derived

from the investment of the fund shall accrue to the fund. 85165

**Section 8.11. WORKFORCE DEVELOPMENT FUND** 85166

There is hereby established in the state treasury the 85167  
Workforce Development Fund (Fund 5D7). The foregoing appropriation 85168  
item 100-621, Workforce Development, shall be used to make 85169  
payments from the fund. The fund shall be under the supervision of 85170  
the Department of Administrative Services, which may adopt rules 85171  
with regard to administration of the fund. The fund shall be used 85172  
to pay the costs of the Workforce Development Program, if any, as 85173  
previously established by Article 37 of the contract between the 85174  
State of Ohio and OCSEA/AFSCME, Local 11, effective March 1, 2000, 85175  
and as modified by any successor labor contract between the State 85176  
of Ohio and OCSEA/AFSCME. The program shall be administered in 85177  
accordance with the contract. Revenues shall accrue to the fund as 85178  
specified in the contract. The fund may be used to pay direct and 85179  
indirect costs of the program that are attributable to staff, 85180  
consultants, and service providers. All income derived from the 85181  
investment of the fund shall accrue to the fund. 85182

If it is determined by the Director of Administrative 85183  
Services that additional appropriation amounts are necessary, the 85184  
Director of Administrative Services may request that the Director 85185  
of Budget and Management increase such amounts. Such amounts are 85186  
hereby appropriated. 85187

**Section 8.12. PROFESSIONAL DEVELOPMENT FUND** 85188

The foregoing appropriation item 100-610, Professional 85189  
Development, shall be used to make payments from the Professional 85190  
Development Fund (Fund 5L7) pursuant to section 124.182 of the 85191  
Revised Code. 85192

**Section 8.13. EMPLOYEE EDUCATIONAL DEVELOPMENT** 85193

There is hereby established in the state treasury the 85194  
Employee Educational Development Fund (Fund 5V6). The foregoing 85195  
appropriation item 100-619, Employee Educational Development, 85196  
shall be used to make payments from the fund. The fund shall be 85197  
used to pay the costs of the administration of educational 85198  
programs per existing collective bargaining agreements with 85199  
District 1199, the Health Care and Social Service Union; State 85200  
Council of Professional Educators; Ohio Education Association; 85201  
National Education Association; the Fraternal Order of Police Ohio 85202  
Labor Council, Unit 2; and the Ohio State Troopers Association, 85203  
Units 1 and 15. The fund shall be under the supervision of the 85204  
Department of Administrative Services, which may adopt rules with 85205  
regard to administration of the fund. The fund shall be 85206  
administered in accordance with the applicable sections of the 85207  
collective bargaining agreements between the State and the 85208  
aforementioned unions. The Department of Administrative Services, 85209  
with the approval of the Director of Budget and Management, shall 85210  
establish charges for recovering the costs of administering the 85211  
educational programs. Receipts for these charges shall be 85212  
deposited into the Employee Educational Development Fund. All 85213  
income derived from the investment of the funds shall accrue to 85214  
the fund. 85215

If it is determined by the Director of Administrative 85216  
Services that additional appropriation amounts are necessary, the 85217  
Director of Administrative Services may request that the Director 85218  
of Budget and Management increase such amounts. Such amounts are 85219  
hereby appropriated with the approval of the Director of Budget 85220  
and Management. 85221

Upon the request of the Director of Administrative Services, 85222  
the Director of Budget and Management shall transfer any cash 85223  
balances attributable to educational programs per existing 85224  
collective bargaining agreements with District 1199, the Health 85225

Care and Social Service Union; State Council of Professional 85226  
Educators; Ohio Education Association; National Education 85227  
Association; the Fraternal Order of Police Ohio Labor Council, 85228  
Unit 2; and the Ohio State Troopers Association, Units 1 and 15 85229  
from the Human Resources Services Fund (Fund 125) to the Employee 85230  
Educational Development Fund (Fund 5V6). 85231

**Section 8.14. MAJOR IT PURCHASES** 85232

The Director of Administrative Services shall compute the 85233  
amount of revenue attributable to the amortization of all 85234  
equipment purchases and capitalized systems from appropriation 85235  
item 100-607, Information Technology Fund; appropriation item 85236  
100-617, Major IT Purchases; and appropriation item CAP-837, Major 85237  
IT Purchases, which is recovered by the Department of 85238  
Administrative Services as part of the rates charged by the 85239  
Information Technology Fund (Fund 133) created in section 125.15 85240  
of the Revised Code. The Director of Budget and Management may 85241  
transfer cash in an amount not to exceed the amount of 85242  
amortization computed from the Information Technology Fund (Fund 85243  
133) to the Major IT Purchases Fund (Fund 4N6). 85244

**Section 8.15. INFORMATION TECHNOLOGY ASSESSMENT** 85245

The Director of Administrative Services, with the approval of 85246  
the Director of Budget and Management, may establish an 85247  
information technology assessment for the purpose of recovering 85248  
the cost of selected infrastructure and statewide programs. Such 85249  
assessment shall comply with applicable cost principles issued by 85250  
the federal Office of Management and Budget. The information 85251  
technology assessment shall be charged to all organized bodies, 85252  
offices, or agencies established by the laws of the state for the 85253  
exercise of any function of state government except for the 85254  
General Assembly, any legislative agency, the Supreme Court, the 85255

other courts of record in Ohio, or any judicial agency, the 85256  
Adjutant General, the Bureau of Workers' Compensation, and 85257  
institutions administered by a board of trustees. Any state-entity 85258  
exempted by this section may utilize the infrastructure or 85259  
statewide program by participating in the information technology 85260  
assessment. All charges for the information technology assessment 85261  
shall be deposited to the credit of the Information Technology 85262  
Fund (Fund 133) created in section 125.15 of the Revised Code. 85263

**Section 8.16. UNEMPLOYMENT COMPENSATION FUND** 85264

The foregoing appropriation item 100-628, Unemployment 85265  
Compensation Pass Through, shall be used to make payments from the 85266  
Unemployment Compensation Fund (Fund 113), pursuant to section 85267  
4141.241 of the Revised Code. If it is determined that additional 85268  
amounts are necessary, such amounts are hereby appropriated. 85269

**Section 8.17. PAYROLL WITHHOLDING FUND** 85270

The foregoing appropriation item 100-629, Payroll Deductions, 85271  
shall be used to make payments from the Payroll Withholding Fund 85272  
(Fund 124). If it is determined by the Director of Budget and 85273  
Management that additional appropriation amounts are necessary, 85274  
such amounts are hereby appropriated. 85275

**Section 8.18. GENERAL SERVICES REFUNDS** 85276

The foregoing appropriation item 100-646, General Services 85277  
Refunds, shall be used to hold bid guarantee and building plans 85278  
and specifications deposits until they are refunded. The Director 85279  
of Administrative Services may request that the Director of Budget 85280  
and Management transfer cash received for the costs of providing 85281  
the building plans and specifications to contractors from the 85282  
General Services Refunds Fund to the State Architect's Office Fund 85283  
(Fund 131). Prior to the transfer of cash, the Director of 85284

Administrative Services shall certify that such amounts are in 85285  
excess of amounts required for refunding deposits and are directly 85286  
related to costs of producing building plans and specifications. 85287  
If it is determined that additional appropriations are necessary, 85288  
such amounts are hereby appropriated. 85289

**Section 8.19.** MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 85290  
SERVICE PAYMENTS 85291

The Director of Administrative Services, in consultation with 85292  
the Multi-Agency Radio Communication System (MARCS) Steering 85293  
Committee and the Director of Budget and Management, shall 85294  
determine the share of debt service payments attributable to 85295  
spending for MARCS components that are not specific to any one 85296  
agency and that shall be charged to agencies supported by the 85297  
motor fuel tax. Such share of debt service payments shall be 85298  
calculated for MARCS capital disbursements made beginning July 1, 85299  
1997. Within thirty days of any payment made from appropriation 85300  
item 100-447, OBA - Building Rent Payments, the Director of 85301  
Administrative Services shall certify to the Director of Budget 85302  
and Management the amount of this share. The Director of Budget 85303  
and Management shall transfer such amounts to the General Revenue 85304  
Fund from the State Highway Safety Fund (Fund 036) established in 85305  
section 4501.06 of the Revised Code. 85306

The Director of Administrative Services shall consider 85307  
renting or leasing existing tower sites at reasonable or current 85308  
market rates, so long as these existing sites are equipped with 85309  
the technical capabilities to support the MARCS project. 85310

**Section 8.20.** DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 85311

Whenever the Director of Administrative Services declares a 85312  
"public exigency," as provided in division (C) of section 123.15 85313  
of the Revised Code, the Director shall also notify the members of 85314

the Controlling Board. 85315

**Section 8.21. GENERAL SERVICE CHARGES** 85316

The Department of Administrative Services, with the approval 85317  
of the Director of Budget and Management, shall establish charges 85318  
for recovering the costs of administering the programs in the 85319  
General Services Fund (Fund 117) and the State Printing Fund (Fund 85320  
210). 85321

**Section 8.22.** During the period beginning July 1, 2003, and 85322  
ending June 30, 2005, and notwithstanding section 123.10 of the 85323  
Revised Code, the Director of Administrative Services shall 85324  
collect no commissions or fees in connection with any of the 85325  
following: 85326

(A) A lease to which the Department of Administrative 85327  
Services is a party that is in effect on the effective date of 85328  
this section; 85329

(B) A lease for which negotiations have commenced between the 85330  
Department and another party prior to July 1, 2003; 85331

(C) A lease regarding which the Department did not inform all 85332  
interested parties prior to negotiations that the Department would 85333  
be requesting real estate commissions or fees. 85334

**Section 8.23. CENTRALIZED FLEET MANAGEMENT PROGRAM** 85335

Of the foregoing appropriation item 130-321, State Agency 85336  
Support Services, \$378,000 in fiscal year 2004 and \$122,000 in 85337  
fiscal year 2005 shall be used for the centralized fleet 85338  
management program. 85339

**Section 8.24. ASSESSMENTS ON STATE AGENCIES, BOARDS, AND** 85340  
**COMMISSIONS** 85341

For fiscal year 2004 and fiscal year 2005, the Director of Administrative Services shall not increase rates, charges, or fees for centralized services provided by the Department of Administrative Services and specified in Payroll Letter 824, effective July 17, 2002. This provision shall not apply to payroll deductions for employee health, vision, and dental benefits; employers' share of pension contributions; or amounts deducted for accrued leave or disability leave. Nor shall this provision apply to charges or deductions for programs operated by the Department of Administrative Services in accordance with any collective bargaining agreement.

The Director of Administrative Services shall not increase rates or charges assessed to state agencies, boards, and commissions for other centralized services provided by the General Services Division and in effect as of June 30, 2003. However, the rate charged for mail services may be adjusted to account for increases in federal postage rates.

**Section 9. AAM COMMISSION ON AFRICAN AMERICAN MALES**

General Revenue Fund				85360
GRF 036-100 Personal Services	\$	212,492	\$ 218,610	85361
GRF 036-200 Maintenance	\$	50,180	\$ 50,180	85362
GRF 036-300 Equipment	\$	4,000	\$ 4,000	85363
GRF 036-501 CAAM Awards and Scholarships	\$	8,143	\$ 765	85364
GRF 036-502 Community Projects	\$	25,185	\$ 26,445	85365
TOTAL GRF General Revenue Fund	\$	300,000	\$ 300,000	85366
State Special Revenue Fund Group				85367
4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$ 10,000	85368
TOTAL SSR State Special Revenue	\$	10,000	\$ 10,000	85369



GRF 490-405	Golden Buckeye Card	\$	297,628	\$	297,628	85398
GRF 490-406	Senior Olympics	\$	16,636	\$	16,636	85399
GRF 490-409	Ohio Community Service	\$	228,048	\$	228,048	85400
	Council Operations					
GRF 490-410	Long-Term Care	\$	729,685	\$	729,685	85401
	Ombudsman					
GRF 490-411	Senior Community	\$	11,271,431	\$	11,271,431	85402
	Services					
GRF 490-412	Residential State	\$	9,960,356	\$	9,960,356	85403
	Supplement					
GRF 490-414	Alzheimers Respite	\$	4,346,689	\$	4,346,689	85404
GRF 490-416	Transportation for	\$	138,369	\$	138,369	85405
	Elderly					
GRF 490-419	Prescription Drug	\$	169,986	\$	169,986	85406
	Discount Program					
GRF 490-506	Senior Volunteers	\$	375,471	\$	375,471	85407
TOTAL GRF	General Revenue Fund	\$	110,852,043	\$	133,589,198	85408
	General Services Fund Group					85409
480 490-606	Senior Citizens	\$	372,677	\$	372,677	85410
	Services Special					
	Events					
5T4 490-615	Aging Network Support	\$	252,830	\$	252,830	85411
TOTAL GSF	General Services Fund					85412
Group		\$	625,507	\$	625,507	85413
	Federal Special Revenue Fund Group					85414
3C4 490-607	PASSPORT	\$	142,926,054	\$	151,954,474	85415
3M3 490-611	Federal Aging	\$	25,541,095	\$	26,818,149	85416
	Nutrition					
3M4 490-612	Federal Supportive	\$	26,305,294	\$	27,094,453	85417
	Services					
3R7 490-617	Ohio Community Service	\$	8,951,150	\$	8,905,150	85418
	Council Programs					

322	490-618	Older Americans	\$	12,904,949	\$	13,298,626	85419
		Support Services					
	TOTAL FED	Federal Special Revenue					85420
	Fund Group		\$	216,628,542	\$	228,070,852	85421
	State Special Revenue	Fund Group					85422
4C4	490-609	Regional Long-Term	\$	829,321	\$	829,321	85423
		Care Ombudsman Program					
4J4	490-610	PASSPORT/Residential	\$	33,268,052	\$	33,263,984	85424
		State Supplement					
4U9	490-602	PASSPORT Fund	\$	5,500,000	\$	5,500,000	85425
5W1	490-616	Resident Services	\$	250,000	\$	250,000	85426
		Coordinator Program					
624	490-604	OCSC Community Support	\$	2,500	\$	2,500	85427
	TOTAL SSR	State Special Revenue					85428
	Fund Group		\$	39,849,873	\$	39,845,805	85429
	TOTAL ALL BUDGET	FUND GROUPS	\$	367,955,965	\$	402,131,362	85430

**Section 11.01. PRE-ADMISSION REVIEW FOR NURSING FACILITY** 85432

**ADMISSION** 85433

Pursuant to sections 5101.751 and 5101.754 of the Revised 85434  
Code and an interagency agreement, the Department of Job and 85435  
Family Services shall designate the Department of Aging to perform 85436  
assessments under sections 5101.75 and 5111.204 of the Revised 85437  
Code. Of the foregoing appropriation item 490-403, PASSPORT, the 85438  
Department of Aging may use not more than \$2,511,309 in fiscal 85439  
year 2004 and \$2,574,092 in fiscal year 2005 to perform the 85440  
assessments for persons not eligible for Medicaid in accordance 85441  
with the department's interagency agreement with the Department of 85442  
Job and Family Services and to assist individuals in planning for 85443  
their long-term health care needs. 85444

**Section 11.02. PASSPORT** 85445

Appropriation item 490-403, PASSPORT, and the amounts set 85446  
aside for the PASSPORT Waiver Program in appropriation item 85447  
490-610, PASSPORT/Residential State Supplement, may be used to 85448  
assess clients regardless of Medicaid eligibility. 85449

The Director of Aging shall adopt rules under section 111.15 85450  
of the Revised Code governing the nonwaiver funded PASSPORT 85451  
program, including client eligibility. 85452

The Department of Aging shall administer the Medicaid 85453  
waiver-funded PASSPORT Home Care Program as delegated by the 85454  
Department of Job and Family Services in an interagency agreement. 85455  
The foregoing appropriation item 490-403, PASSPORT, and the 85456  
amounts set aside for the PASSPORT Waiver Program in appropriation 85457  
item 490-610, PASSPORT/Residential State Supplement, shall be used 85458  
to provide the required state match for federal Medicaid funds 85459  
supporting the Medicaid Waiver-funded PASSPORT Home Care Program. 85460  
Appropriation item 490-403, PASSPORT, and the amounts set aside 85461  
for the PASSPORT Waiver Program in appropriation item 490-610, 85462  
PASSPORT/Residential State Supplement, may also be used to support 85463  
the Department of Aging's administrative costs associated with 85464  
operating the PASSPORT program. 85465

The foregoing appropriation item 490-607, PASSPORT, shall be 85466  
used to provide the federal matching share for all PASSPORT 85467  
program costs determined by the Department of Job and Family 85468  
Services to be eligible for Medicaid reimbursement. 85469

SENIOR COMMUNITY SERVICES 85470

Of the foregoing appropriation item 490-411, Senior Community 85471  
Services, \$300,000 shall be allocated to the Visiting Nurses 85472  
Association of Cleveland. 85473

The remainder of the foregoing appropriation item 490-411, 85474  
Senior Community Services, shall be used for services designated 85475  
by the Department of Aging, including, but not limited to, 85476

home-delivered and congregate meals, transportation services, 85477  
personal care services, respite services, adult day services, home 85478  
repair, care coordination, and decision support systems. Service 85479  
priority shall be given to low income, frail, and cognitively 85480  
impaired persons 60 years of age and over. The department shall 85481  
promote cost sharing by service recipients for those services 85482  
funded with block grant funds, including, where possible, 85483  
sliding-fee scale payment systems based on the income of service 85484  
recipients. 85485

ALZHEIMERS RESPITE 85486

The foregoing appropriation item 490-414, Alzheimers Respite, 85487  
shall be used to fund only Alzheimer's disease services under 85488  
section 173.04 of the Revised Code. 85489

TRANSPORTATION FOR ELDERLY 85490

The foregoing appropriation item 490-416, Transportation for 85491  
Elderly, shall be used for noncapital expenses related to 85492  
transportation services for the elderly that provide access to 85493  
such things as healthcare services, congregate meals, 85494  
socialization programs, and grocery shopping. The funds pass 85495  
through and shall be administered by the Area Agencies on Aging. 85496  
The appropriation shall be allocated to the following agencies: 85497

(A) Up to \$34,912 in fiscal year 2004 and up to \$34,039 in 85498  
fiscal year 2005 to the Jewish Vocational Services/Cincinnati; 85499

(B) Up to \$34,912 in fiscal year 2004 and up to \$34,039 in 85500  
fiscal year 2005 to the Jewish Community Center of Cleveland; 85501

(C) Up to \$34,912 in fiscal year 2004 and up to \$34,039 in 85502  
fiscal year 2005 to the Wexner Heritage Village/Columbus; 85503

(D) Up to \$15,469 in fiscal year 2004 and up to \$15,082 in 85504  
fiscal year 2005 to the Jewish Family Services of Dayton; 85505

(E) Up to \$7,805 in fiscal year 2004 and up to \$7,610 in 85506

fiscal year 2005 to the Jewish Community Center of Akron;	85507
(F) Up to \$3,832 in fiscal year 2004 and up to \$3,736 in	85508
fiscal year 2005 to the Jewish Community Center/Youngstown;	85509
(G) Up to \$2,270 in fiscal year 2004 and up to \$2,214 in	85510
fiscal year 2005 to the Jewish Community Center/Canton;	85511
(H) Up to \$7,805 in fiscal year 2004 and up to \$7,610 in	85512
fiscal year 2005 to the Jewish Community Center/Sylvania.	85513
Agencies receiving funding from appropriation item 490-416,	85514
Transportation for Elderly, shall coordinate services with other	85515
local service agencies.	85516
RESIDENTIAL STATE SUPPLEMENT	85517
Under the Residential State Supplement Program, the amount	85518
used to determine whether a resident is eligible for payment and	85519
for determining the amount per month the eligible resident will	85520
receive shall be as follows:	85521
(A) \$900 for a residential care facility, as defined in	85522
section 3721.01 of the Revised Code;	85523
(B) \$900 for an adult group home, as defined in Chapter 3722.	85524
of the Revised Code;	85525
(C) \$800 for an adult foster home, as defined in Chapter 173.	85526
of the Revised Code;	85527
(D) \$800 for an adult family home, as defined in Chapter	85528
3722. of the Revised Code;	85529
(E) \$800 for an adult community alternative home, as defined	85530
in Chapter 3724. of the Revised Code;	85531
(F) \$800 for an adult residential facility, as defined in	85532
Chapter 5119. of the Revised Code;	85533
(G) \$600 for adult community mental health housing services,	85534
as defined in division (B)(5) of section 173.35 of the Revised	85535

Code.	85536
The Departments of Aging and Job and Family Services shall	85537
reflect these amounts in any applicable rules the departments	85538
adopt under section 173.35 of the Revised Code.	85539
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	85540
The Department of Aging may transfer cash by intrastate	85541
transfer vouchers from the foregoing appropriation items 490-412,	85542
Residential State Supplement, and 490-610, PASSPORT/Residential	85543
State Supplement, to the Department of Job and Family Services'	85544
Fund 4J5, Home and Community-Based Services for the Aged Fund. The	85545
funds shall be used to make benefit payments to Residential State	85546
Supplement recipients.	85547
LONG-TERM CARE OMBUDSMAN	85548
The foregoing appropriation item 490-410, Long-Term Care	85549
Ombudsman, shall be used for a program to fund ombudsman program	85550
activities in nursing homes, adult care facilities, boarding	85551
homes, and home and community care services.	85552
PRESCRIPTION DRUG DISCOUNT PROGRAM	85553
The foregoing appropriation item 490-419, Prescription Drug	85554
Discount Program, shall be used to administer a prescription drug	85555
discount program.	85556
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS	85557
The foregoing appropriation item 490-609, Regional Long-Term	85558
Care Ombudsman Programs, shall be used solely to pay the costs of	85559
operating the regional long-term care ombudsman programs.	85560
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	85561
Of the foregoing appropriation item 490-610,	85562
PASSPORT/Residential State Supplement, up to \$2,835,000 each	85563
fiscal year may be used to fund the Residential State Supplement	85564
Program. The remaining available funds shall be used to fund the	85565

PASSPORT program.				85566	
TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL				85567	
SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES				85568	
Upon written request of the Director of Aging, the Director				85569	
of Budget and Management may transfer appropriation authority				85570	
among appropriation items 490-611, Federal Aging Nutrition,				85571	
490-612, Federal Supportive Services, and 490-618, Older Americans				85572	
Support Services, in amounts not to exceed 30 per cent of the				85573	
appropriation from which the transfer is made. The Department of				85574	
Aging shall report such transfers to the Controlling Board at the				85575	
next regularly scheduled meeting of the board.				85576	
OHIO COMMUNITY SERVICE COUNCIL				85577	
The foregoing appropriation items 490-409, Ohio Community				85578	
Service Council Operations, and 490-617, Ohio Community Service				85579	
Council Programs, shall be used in accordance with section 121.40				85580	
of the Revised Code.				85581	
<b>Section 12. AGR DEPARTMENT OF AGRICULTURE</b>				85582	
General Revenue Fund				85583	
GRF 700-321 Operating Expenses	\$	2,737,665	\$	2,771,628	85584
GRF 700-401 Animal Disease Control	\$	4,121,815	\$	4,121,815	85585
GRF 700-402 Amusement Ride Safety	\$	278,767	\$	275,943	85586
GRF 700-403 Dairy Division	\$	1,494,597	\$	1,494,153	85587
GRF 700-404 Ohio Proud	\$	197,727	\$	197,229	85588
GRF 700-405 Animal Damage Control	\$	94,954	\$	94,954	85589
GRF 700-406 Consumer Analytical	\$	819,281	\$	872,241	85590
Lab					
GRF 700-407 Food Safety	\$	999,042	\$	999,042	85591
GRF 700-409 Farmland Preservation	\$	256,993	\$	256,993	85592
GRF 700-410 Plant Industry	\$	1,109,867	\$	1,107,677	85593
GRF 700-411 International Trade	\$	621,049	\$	517,524	85594

		and Market Development				
GRF	700-412	Weights and Measures	\$	914,137	\$	909,120 85595
GRF	700-413	Gypsy Moth Prevention	\$	546,118	\$	576,299 85596
GRF	700-414	Concentrated Animal	\$	16,521	\$	16,086 85597
		Feeding Facilities				
		Advisory Committee				
GRF	700-415	Poultry Inspection	\$	270,645	\$	267,743 85598
GRF	700-418	Livestock Regulation	\$	1,306,911	\$	1,306,911 85599
		Program				
GRF	700-424	Livestock Testing and	\$	123,347	\$	123,347 85600
		Inspections				
GRF	700-499	Meat Inspection	\$	4,651,611	\$	4,696,889 85601
		Program - State Share				
GRF	700-501	County Agricultural	\$	381,091	\$	381,091 85602
		Societies				
TOTAL GRF		General Revenue Fund	\$	20,942,138	\$	20,986,685 85603
		Federal Special Revenue Fund Group				85604
3J4	700-607	Indirect Cost	\$	938,785	\$	949,877 85605
3R2	700-614	Federal Plant Industry	\$	1,400,000	\$	1,425,000 85606
326	700-618	Meat Inspection	\$	4,876,904	\$	4,951,291 85607
		Service - Federal				
		Share				
336	700-617	Ohio Farm Loan	\$	181,774	\$	181,774 85608
		Revolving Fund				
382	700-601	Cooperative Contracts	\$	2,400,000	\$	2,500,000 85609
TOTAL FED		Federal Special Revenue				85610
Fund Group			\$	9,797,463	\$	10,007,942 85611
		State Special Revenue Fund Group				85612
4C9	700-605	Feed, Fertilizer, and	\$	986,765	\$	1,008,541 85613
		Lime Inspection				
4D2	700-609	Auction Education	\$	30,476	\$	30,476 85614
4E4	700-606	Utility Radiological	\$	73,059	\$	73,059 85615

		Safety					
4P7	700-610	Food Safety Inspection	\$	575,797	\$	582,711	85616
4R0	700-636	Ohio Proud Marketing	\$	40,300	\$	38,300	85617
4R2	700-637	Dairy Inspection Fund	\$	1,157,603	\$	1,184,183	85618
4T6	700-611	Poultry and Meat	\$	46,162	\$	47,294	85619
		Inspection					
4T7	700-613	International Trade	\$	41,238	\$	42,000	85620
		and Market Development					
		Rotary					
4V5	700-615	Animal Industry Lab	\$	711,944	\$	711,944	85621
		Fees					
494	700-612	Agricultural Commodity	\$	170,077	\$	170,220	85622
		Marketing Program					
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,099	85623
497	700-627	Commodity Handlers	\$	664,118	\$	664,118	85624
		Regulatory Program					
498	700-628	Commodity Indemnity	\$	250,000	\$	250,000	85625
		Fund					
5B8	700-629	Auctioneers	\$	291,672	\$	365,390	85626
5H2	700-608	Metrology Lab	\$	105,879	\$	108,849	85627
5L8	700-604	Livestock Management	\$	250,000	\$	250,000	85628
		Program					
578	700-620	Ride Inspection Fees	\$	497,000	\$	497,000	85629
579	700-630	Scale Certification	\$	168,785	\$	171,677	85630
652	700-634	Laboratory Services	\$	1,043,444	\$	1,074,447	85631
669	700-635	Pesticide Program	\$	2,243,232	\$	2,243,232	85632
TOTAL SSR		State Special Revenue					85633
Fund Group			\$	10,418,650	\$	10,584,540	85634
		Clean Ohio Fund Group					85635
057	700-632	Clean Ohio	\$	149,000	\$	149,000	85636
		Agricultural Easement					
TOTAL CLR		Clean Ohio Fund Group	\$	149,000	\$	149,000	85637
		Holding Account Redistribution Fund Group					85638

XXX 700-XXX Farm Service	\$	60,000	\$	60,000	85639
Electronic Filing					
TOTAL 090 Holding Account	\$	60,000	\$	60,000	85640
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	41,367,251	\$	41,788,167	85641
ANIMAL DAMAGE CONTROL					85642
Of the foregoing appropriation item 700-405, Animal Damage					85643
Control, \$50,000 shall be used in each fiscal year for coyote and					85644
black vulture indemnification.					85645
INTERNATIONAL TRADE AND MARKET DEVELOPMENT					85646
Of the foregoing appropriation item 700-411, International					85647
Trade and Market Development, \$100,000 shall be used in fiscal					85648
year 2004 for the Ohio-Israel Agricultural Initiative.					85649
FAMILY FARM LOAN PROGRAM					85650
Notwithstanding Chapter 166. of the Revised Code, up to					85651
\$1,500,000 in each fiscal year shall be transferred from moneys in					85652
the Facilities Establishment Fund (Fund 037) to the Family Farm					85653
Loan Fund (Fund 5H1) in the Department of Development. These					85654
moneys shall be used for loan guarantees. The transfer is subject					85655
to Controlling Board approval.					85656
Financial assistance from the Family Farm Loan Fund (Fund					85657
5H1) shall be repaid to Fund 5H1. This fund is established in					85658
accordance with sections 166.031, 901.80, 901.81, 901.82, and					85659
901.83 of the Revised Code.					85660
When the Family Farm Loan Fund (Fund 5H1) ceases to exist,					85661
all outstanding balances, all loan repayments, and any other					85662
outstanding obligations shall revert to the Facilities					85663
Establishment Fund (Fund 037).					85664
CLEAN OHIO AGRICULTURAL EASEMENT					85665
The foregoing appropriation item 700-632, Clean Ohio					85666

Agricultural Easement, shall be used by the Department of 85667  
 Agriculture in administering sections 901.21, 901.22, and 5301.67 85668  
 to 5301.70 of the Revised Code. 85669

**FARM SERVICE ELECTRONIC FILING 85670**

As soon as possible on or after July 1, 2003, the Director of 85671  
 Budget and Management shall make a one-time cash transfer of 85672  
 \$60,000 from Fund 382, Cooperative Contracts, to Fund XXX, Farm 85673  
 Service Electronic Filing Fund, in fiscal year 2004. The Farm 85674  
 Service Electronic Filing Fund shall be administered by the 85675  
 Department of Agriculture. 85676

**Section 13. AIR AIR QUALITY DEVELOPMENT AUTHORITY 85677**

General Revenue Fund 85678

GRF 898-402 Coal Development \$ 588,041 \$ 599,802 85679  
 Office

GRF 898-901 Coal R&D Gen \$ 7,231,200 \$ 9,185,100 85680  
 Obligation Debt  
 Service

TOTAL GRF General Revenue Fund \$ 7,819,241 \$ 9,784,902 85681

Agency Fund Group 85682

4Z9 898-602 Small Business \$ 233,482 \$ 233,482 85683  
 Ombudsman

5A0 898-603 Small Business \$ 197,463 \$ 197,463 85684  
 Assistance

570 898-601 Operating Expenses \$ 243,383 \$ 243,383 85685

TOTAL AGY Agency Fund Group \$ 674,328 \$ 674,328 85686

Coal Research/Development Fund 85687

046 898-604 Coal Research and \$ 13,168,357 \$ 13,168,357 85688  
 Development Fund

TOTAL 046 Coal \$ 13,168,357 \$ 13,168,357 85689

Research/Development Fund

TOTAL ALL BUDGET FUND GROUPS	\$	21,661,926	\$	23,627,587	85690
COAL DEVELOPMENT OFFICE					85691
The foregoing appropriation item GRF 898-402, Coal Development Office, shall be used for the administrative costs of the Coal Development Office.					85692 85693 85694
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE					85695
The foregoing appropriation item GRF 898-901, Coal R & D Gen Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made under sections 151.01 and 151.07 of the Revised Code during the period from July 1, 2003, to June 30, 2005. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.					85696 85697 85698 85699 85700 85701 85702 85703
SCIENCE AND TECHNOLOGY COLLABORATION					85704
The Air Quality Development Authority shall work in close collaboration with the Department of Development, the Board of Regents, and the Third Frontier Commission in relation to appropriation items and programs listed in the following paragraph, and other technology-related appropriations and programs in the Department of Development, Air Quality Development Authority, and the Board of Regents as those agencies may designate, to ensure implementation of a coherent state strategy with respect to science and technology.					85705 85706 85707 85708 85709 85710 85711 85712 85713
Each of the following appropriations and programs: 195-401, Thomas Edison Program; 898-402, Coal Development Office; 195-422, Third Frontier Action Fund; 898-604, Coal Research and Development Fund; 235-454, Research Challenge; 235-510, Ohio Supercomputer Center; 235-527, Ohio Aerospace Institute; 235-535, Agricultural Research and Development Center; 235-553, Dayton Area Graduate Studies Institute; 235-554, Computer Science Graduate Education;					85714 85715 85716 85717 85718 85719 85720

235-556, Ohio Academic Resources Network; and 195-435, Biomedical  
Research and Technology Transfer Trust, shall be reviewed annually  
by the Third Frontier Commission with respect to its development  
of complementary relationships within a combined state science and  
technology investment portfolio and its overall contribution to  
the state's science and technology strategy, including the  
adoption of appropriately consistent criteria for:

(1) The scientific merit of activities supported by the  
program;

(2) The relevance of the program's activities to commercial  
opportunities in the private sector;

(3) The private sector's involvement in a process that  
continually evaluates commercial opportunities to use the work  
supported by the program; and

(4) The ability of the program and recipients of grant  
funding from the program to engage in activities that are  
collaborative, complementary, and efficient with respect to the  
expenditure of state funds.

All programs listed in the preceding paragraph shall provide  
annual reports to the Third Frontier Commission discussing  
existing, planned, or possible collaborations between programs and  
recipients of grant funding related to technology, development,  
commercialization, and supporting Ohio's economic development. The  
annual review by the Third Frontier Commission shall be a  
comprehensive review of the entire state science and technology  
program portfolio rather than a review of individual programs.

**Section 14. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION**  
SERVICES

General Revenue Fund

GRF 038-321 Operating Expenses           \$       1,200,293   \$       1,200,293

GRF 038-401 Treatment Services	\$	36,762,306	\$	36,762,306	85751
GRF 038-404 Prevention Services	\$	1,055,033	\$	1,055,033	85752
TOTAL GRF General Revenue Fund	\$	39,017,632	\$	39,017,632	85753
General Services Fund					85754
5T9 038-616 Problem Gambling	\$	60,000	\$	60,000	85755
Services					
TOTAL GSF General Services Fund	\$	60,000	\$	60,000	85756
Group					
Federal Special Revenue Fund Group					85757
3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	85758
3G4 038-614 Substance Abuse Block	\$	67,335,499	\$	68,079,223	85759
Grant					
3H8 038-609 Demonstration Grants	\$	7,093,075	\$	7,093,075	85760
3J8 038-610 Medicaid	\$	30,000,000	\$	30,000,000	85761
3N8 038-611 Administrative	\$	500,000	\$	500,000	85762
Reimbursement					
TOTAL FED Federal Special Revenue					85763
Fund Group	\$	108,428,574	\$	109,172,298	85764
State Special Revenue Fund Group					85765
475 038-621 Statewide Treatment	\$	15,191,182	\$	15,191,182	85766
and Prevention					
5P1 038-615 Credentialing	\$	225,000	\$	0	85767
689 038-604 Education and	\$	280,000	\$	280,000	85768
Conferences					
TOTAL SSR State Special Revenue					85769
Fund Group	\$	15,696,182	\$	15,471,182	85770
TOTAL ALL BUDGET FUND GROUPS	\$	163,202,388	\$	163,721,112	85771
TREATMENT SERVICES					85772
Of the foregoing appropriation item 038-401, Treatment					85773
Services, not more than \$8,190,000 shall be used by the Department					85774
of Alcohol and Drug Addiction Services for program grants for					85775
priority populations in each year of the biennium.					85776

AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY	85777
Of the foregoing appropriation item 038-401, Treatment	85778
Services, \$4 million in each fiscal year shall be allocated for	85779
services to families, adults, and adolescents pursuant to the	85780
requirements of Am. Sub. H.B. 484 of the 122nd General Assembly.	85781
TALBERT HOUSE	85782
Of the foregoing appropriation item 038-401, Treatment	85783
Services, \$200,000 in each fiscal year shall be allocated to	85784
establish a Talbert House Facility in Butler County. These funds	85785
are in addition to any other funds for which the Talbert House	85786
facility and Butler County are eligible to receive from the	85787
Department of Alcohol and Drug Addiction Services.	85788
SERVICES FOR TANF-ELIGIBLE INDIVIDUALS	85789
Of the foregoing appropriation item 038-401, Treatment	85790
Services, \$5 million each year shall be used to fund TANF-eligible	85791
expenditures for substance abuse prevention and treatment services	85792
to children, or their families, whose income is at or below 200	85793
per cent of the official income poverty guideline. The Director of	85794
Alcohol and Drug Addiction Services and the Director of Job and	85795
Family Services shall develop operating and reporting guidelines	85796
for these programs.	85797
THERAPEUTIC COMMUNITIES	85798
Of the foregoing appropriation item 038-401, Treatment	85799
Services, \$750,000 shall be used in each fiscal year for expansion	85800
of the Therapeutic Communities Program in the Department of	85801
Rehabilitation and Correction.	85802
PARENT AWARENESS TASK FORCE	85803
The Parent Awareness Task Force shall study ways to engage	85804
more parents in activities, coalitions, and educational programs	85805
in Ohio relating to alcohol and other drug abuse prevention. Of	85806

the foregoing appropriation item 038-404, Prevention Services, 85807  
\$30,000 in each fiscal year may be used to support the functions 85808  
of the Parent Awareness Task Force. 85809

COMMUNITY CAPITAL ASSISTANCE FUNDS 85810

Any proceeds from the repayment of ODADAS community capital 85811  
assistance funds from St. Anthony's Villa shall be deposited into 85812  
Fund 475, appropriation item 038-621, Statewide Treatment and 85813  
Prevention, and such amounts are hereby appropriated for 85814  
distribution to other community capital assistance projects in 85815  
Lucas County. 85816

**Section 15. AMB AMBULANCE LICENSING BOARD** 85817

General Services Fund Group 85818  
4N1 915-601 Operating Expenses \$ 272,340 \$ 284,054 85819  
TOTAL GSF General Services 85820  
Fund Group \$ 272,340 \$ 284,054 85821  
TOTAL ALL BUDGET FUND GROUPS \$ 272,340 \$ 284,054 85822

**Section 16. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS** 85824

General Services Fund Group 85825  
4K9 891-609 Operating Expenses \$ 480,574 \$ 479,574 85826  
TOTAL GSF General Services Fund 85827  
Group \$ 480,574 \$ 479,574 85828  
TOTAL ALL BUDGET FUND GROUPS \$ 480,574 \$ 479,574 85829

**Section 17. ART OHIO ARTS COUNCIL** 85831

General Revenue Fund 85832  
GRF 370-100 Personal Services \$ 1,896,848 \$ 1,892,879 85833  
GRF 370-200 Maintenance \$ 547,404 \$ 532,998 85834  
GRF 370-300 Equipment \$ 227,788 \$ 27,056 85835  
GRF 370-502 Program Subsidies \$ 9,896,320 \$ 9,648,912 85836

TOTAL GRF General Revenue Fund	\$	12,568,360	\$	12,101,845	85837
General Services Fund Group					85838
4B7 370-603 Per Cent for Art	\$	86,366	\$	86,366	85839
Acquisitions					
460 370-602 Operations	\$	429,325	\$	429,325	85840
TOTAL GSF General Services Fund	\$	515,691	\$	515,691	85841
Group					
Federal Special Revenue Fund Group					85842
314 370-601 Federal Programs	\$	1,657,300	\$	1,657,300	85843
TOTAL FED Federal Special Revenue	\$	1,657,300	\$	1,657,300	85844
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	14,741,351	\$	14,274,836	85845
EQUIPMENT					85846
Of the foregoing appropriation item 370-300, Equipment,					85847
\$200,000 in fiscal year 2004 shall be used for computer upgrades.					85848
PROGRAM SUBSIDIES					85849
A museum is not eligible to receive funds from appropriation					85850
item 370-502, Program Subsidies, if \$8,000,000 or more in capital					85851
appropriations were appropriated by the state for the museum					85852
between January 1, 1986, and December 31, 2002.					85853
PER CENT FOR ART ACQUISITIONS					85854
The unencumbered balance remaining from prior projects of					85855
appropriation item 370-603, Per Cent for Art Acquisitions, shall					85856
be used by the Ohio Arts Council to pay for start-up costs in					85857
connection with the selection of artists of new Per Cent for Art					85858
projects.					85859
<b>Section 18. AFC OHIO ARTS AND SPORTS FACILITIES COMMISSION</b>					85860
General Revenue Fund					85861
GRF 371-321 Operating Expenses	\$	317,451	\$	317,451	85862

GRF 371-401 Lease Rental Payments	\$	36,283,800	\$	37,617,700	85863
TOTAL GRF General Revenue Fund	\$	36,601,251	\$	37,935,151	85864
State Special Revenue Fund Group					85865
4T8 371-601 Riffe Theatre	\$	23,194	\$	23,194	85866
Equipment Maintenance					
4T8 371-603 Project Administration	\$	1,035,377	\$	1,074,339	85867
TOTAL SSR State Special Revenue	\$	1,058,571	\$	1,097,533	85868
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	37,659,822	\$	39,032,684	85869

OHIO BUILDING AUTHORITY LEASE PAYMENTS 85870

The foregoing appropriation item 371-401, Lease Rental 85871  
 Payments, shall be used by the Arts and Sports Facilities 85872  
 Commission for payments to the Ohio Building Authority for the 85873  
 period from July 1, 2003, to June 30, 2005, pursuant to the 85874  
 primary leases and agreements for those buildings made under 85875  
 Chapter 152. of the Revised Code, but limited to the aggregate 85876  
 amount of \$73,901,500. This appropriation is the source of funds 85877  
 pledged for bond service charges on related obligations issued 85878  
 pursuant to Chapter 152. of the Revised Code. 85879

OPERATING EXPENSES 85880

The foregoing appropriation item 371-603, Project 85881  
 Administration, shall be used by the Ohio Arts and Sports 85882  
 Facilities Commission to carry out its responsibilities pursuant 85883  
 to this section and Chapter 3383. of the Revised Code. 85884

Within ten days after the effective date of this section, or 85885  
 as soon as possible thereafter, the Director of Budget and 85886  
 Management shall determine the amount of cash from interest 85887  
 earnings to be transferred from the Arts Facilities Building Fund 85888  
 (Fund 030) and the Sports Facilities Building Fund (Fund 024) to 85889  
 the Arts and Sports Facilities Commission Administration Fund 85890  
 (Fund 4T8). The total amount transferred in fiscal year 2004 and 85891

fiscal year 2005 may not exceed the total biennial appropriation 85892  
of \$2,109,716 in appropriation item 371-603, Project 85893  
Administration. 85894

By July 10, 2004, or as soon as possible thereafter, the 85895  
Director of Budget and Management shall determine the amount of 85896  
cash from interest earnings to be transferred from the Arts 85897  
Facilities Building Fund (Fund 030) and the Sports Facilities 85898  
Building Fund (Fund 024) to the Arts and Sports Commission 85899  
Administration Fund (Fund 4T8). The total amount transferred in 85900  
fiscal year 2004 and in fiscal year 2005 may not exceed the total 85901  
biennial appropriation of \$2,109,716 in appropriation item 85902  
371-603, Project Administration. 85903

**Section 19. ATH ATHLETIC COMMISSION** 85904

General Services Fund Group 85905

4K9 175-609 Athletic Commission - \$ 188,250 \$ 200,205 85906

Operating

TOTAL GSF General Services Fund \$ 188,250 \$ 200,205 85907

Group

TOTAL ALL BUDGET FUND GROUPS \$ 188,250 \$ 200,205 85908

**TRANSFER OF CASH BALANCE FROM FUND 5R1** 85909

On July 1, 2003, or as soon thereafter as possible, the 85910  
Director of Budget and Management shall transfer the cash balance 85911  
in the Athlete Agents Registration Fund (Fund 5R1) that was 85912  
created in former section 4771.22 of the Revised Code to the 85913  
Occupational Licensing and Regulatory Fund (Fund 4K9). The 85914  
director shall cancel any existing encumbrances against 85915  
appropriation item 175-602, Athlete Agents Registration (Fund 85916  
5R1), and reestablish them against appropriation item 175-609, 85917  
Athletic Commission - Operating (Fund 4K9). The amounts of the 85918  
reestablished encumbrances are hereby appropriated. 85919

<b>Section 20. AGO ATTORNEY GENERAL</b>				85920
General Revenue Fund				85921
GRF 055-321	Operating Expenses	\$ 53,885,937	\$ 53,885,937	85922
GRF 055-406	Community Police Match	\$ 2,258,843	\$ 2,258,843	85923
	and Law Enforcement			
	Assistance			
GRF 055-411	County Sheriffs	\$ 731,879	\$ 736,929	85924
GRF 055-415	County Prosecutors	\$ 717,182	\$ 723,490	85925
TOTAL GRF	General Revenue Fund	\$ 57,593,841	\$ 57,605,199	85926
General Services Fund Group				85927
106 055-612	General Reimbursement	\$ 18,870,196	\$ 18,870,196	85928
107 055-624	Employment Services	\$ 984,396	\$ 984,396	85929
195 055-660	Workers' Compensation	\$ 7,769,628	\$ 7,769,628	85930
	Section			
4Y7 055-608	Title Defect	\$ 570,623	\$ 570,623	85931
	Rescission			
4Z2 055-609	BCI Asset Forfeiture	\$ 332,109	\$ 332,109	85932
	and Cost Reimbursement			
418 055-615	Charitable Foundations	\$ 1,899,066	\$ 1,899,066	85933
420 055-603	Attorney General	\$ 446,449	\$ 446,449	85934
	Antitrust			
421 055-617	Police Officers'	\$ 1,193,213	\$ 1,193,213	85935
	Training Academy Fee			
5A9 055-618	Telemarketing Fraud	\$ 52,378	\$ 52,378	85936
	Enforcement			
590 055-633	Peace Officer Private	\$ 98,370	\$ 98,370	85937
	Security Fund			
629 055-636	Corrupt Activity	\$ 108,230	\$ 108,230	85938
	Investigation and			
	Prosecution			
631 055-637	Consumer Protection	\$ 1,373,832	\$ 1,373,832	85939

Enforcement			
TOTAL GSF General Services Fund			85940
Group	\$	33,698,490	\$ 33,698,490 85941
Federal Special Revenue Fund Group			85942
3E5 055-638 Anti-Drug Abuse	\$	1,923,400	\$ 1,981,102 85943
3R6 055-613 Attorney General	\$	3,730,191	\$ 3,842,097 85944
Federal Funds			
306 055-620 Medicaid Fraud Control	\$	2,882,970	\$ 2,969,459 85945
381 055-611 Civil Rights Legal	\$	390,815	\$ 390,815 85946
Service			
383 055-634 Crime Victims	\$	17,561,250	\$ 18,439,313 85947
Assistance			
TOTAL FED Federal Special Revenue			85948
Fund Group	\$	26,488,626	\$ 27,622,786 85949
State Special Revenue Fund Group			85950
4L6 055-606 DARE	\$	3,927,962	\$ 3,927,962 85951
402 055-616 Victims of Crime	\$	27,933,893	\$ 27,933,893 85952
417 055-621 Domestic Violence	\$	14,492	\$ 14,492 85953
Shelter			
419 055-623 Claims Section	\$	13,649,954	\$ 13,649,954 85954
659 055-641 Solid and Hazardous	\$	621,159	\$ 621,159 85955
Waste Background			
Investigations			
TOTAL SSR State Special Revenue			85956
Fund Group	\$	46,147,460	\$ 46,147,460 85957
Holding Account Redistribution Fund Group			85958
R03 055-629 Bingo License Refunds	\$	5,200	\$ 5,200 85959
R04 055-631 General Holding	\$	275,000	\$ 275,000 85960
Account			
R05 055-632 Antitrust Settlements	\$	10,400	\$ 10,400 85961
R18 055-630 Consumer Frauds	\$	750,000	\$ 750,000 85962
R42 055-601 Organized Crime	\$	200,000	\$ 200,000 85963

Commission Account

TOTAL 090 Holding Account				85964	
Redistribution Fund Group	\$	1,240,600	\$	1,240,600	85965
TOTAL ALL BUDGET FUND GROUPS	\$	165,169,017	\$	166,314,535	85966

WORKERS' COMPENSATION SECTION 85967

The Workers' Compensation Section Fund (Fund 195) shall 85968  
receive payments from the Bureau of Workers' Compensation and the 85969  
Ohio Industrial Commission at the beginning of each quarter of 85970  
each fiscal year to fund legal services to be provided to the 85971  
Bureau of Workers' Compensation and the Ohio Industrial Commission 85972  
during the ensuing quarter. Such advance payment shall be subject 85973  
to adjustment. 85974

In addition, the Bureau of Workers' Compensation shall 85975  
transfer payments at the beginning of each quarter for the support 85976  
of the Workers' Compensation Fraud Unit. 85977

All amounts shall be mutually agreed upon by the Attorney 85978  
General, the Bureau of Workers' Compensation, and the Ohio 85979  
Industrial Commission. 85980

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 85981

The foregoing appropriation item 055-636, Corrupt Activity 85982  
Investigation and Prosecution, shall be used as provided by 85983  
division (D)(2) of section 2923.35 of the Revised Code to dispose 85984  
of the proceeds, fines, and penalties credited to the Corrupt 85985  
Activity Investigation and Prosecution Fund, which is created in 85986  
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 85987  
is determined that additional amounts are necessary, the amounts 85988  
are hereby appropriated. 85989

COMMUNITY POLICE MATCH AND LAW ENFORCEMENT ASSISTANCE 85990

In fiscal years 2004 and 2005, the Attorney General's Office 85991  
may request the Director of Budget and Management to transfer 85992  
appropriation authority from appropriation item 055-321, Operating 85993

Expenses, to appropriation item 055-406, Community Police Match 85994  
and Law Enforcement Assistance. The Director of Budget and 85995  
Management shall then transfer appropriation authority from 85996  
appropriation item 055-321, Operating Expenses, to appropriation 85997  
item 055-406, Community Police Match and Law Enforcement 85998  
Assistance. Moneys transferred to appropriation item 055-406, 85999  
Community Police Match and Law Enforcement Assistance, shall be 86000  
used to pay operating expenses and to provide grants to local law 86001  
enforcement agencies and communities for the purpose of supporting 86002  
law enforcement-related activities. 86003

**Section 21. AUD AUDITOR OF STATE** 86004

General Revenue Fund 86005

GRF 070-321 Operating Expenses \$ 30,813,217 \$ 30,813,217 86006

GRF 070-403 Fiscal Watch/Emergency \$ 400,000 \$ 500,000 86007

Technical Assistance

GRF 070-405 Electronic Data \$ 823,193 \$ 823,193 86008

Processing - Auditing

and Administration

GRF 070-406 Uniform Accounting \$ 1,774,394 \$ 1,774,394 86009

Network/Technology

Improvements Fund

TOTAL GRF General Revenue Fund \$ 33,810,804 \$ 33,910,804 86010

General Services Fund Group 86011

109 070-601 Public Audit Expense - \$ 10,592,547 \$ 11,651,800 86012

Intra-State

422 070-601 Public Audit Expense - \$ 37,617,072 \$ 39,497,925 86013

Local Government

584 070-603 Training Program \$ 124,999 \$ 131,250 86014

675 070-605 Uniform Accounting \$ 3,015,760 \$ 3,317,336 86015

Network

TOTAL GSF General Services Fund 86016

Group	\$	51,350,378	\$	54,598,311	86017
Holding Account Redistribution Fund Group					86018
R06 070-604 Continuous Receipts	\$	50,000	\$	60,000	86019
TOTAL 090 Holding Account					86020
Redistribution Fund Group	\$	50,000	\$	60,000	86021
TOTAL ALL BUDGET FUND GROUPS	\$	85,211,182	\$	88,569,115	86022

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 86023

The foregoing appropriation item 070-403, Fiscal 86024  
 Watch/Emergency Technical Assistance, shall be used for all 86025  
 expenses incurred by the Office of the Auditor of State in its 86026  
 role relating to fiscal watch or fiscal emergency activities under 86027  
 Chapters 118. and 3316. of the Revised Code. Expenses include, but 86028  
 are not limited to, the following: duties related to the 86029  
 determination or termination of fiscal watch or fiscal emergency 86030  
 of municipal corporations, counties, or townships as outlined in 86031  
 Chapter 118. of the Revised Code and of school districts as 86032  
 outlined in Chapter 3316. of the Revised Code; development of 86033  
 preliminary accounting reports; performance of annual forecasts; 86034  
 provision of performance audits; and supervisory, accounting, or 86035  
 auditing services for the mentioned public entities and school 86036  
 districts. The unencumbered balance of appropriation item 070-403, 86037  
 Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 86038  
 year 2004 is transferred to fiscal year 2005 for use under the 86039  
 same appropriation item. 86040

ELECTRONIC DATA PROCESSING 86041

The unencumbered balance of appropriation item 070-405, 86042  
 Electronic Data Processing - Auditing and Administration, at the 86043  
 end of fiscal year 2004 is transferred to fiscal year 2005 for use 86044  
 under the same appropriation item. 86045

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 86046

The foregoing appropriation item 070-406, Uniform Accounting 86047

Network/Technology Improvements Fund, shall be used to pay the 86048  
costs of developing and implementing the Uniform Accounting 86049  
Network and technology improvements for the Office of the Auditor 86050  
of State. The unencumbered balance of the appropriation at the end 86051  
of fiscal year 2004 is transferred to fiscal year 2005 to pay the 86052  
costs of developing and implementing the Uniform Accounting 86053  
Network and technology improvements for the Office of the Auditor 86054  
of State. 86055

**Section 22. BRB BOARD OF BARBER EXAMINERS 86056**

General Services Fund Group 86057  
4K9 877-609 Operating Expenses \$ 535,853 \$ 555,037 86058  
TOTAL GSF General Services Fund 86059  
Group \$ 535,853 \$ 555,037 86060  
TOTAL ALL BUDGET FUND GROUPS \$ 535,853 \$ 555,037 86061

**Section 23. OBM OFFICE OF BUDGET AND MANAGEMENT 86063**

General Revenue Fund 86064  
GRF 042-321 Budget Development and \$ 3,092,469 \$ 2,405,243 86065  
Implementation  
GRF 042-401 Office of Quality \$ 30,000 \$ 0 86066  
Services  
GRF 042-409 Commission Closures \$ 65,000 \$ 0 86067  
GRF 042-410 National Association \$ 27,089 \$ 27,902 86068  
Dues  
GRF 042-412 Audit of Auditor of \$ 62,110 \$ 55,760 86069  
State  
TOTAL GRF General Revenue Fund \$ 3,276,668 \$ 2,488,905 86070  
General Services Fund Group 86071  
105 042-603 State Accounting \$ 9,131,651 \$ 9,375,862 86072  
TOTAL GSF General Services Fund \$ 9,131,651 \$ 9,375,862 86073  
Group

State Special Revenue Fund Group				86074
5N4 042-602 OAKS Project	\$	2,062,875	\$ 2,069,125	86075
Implementation				
TOTAL SSR State Special Revenue	\$	2,062,875	\$ 2,069,125	86076
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	14,471,194	\$ 13,933,892	86077
OFFICE OF QUALITY SERVICES				86078
On the effective date of this section, the Office of Quality				86079
Services is abolished and its operations shall be wound up and				86080
discontinued. The foregoing appropriation item 042-401, Office of				86081
Quality Services, shall be used to pay final payroll costs for				86082
staff assigned to the Office of Quality Services.				86083
COMMISSION CLOSURES				86084
The foregoing appropriation item 042-409, Commission Closures				86085
shall be used to pay for unemployment compensation costs and				86086
miscellaneous expenses related to and following the closures of				86087
the Office of Quality Services and any other state agency as				86088
defined in section 1.60 of the Revised Code.				86089
AUDIT COSTS				86090
Of the foregoing appropriation item 042-603, State				86091
Accounting, not more than \$400,000 in fiscal year 2004 and				86092
\$415,000 in fiscal year 2005 shall be used to pay for centralized				86093
audit costs associated with either Single Audit Schedules or				86094
financial statements prepared in conformance with generally				86095
accepted accounting principles for the state.				86096
<b>Section 24. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD</b>				86097
General Revenue Fund				86098
GRF 874-100 Personal Services	\$	2,031,400	\$ 2,051,400	86099
GRF 874-320 Maintenance and	\$	1,022,262	\$ 982,929	86100
Equipment				

TOTAL GRF General Revenue Fund	\$	3,053,662	\$	3,034,329	86101
General Services Fund Group					86102
4G5 874-603 Capitol Square	\$	15,000	\$	15,000	86103
Maintenance Expenses					
4S7 874-602 Statehouse Gift	\$	770,484	\$	770,484	86104
Shop/Events					
TOTAL GSF General Services					86105
Fund Group	\$	785,484	\$	785,484	86106
Underground Parking Garage					86107
208 874-601 Underground Parking	\$	2,996,801	\$	2,959,721	86108
Garage Operating					
TOTAL UPG Underground Parking					86109
Garage	\$	2,996,801	\$	2,959,721	86110
TOTAL ALL BUDGET FUND GROUPS	\$	6,835,947	\$	6,779,534	86111

**Section 25. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS** 86113

General Services Fund Group					86114
4K9 233-601 Operating Expenses	\$	404,025	\$	431,525	86115
TOTAL GSF General Services Fund	\$	404,025	\$	431,525	86116
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	404,025	\$	431,525	86117

**Section 26. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD** 86119

General Services Fund Group					86120
4K9 930-609 Operating Expenses	\$	225,000	\$	450,000	86121
TOTAL GSF General Services Fund	\$	225,000	\$	450,000	86122
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	225,000	\$	450,000	86123

Notwithstanding any other law to the contrary, upon 86124  
certification by the Director of Administrative Services, the 86125  
Director of Budget and Management may transfer cash in an amount 86126  
not to exceed the fiscal year 2004 appropriation from Fund 5P1 86127

(Credentialing Fund) to Fund 4K9 (Occupational Licensing). The 86128  
amount transferred is hereby appropriated. The cash shall be used 86129  
to pay expenses related to establishing the Chemical Dependency 86130  
Professionals Board, including, but not limited to, travel 86131  
reimbursement of board members. 86132

Upon completion of the transition of the Department of 86133  
Alcohol and Drug Addiction's certificates and credentials issuance 86134  
program to the Chemical Dependency Professionals Board, the 86135  
Director of Alcohol and Drug Addiction Services shall certify to 86136  
the Director of Budget and Management the remaining cash in Fund 86137  
5P1 (Credentialing Fund). The Director of Budget and Management 86138  
shall transfer the certified balance from Fund 5P1 to Fund 4K9 86139  
(Occupational Licensing). This transition shall be completed in 86140  
accordance with Section 5 of Am. Sub. H.B. 496 of the 124th 86141  
General Assembly. 86142

**Section 27. CHR STATE CHIROPRACTIC BOARD** 86143

General Services Fund Group 86144  
4K9 878-609 Operating Expenses \$ 591,724 \$ 591,724 86145  
TOTAL GSF General Services Fund 86146  
Group \$ 591,724 \$ 591,724 86147  
TOTAL ALL BUDGET FUND GROUPS \$ 591,724 \$ 591,724 86148

**Section 28. CIV OHIO CIVIL RIGHTS COMMISSION** 86150

General Revenue Fund 86151  
GRF 876-100 Personal Services \$ 7,000,000 \$ 7,000,000 86152  
GRF 876-200 Maintenance \$ 400,000 \$ 400,000 86153  
GRF 876-300 Equipment \$ 91,298 \$ 91,298 86154  
TOTAL GRF General Revenue Fund \$ 7,491,298 \$ 7,491,298 86155  
Federal Special Revenue Fund Group 86156  
334 876-601 Federal Programs \$ 3,965,000 \$ 3,790,000 86157  
TOTAL FED Federal Special Revenue 86158

Fund Group	\$	3,965,000	\$	3,790,000	86159
State Special Revenue Fund Group					86160
217 876-604 General Reimbursement	\$	20,951	\$	20,951	86161
TOTAL SSR State Special					86162
Revenue Fund Group	\$	20,951	\$	20,951	86163
TOTAL ALL BUDGET FUND GROUPS	\$	11,477,249	\$	11,302,249	86164

**Section 29. COM DEPARTMENT OF COMMERCE**

					86166
General Revenue Fund					86167
GRF 800-402 Grants-Volunteer Fire	\$	647,953	\$	647,953	86168
Departments					
GRF 800-410 Labor and Worker	\$	3,700,040	\$	3,725,040	86169
Safety					
Total GRF General Revenue Fund	\$	4,347,993	\$	4,372,993	86170
General Services Fund Group					86171
163 800-620 Division of	\$	3,385,803	\$	3,490,056	86172
Administration					
163 800-637 Information Technology	\$	2,753,299	\$	2,772,924	86173
5F1 800-635 Small Government Fire	\$	250,000	\$	250,000	86174
Departments					
TOTAL GSF General Services Fund					86175
Group	\$	6,389,102	\$	6,512,980	86176
Federal Special Revenue Fund Group					86177
348 800-622 Underground Storage	\$	195,008	\$	195,008	86178
Tanks					
348 800-624 Leaking Underground	\$	1,850,000	\$	1,850,000	86179
Storage Tanks					
349 800-626 OSHA Enforcement	\$	1,527,750	\$	1,604,140	86180
TOTAL FED Federal Special Revenue					86181
Fund Group	\$	3,572,758	\$	3,649,148	86182
State Special Revenue Fund Group					86183

4B2	800-631	Real Estate Appraisal	\$	60,000	\$	60,000	86184
		Recovery					
4H9	800-608	Cemeteries	\$	273,465	\$	273,465	86185
4L5	800-609	Fireworks Training and	\$	10,976	\$	10,976	86186
		Education					
4X2	800-619	Financial Institutions	\$	2,020,798	\$	2,200,843	86187
5B9	800-632	PI & Security Guard	\$	1,188,716	\$	1,188,716	86188
		Provider					
5K7	800-621	Penalty Enforcement	\$	50,000	\$	50,000	86189
543	800-602	Unclaimed	\$	7,051,051	\$	7,051,051	86190
		Funds-Operating					
543	800-625	Unclaimed Funds-Claims	\$	25,512,867	\$	25,512,867	86191
544	800-612	Banks	\$	6,657,997	\$	6,657,997	86192
545	800-613	Savings Institutions	\$	2,765,618	\$	2,894,330	86193
546	800-610	Fire Marshal	\$	7,855,076	\$	11,787,994	86194
547	800-603	Real Estate	\$	250,000	\$	250,000	86195
		Education/Research					
548	800-611	Real Estate Recovery	\$	100,000	\$	100,000	86196
549	800-614	Real Estate	\$	3,586,754	\$	3,705,892	86197
550	800-617	Securities	\$	4,600,000	\$	4,800,000	86198
552	800-604	Credit Union	\$	2,613,356	\$	2,751,852	86199
553	800-607	Consumer Finance	\$	3,764,279	\$	3,735,445	86200
556	800-615	Industrial Compliance	\$	24,627,687	\$	25,037,257	86201
6A4	800-630	Real Estate	\$	658,506	\$	664,006	86202
		Appraiser-Operating					
653	800-629	UST	\$	1,353,632	\$	1,249,632	86203
		Registration/Permit					
		Fee					
TOTAL SSR State Special Revenue							86204
Fund Group			\$	95,000,778	\$	99,982,323	86205
Liquor Control Fund Group							86206
043	800-601	Merchandising	\$	341,079,554	\$	353,892,432	86207
043	800-627	Liquor Control	\$	17,248,488	\$	15,981,346	86208

	Operating				
043	800-633	Economic Development	\$	23,277,500	\$ 29,029,500 86209
		Debt Service			
043	800-636	Revitalization Debt	\$	4,747,800	\$ 9,736,300 86210
		Service			
		TOTAL LCF Liquor Control			86211
		Fund Group	\$	386,353,342	\$ 408,639,578 86212
		TOTAL ALL BUDGET FUND GROUPS	\$	495,663,973	\$ 523,157,022 86213

GRANTS-VOLUNTEER FIRE DEPARTMENTS 86214

The foregoing appropriation item 800-402, Grants-Volunteer 86215  
 Fire Departments, shall be used to make annual grants to volunteer 86216  
 fire departments of up to \$10,000, or up to \$25,000 if the 86217  
 volunteer fire department provides service for an area affected by 86218  
 a natural disaster. The grant program shall be administered by the 86219  
 Fire Marshal under the Department of Commerce. The Fire Marshal 86220  
 shall adopt rules necessary for the administration and operation 86221  
 of the grant program. 86222

SMALL GOVERNMENT FIRE DEPARTMENTS 86223

Upon the request of the Director of Commerce, the Director of 86224  
 Budget and Management shall transfer \$250,000 cash in each fiscal 86225  
 year from the State Fire Marshal Fund (Fund 546) within the State 86226  
 Special Revenue Fund Group to the Small Government Fire 86227  
 Departments Fund (Fund 5F1) within the General Services Fund 86228  
 Group. 86229

Notwithstanding section 3737.17 of the Revised Code, the 86230  
 foregoing appropriation item 800-635, Small Government Fire 86231  
 Departments, may be used to provide loans to private fire 86232  
 departments. 86233

LABOR AND WORKER SAFETY 86234

The Department of Commerce may designate a portion of 86235  
 appropriation item 800-410, Labor and Worker Safety, to be used to 86236

match federal funding for the OSHA on-site consultation program.	86237
PENALTY ENFORCEMENT	86238
The foregoing appropriation item 800-621, Penalty	86239
Enforcement, shall be used to enforce sections 4115.03 to 4115.16	86240
of the Revised Code.	86241
UNCLAIMED FUNDS PAYMENTS	86242
The foregoing appropriation item 800-625, Unclaimed	86243
Funds-Claims, shall be used to pay claims pursuant to section	86244
169.08 of the Revised Code. If it is determined that additional	86245
amounts are necessary, the amounts are hereby appropriated.	86246
BANKS FUND (FUND 544) TRANSFER TO THE GRF	86247
On July 31, 2003, or as soon as possible thereafter, the	86248
Director of Budget and Management may transfer up to \$2,000,000	86249
cash from the Banks Fund (Fund 544) to the General Revenue Fund.	86250
FIRE MARSHAL FUND (FUND 546) TRANSFER TO THE GRF	86251
On July 31, 2003, or as soon as possible thereafter, the	86252
Director of Budget and Management may transfer up to \$10,000,000	86253
cash from the Fire Marshal Fund (Fund 546) to the General Revenue	86254
Fund.	86255
REAL ESTATE FUND (FUND 549) TRANSFER TO THE GRF	86256
On July 31, 2003, or as soon as possible thereafter, the	86257
Director of Budget and Management may transfer up to \$1,000,000	86258
cash from the Real Estate Fund (Fund 549) to the General Revenue	86259
Fund.	86260
INDUSTRIAL COMPLIANCE FUND (FUND 556) TRANSFER TO THE GRF	86261
On July 31, 2003, or as soon as possible thereafter, the	86262
Director of Budget and Management may transfer up to \$1,000,000	86263
cash from the Industrial Compliance Fund (Fund 556), to the	86264
General Revenue Fund.	86265

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 86266

The foregoing appropriation item 800-601, Merchandising, 86267  
shall be used pursuant to section 4301.12 of the Revised Code. If 86268  
it is determined that additional amounts are necessary, the 86269  
amounts are hereby appropriated. 86270

ECONOMIC DEVELOPMENT DEBT SERVICE 86271

The foregoing appropriation item 800-633, Economic 86272  
Development Debt Service, shall be used to meet all payments at 86273  
the times they are required to be made during the period from July 86274  
1, 2003, to June 30, 2005, for bond service charges on obligations 86275  
issued under Chapter 166. of the Revised Code. If it is determined 86276  
that additional appropriations are necessary for this purpose, 86277  
such amounts are hereby appropriated, subject to the limitations 86278  
set forth in section 166.11 of the Revised Code. The General 86279  
Assembly acknowledges that an appropriation for this purpose is 86280  
not required, but is made in this form and in this act for record 86281  
purposes only. 86282

REVITALIZATION DEBT SERVICE 86283

The foregoing appropriation item 800-636, Revitalization Debt 86284  
Service, shall be used to pay debt service and related financing 86285  
costs under sections 151.01 and 151.40 of the Revised Code during 86286  
the period from July 1, 2003, to June 30, 2005. If it is 86287  
determined that additional appropriations are necessary for this 86288  
purpose, such amounts are hereby appropriated. The General 86289  
Assembly acknowledges the priority of the pledge of a portion of 86290  
receipts from that source to obligations issued and to be issued 86291  
under Chapter 166. of the Revised Code. 86292

ADMINISTRATIVE ASSESSMENTS 86293

Notwithstanding any other provision of law to the contrary, 86294  
Fund 163, Division of Administration, shall receive assessments 86295  
from all operating funds of the department in accordance with 86296

procedures prescribed by the Director of Commerce and approved by 86297  
the Director of Budget and Management. 86298

**Section 30. OCC OFFICE OF CONSUMERS' COUNSEL 86299**

General Services Fund Group 86300

5F5 053-601 Operating Expenses \$ 9,277,519 \$ 9,277,519 86301

TOTAL GSF General Services Fund \$ 9,277,519 \$ 9,277,519 86302

Group

TOTAL ALL BUDGET FUND GROUPS \$ 9,277,519 \$ 9,277,519 86303

**Section 31. CEB CONTROLLING BOARD 86305**

General Revenue Fund 86306

GRF 911-401 Emergency \$ 5,000,000 \$ 5,000,000 86307

Purposes/Contingencies

GRF 911-404 Mandate Assistance \$ 1,462,500 \$ 1,462,500 86308

GRF 911-441 Ballot Advertising \$ 887,500 \$ 487,500 86309

Costs

TOTAL GRF General Revenue Fund \$ 7,350,000 \$ 6,950,000 86310

State Special Revenue Fund Group 86311

5E2 911-601 Disaster Services \$ 4,000,000 \$ 0 86312

TOTAL SSR State Special 86313

Revenue Fund Group \$ 4,000,000 \$ 0 86314

TOTAL ALL BUDGET FUND GROUPS \$ 11,350,000 \$ 6,950,000 86315

**FEDERAL SHARE 86316**

In transferring appropriations to or from appropriation items 86317

that have federal shares identified in this act, the Controlling 86318

Board shall add or subtract corresponding amounts of federal 86319

matching funds at the percentages indicated by the state and 86320

federal division of the appropriations in this act. Such changes 86321

are hereby appropriated. 86322

**DISASTER ASSISTANCE 86323**

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Emergency Purposes Fund to a Department of Public Safety General Revenue Fund appropriation item to provide funding for assistance to political subdivisions made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

SOUTHERN OHIO CORRECTIONAL FACILITY COST

The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the Emergency Purposes Fund for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the foregoing appropriation item 911-601, Disaster Services, to a Department of Public Safety General Revenue Fund appropriation item to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding for disaster aid requests that meet the Emergency Management Agency's criteria for assistance.

The foregoing appropriation item 911-601, Disaster Services, shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation

authority to any fund and appropriation item for the payment of	86355
state agency program expenses as follows:	86356
(A) The southern Ohio flooding, referred to as	86357
FEMA-DR-1164-OH;	86358
(B) The flood/storm disaster referred to as FEMA-DR-1227-OH;	86359
(C) The Southern Ohio flooding, referred to as	86360
FEMA-DR-1321-OH;	86361
(D) The flooding referred to as FEMA-DR-1339-OH;	86362
(E) The tornado/storms referred to as FEMA-DR-1343-OH;	86363
(F) Other disasters declared by the Governor, if the Director	86364
of Budget and Management determines that sufficient funds exist	86365
beyond the expected program costs of these disasters.	86366
The unencumbered balance of appropriation item 911-601,	86367
Disaster Services, at the end of fiscal year 2004 is transferred	86368
to fiscal year 2005 for use under the same appropriation item.	86369
MANDATE ASSISTANCE	86370
(A) The foregoing appropriation item 911-404, Mandate	86371
Assistance, shall be used to provide financial assistance to local	86372
units of government, school districts, and fire departments for	86373
the cost of the following three unfunded state mandates:	86374
(1) The cost to county prosecutors for prosecuting certain	86375
felonies that occur on the grounds of state institutions operated	86376
by the Department of Rehabilitation and Correction and the	86377
Department of Youth Services;	86378
(2) The cost, primarily to small villages and townships, of	86379
providing firefighter training and equipment or gear;	86380
(3) The cost to school districts of in-service training for	86381
child abuse detection.	86382
(B) The Department of Commerce, the Office of Criminal	86383

Justice Services, and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance.

PROGRAM	ADMINISTERING AGENCY	ESTIMATED ANNUAL AMOUNT	
Prosecution Costs	Office of Criminal Justice Services	\$146,500	86393
Firefighter Training Costs	Department of Commerce	\$731,000	86395
Child Abuse Detection Training Costs	Department of Education	\$585,000	86396

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Department of Commerce, the Office of Criminal Justice Services, and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Department of Commerce, the Office of Criminal Justice Services, and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to one or more of the other programs of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government, school districts, and fire departments under each of the three programs of state financial assistance identified under this section will be fully reimbursed by the state.

Reimbursement levels may vary by program and shall be based on: 86414  
the relationship between the appropriation transfers requested by 86415  
the Department of Commerce, the Office of Criminal Justice 86416  
Services, and the Department of Education and provided by the 86417  
Controlling Board for each of the programs; the rules and 86418  
procedures established for each program by the administering state 86419  
agency; and the actual costs incurred by local units of 86420  
government, school districts, and fire departments. 86421

(F) Each of these programs of state financial assistance 86422  
shall be carried out as follows: 86423

(1) PROSECUTION COSTS 86424

(a) Appropriations may be transferred to the Office of 86425  
Criminal Justice Services to cover local prosecution costs for 86426  
aggravated murder, murder, felonies of the first degree, and 86427  
felonies of the second degree that occur on the grounds of 86428  
institutions operated by the Department of Rehabilitation and 86429  
Correction and the Department of Youth Services. 86430

(b) Upon a delinquency filing in juvenile court or the return 86431  
of an indictment for aggravated murder, murder, or any felony of 86432  
the first or second degree that was committed at a Department of 86433  
Youth Services or a Department of Rehabilitation and Correction 86434  
institution, the affected county may, in accordance with rules 86435  
that the Office of Criminal Justice Services shall adopt, apply to 86436  
the Office of Criminal Justice Services for a grant to cover all 86437  
documented costs that are incurred by the county prosecutor's 86438  
office. 86439

(c) Twice each year, the Office of Criminal Justice Services 86440  
shall designate counties to receive grants from those counties 86441  
that have submitted one or more applications in compliance with 86442  
the rules that have been adopted by the Office of Criminal Justice 86443  
Services for the receipt of such grants. In each year's first 86444

round of grant awards, if sufficient appropriations have been 86445  
made, up to a total of \$100,000 may be awarded. In each year's 86446  
second round of grant awards, the remaining appropriations 86447  
available for this purpose may be awarded. 86448

(d) If for a given round of grants there are insufficient 86449  
appropriations to make grant awards to all the eligible counties, 86450  
the first priority shall be given to counties with cases involving 86451  
aggravated murder and murder; second priority shall be given to 86452  
cases involving a felony of the first degree; and third priority 86453  
shall be given to cases involving a felony of the second degree. 86454  
Within these priorities, the grant awards shall be based on the 86455  
order in which the applications were received, except that 86456  
applications for cases involving a felony of the first or second 86457  
degree shall not be considered in more than two consecutive rounds 86458  
of grant awards. 86459

(2) FIREFIGHTER TRAINING COSTS 86460

Appropriations may be transferred to the Department of 86461  
Commerce for use as full or partial reimbursement to local units 86462  
of government and fire departments for the cost of firefighter 86463  
training and equipment or gear. In accordance with rules that the 86464  
department shall adopt, a local unit of government or fire 86465  
department may apply to the department for a grant to cover all 86466  
documented costs that are incurred to provide firefighter training 86467  
and equipment or gear. The department shall make grants within the 86468  
limits of the funding provided, with priority given to fire 86469  
departments that serve small villages and townships. 86470

(3) CHILD ABUSE DETECTION TRAINING COSTS 86471

Appropriations may be transferred to the Department of 86472  
Education for disbursement to local school districts as full or 86473  
partial reimbursement for the cost of providing in-service 86474  
training for child abuse detection. In accordance with rules that 86475

the department shall adopt, a local school district may apply to 86476  
the department for a grant to cover all documented costs that are 86477  
incurred to provide in-service training for child abuse detection. 86478  
The department shall make grants within the limits of the funding 86479  
provided. 86480

(G) Any moneys allocated within appropriation item 911-404, 86481  
Mandate Assistance, not fully utilized may, upon application of 86482  
the Ohio Public Defender Commission, and with the approval of the 86483  
Controlling Board, be disbursed to boards of county commissioners 86484  
to provide additional reimbursement for the costs incurred by 86485  
counties in providing defense to indigent defendants pursuant to 86486  
Chapter 120. of the Revised Code. 86487

The amount to be disbursed to each county shall be allocated 86488  
proportionately on the basis of the total amount of reimbursement 86489  
paid to each county as a percentage of the amount of reimbursement 86490  
paid to all of the counties during the most recent state fiscal 86491  
year for which data is available and as calculated by the Ohio 86492  
Public Defender Commission. 86493

BALLOT ADVERTISING COSTS 86494

Pursuant to requests submitted by the Ohio Ballot Board, the 86495  
Controlling Board shall approve transfers from the foregoing 86496  
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 86497  
Ballot Board appropriation item in order to reimburse county 86498  
boards of elections for the cost of public notices associated with 86499  
statewide ballot initiatives. 86500

Of the foregoing appropriation item 911-441, Ballot 86501  
Advertising Costs, the Director of Budget and Management shall 86502  
transfer any amounts that are not needed for the purpose of 86503  
reimbursing county boards of elections for the cost of public 86504  
notices associated with statewide ballot initiatives to 86505  
appropriation item 911-404, Mandate Assistance. 86506

<b>Section 32. COS STATE BOARD OF COSMETOLOGY</b>				86507
General Services Fund Group				86508
4K9 879-609 Operating Expenses	\$	2,681,359	\$ 2,822,359	86509
TOTAL GSF General Services Fund				86510
Group	\$	2,681,359	\$ 2,822,359	86511
TOTAL ALL BUDGET FUND GROUPS	\$	2,681,359	\$ 2,822,359	86512
<b>Section 33. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND</b>				86514
<b>FAMILY THERAPIST BOARD</b>				86515
General Services Fund Group				86516
4K9 899-609 Operating Expenses	\$	1,021,524	\$ 1,044,812	86517
TOTAL GSF General Services Fund				86518
Group	\$	1,021,524	\$ 1,044,812	86519
TOTAL ALL BUDGET FUND GROUPS	\$	1,021,524	\$ 1,044,812	86520
<b>Section 34. CLA COURT OF CLAIMS</b>				86522
General Revenue Fund				86523
GRF 015-321 Operating Expenses	\$	2,452,000	\$ 2,477,000	86524
TOTAL GRF General Revenue Fund	\$	2,452,000	\$ 2,477,000	86525
State Special Revenue Fund Group				86526
5K2 015-603 CLA Victims of Crime	\$	1,532,043	\$ 1,582,684	86527
TOTAL SSR State Special Revenue				86528
Fund Group	\$	1,532,043	\$ 1,582,684	86529
TOTAL ALL BUDGET FUND GROUPS	\$	3,984,043	\$ 4,059,684	86530
OFFICE SPACE RENTAL EXPENSES				86531
Of the foregoing appropriation item 015-321, Operating				86532
Expenses, in fiscal year 2005, \$302,000 shall be for the purpose				86533
of paying fiscal year 2005 office space rental expenses. Upon				86534
approval of the Controlling Board, the Court of Claims may expend				86535
up to \$302,000 for the purpose of paying fiscal year 2005 office				86536
space rental expenses.				86537

<b>Section 35. CJS OFFICE OF CRIMINAL JUSTICE SERVICES</b>				86538
General Revenue Fund				86539
GRF 196-401	Criminal Justice	\$ 534,570	\$ 520,503	86540
	Information System			
GRF 196-403	Center for Violence	\$ 20,000	\$ 20,000	86541
	Prevention			
GRF 196-405	Violence Prevention	\$ 707,076	\$ 688,469	86542
	Subsidy			
GRF 196-424	Operating Expenses	\$ 1,431,371	\$ 1,427,971	86543
TOTAL GRF	General Revenue Fund	\$ 2,693,017	\$ 2,656,943	86544
General Services Fund Group				86545
4P6 196-601	General Services	\$ 135,450	\$ 86,500	86546
TOTAL GSF	Services Fund Group	\$ 135,450	\$ 86,500	86547
Federal Special Revenue Fund Group				86548
3L5 196-604	Justice Program	\$ 30,334,908	\$ 30,311,870	86549
3U1 196-602	Criminal Justice	\$ 1,000,000	\$ 0	86550
	Federal Programs			
3V8 196-605	Federal Program	\$ 250,000	\$ 0	86551
	Purposes FFY 01			
TOTAL FED	Federal Special Revenue	\$ 31,584,908	\$ 30,311,870	86552
Fund Group				
TOTAL ALL BUDGET	FUND GROUPS	\$ 34,413,375	\$ 33,055,313	86553
INDIGENT DEFENSE				86554
The Office of Criminal Justice Services shall make all				86555
efforts to maximize the amount of funding available for the				86556
defense of indigent persons.				86557
CRIMINAL JUSTICE INFORMATION SYSTEM				86558
The foregoing appropriation item 196-401, Criminal Justice				86559
Information System, shall be used by the Office of Criminal				86560
Justice Services to work on a plan to improve Ohio's criminal				86561

justice information systems. The Director of Criminal Justice 86562  
Services shall evaluate the progress of this plan and issue a 86563  
report to the Governor, the Speaker and the Minority Leader of the 86564  
House of Representatives, the President and the Minority Leader of 86565  
the Senate, the Criminal Justice Policy Board, and the Legislative 86566  
Service Commission by the first day of January of each year of the 86567  
two-year biennium beginning July 1, 2003, and ending June 30, 86568  
2005. 86569

VIOLENCE PREVENTION SUBSIDY 86570

Of the foregoing appropriation item 196-405, Violence 86571  
Prevention Subsidy, \$60,000 in fiscal year 2004 shall be used for 86572  
Montgomery County's STVM Safe House Domestic Transitional Housing. 86573

OPERATING EXPENSES 86574

Of the foregoing appropriation item 196-424, Operating 86575  
Expenses, up to \$650,000 in each fiscal year shall be used for the 86576  
purpose of matching federal funds. 86577

JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 86578

The foregoing appropriation item 196-602, Criminal Justice 86579  
Federal Programs, shall be used to fund and close out the Juvenile 86580  
Accountability Incentive Block Grant Program for federal fiscal 86581  
year 1999. 86582

**Section 36.** DEN STATE DENTAL BOARD 86583

General Services Fund Group 86584  
4K9 880-609 Operating Expenses \$ 1,324,456 \$ 1,346,656 86585  
TOTAL GSF General Services Fund 86586  
Group \$ 1,324,456 \$ 1,346,656 86587  
TOTAL ALL BUDGET FUND GROUPS \$ 1,324,456 \$ 1,346,656 86588

**Section 37.** BDP BOARD OF DEPOSIT 86590

General Services Fund Group 86591

4M2 974-601 Board of Deposit	\$	1,676,000	\$	1,676,000	86592
TOTAL GSF General Services Fund					86593
Group	\$	1,676,000	\$	1,676,000	86594
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$	1,676,000	86595

BOARD OF DEPOSIT EXPENSE FUND 86596

Upon receiving certification of expenses from the Treasurer 86597  
of State, the Director of Budget and Management shall transfer 86598  
cash from the Investment Earnings Redistribution Fund (Fund 608) 86599  
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 86600  
shall be used to pay for banking charges and fees required for the 86601  
operation of the State of Ohio Regular Account. 86602

**Section 38.** DEV DEPARTMENT OF DEVELOPMENT 86603

General Revenue Fund 86604

GRF 195-321 Operating Expenses	\$	2,695,236	\$	3,020,115	86605
GRF 195-401 Thomas Edison Program	\$	16,634,934	\$	16,334,934	86606
GRF 195-404 Small Business	\$	1,740,722	\$	1,740,722	86607
Development					
GRF 195-405 Minority Business	\$	1,620,755	\$	1,669,378	86608
Development Division					
GRF 195-407 Travel and Tourism	\$	6,049,345	\$	7,049,345	86609
GRF 195-410 Defense Conversion	\$	1,500,000	\$	0	86610
Assistance					
GRF 195-412 Business Development	\$	8,905,530	\$	8,905,530	86611
Grants					
GRF 195-414 First Frontier Match	\$	389,987	\$	389,987	86612
GRF 195-415 Economic Development	\$	5,594,975	\$	5,594,975	86613
Division and Regional					
Offices					
GRF 195-416 Governor's Office of	\$	4,372,324	\$	4,372,324	86614
Appalachia					
GRF 195-417 Urban/Rural Initiative	\$	589,390	\$	589,390	86615

GRF 195-422	Third Frontier Action Fund	\$	16,790,000	\$	16,790,000	86616
GRF 195-426	Clean Ohio Administration	\$	518,730	\$	518,730	86617
GRF 195-432	International Trade	\$	4,492,713	\$	4,492,713	86618
GRF 195-434	Investment in Training Grants	\$	12,227,500	\$	12,227,500	86619
GRF 195-436	Labor/Management Cooperation	\$	811,869	\$	811,869	86620
GRF 195-497	CDBG Operating Match	\$	1,107,400	\$	1,107,400	86621
GRF 195-498	State Energy Match	\$	100,000	\$	100,000	86622
GRF 195-501	Appalachian Local Development Districts	\$	380,080	\$	380,080	86623
GRF 195-502	Appalachian Regional Commission Dues	\$	238,274	\$	246,803	86624
GRF 195-507	Travel and Tourism Grants	\$	1,025,000	\$	1,025,000	86625
GRF 195-515	Economic Development Contingency	\$	10,000,000	\$	10,000,000	86626
GRF 195-516	Shovel Ready Sites	\$	2,500,000	\$	2,500,000	86627
GRF 195-905	Third Frontier Research & Commercialization General Obligation Debt Service	\$	0	\$	7,360,000	86628
TOTAL GRF	General Revenue Fund	\$	100,284,764	\$	107,226,795	86629
	General Services Fund Group					86630
135 195-605	Supportive Services	\$	7,417,068	\$	7,539,686	86631
136 195-621	International Trade	\$	24,915	\$	24,915	86632
685 195-636	General Reimbursements	\$	1,316,012	\$	1,232,530	86633
TOTAL GSF	General Services Fund Group	\$	8,757,995	\$	8,797,131	86634
	Federal Special Revenue Fund Group					86635
						86636

3K8	195-613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	86637
3K9	195-611	Home Energy Assistance Block Grant	\$	85,036,000	\$	85,036,000	86638
3K9	195-614	HEAP Weatherization	\$	16,219,479	\$	16,219,479	86639
3L0	195-612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	86640
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	86641
308	195-602	Appalachian Regional Commission	\$	350,200	\$	350,200	86642
308	195-603	Housing and Urban Development	\$	5,000,000	\$	5,000,000	86643
308	195-605	Federal Projects	\$	15,300,248	\$	15,300,248	86644
308	195-609	Small Business Administration	\$	4,196,381	\$	4,296,381	86645
308	195-618	Energy Federal Grants	\$	3,397,659	\$	3,397,659	86646
335	195-610	Oil Overcharge	\$	8,500,000	\$	8,500,000	86647
380	195-622	Housing Development Operating	\$	5,606,080	\$	5,667,627	86648
TOTAL FED Federal Special Revenue							86649
Fund Group			\$	273,841,047	\$	274,002,594	86650
State Special Revenue Fund Group							86651
4F2	195-639	State Special Projects	\$	540,183	\$	290,183	86652
4H4	195-641	First Frontier	\$	500,000	\$	500,000	86653
4S0	195-630	Enterprise Zone Operating	\$	211,900	\$	211,900	86654
4S1	195-634	Job Creation Tax Credit Operating	\$	375,800	\$	375,800	86655
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	86656
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	86657
445	195-617	Housing Finance	\$	5,040,843	\$	4,983,738	86658

		Operating					
450	195-624	Minority Business	\$	13,563	\$	13,563	86659
		Bonding Program					
		Administration					
451	195-625	Economic Development	\$	2,358,310	\$	2,358,310	86660
		Financing Operating					
5M4	195-659	Universal Service	\$	170,000,000	\$	170,000,000	86661
5M5	195-660	Energy Efficiency	\$	12,000,000	\$	12,000,000	86662
		Revolving Loan					
611	195-631	Water and Sewer	\$	15,713	\$	15,713	86663
		Administration					
617	195-654	Volume Cap	\$	200,000	\$	200,000	86664
		Administration					
646	195-638	Low and Moderate	\$	40,000,000	\$	40,000,000	86665
		Income Housing Trust					
		Fund					
		TOTAL SSR State Special Revenue					86666
		Fund Group	\$	234,360,684	\$	234,053,579	86667
		Facilities Establishment Fund Group					86668
009	195-664	Innovation Ohio	\$	50,000,000	\$	55,000,000	86669
037	195-615	Facilities	\$	63,931,149	\$	63,931,149	86670
		Establishment					
4Z6	195-647	Rural Industrial Park	\$	5,000,000	\$	5,000,000	86671
		Loan					
5D2	195-650	Urban Redevelopment	\$	10,475,000	\$	10,475,000	86672
		Loans					
5H1	195-652	Family Farm Loan	\$	1,500,000	\$	1,500,000	86673
		Guarantee					
5S8	195-627	Rural Development	\$	5,000,000	\$	5,000,000	86674
		Initiative					
5S9	195-628	Capital Access Loan	\$	3,000,000	\$	3,000,000	86675
		Program					
		TOTAL 037 Facilities					86676

Establishment Fund Group	\$	138,906,149	\$	143,906,149	86677
Clean Ohio Revitalization Fund					86678
003 195-663 Clean Ohio Operating	\$	150,000	\$	150,000	86679
TOTAL 003 Clean Ohio Revitalization Fund	\$	150,000	\$	150,000	86680
TOTAL ALL BUDGET FUND GROUPS	\$	756,300,639	\$	768,136,248	86681

**Section 38.01. THOMAS EDISON PROGRAM** 86683

The foregoing appropriation item 195-401, Thomas Edison Program, shall be used for the purposes of sections 122.28 to 122.38 of the Revised Code in order to provide funds for cooperative public and private efforts in technological innovation to promote the development and transfer of technology by and to Ohio businesses that will lead to the creation of jobs, and to provide for the administration of this program by the Technology Division. 86684  
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Of the foregoing appropriation item 195-401, Thomas Edison Program, not more than \$2,000,000 in fiscal year 2004 and \$2,300,000 in fiscal year 2005 shall be used for operating expenditures in administering the programs of the Technology Division. 86692  
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**Section 38.02. SMALL BUSINESS DEVELOPMENT** 86697

The foregoing appropriation item 195-404, Small Business Development, shall be used to ensure that the unique needs and concerns of small businesses are addressed. 86698  
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The foregoing appropriation item 195-404, Small Business Development, may be used to provide grants to local organizations to support the operation of Small Business Development Centers and other local economic development activity promoting small business, and for the cost of administering the small business development center program. The centers shall provide technical, 86701  
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financial, and management consultation for small business and 86707  
shall facilitate access to state and federal programs. These funds 86708  
shall be used as matching funds for grants from the United States 86709  
Small Business Administration and other federal agencies, pursuant 86710  
to Public Law No. 96-302 (1980) as amended by Public Law No. 86711  
98-395 (1984), and regulations and policy guidelines for the 86712  
programs under this law. 86713

In addition, the Office of Small Business may operate the 86714  
1st-Stop Business Connection and implement and coordinate the 86715  
duties imposed on the Department of Development by Am. Sub. S.B. 86716  
239 of the 115th General Assembly. 86717

MINORITY BUSINESS DEVELOPMENT DIVISION 86718

Of the foregoing appropriation item 195-405, Minority 86719  
Business Development Division, up to \$1,060,000 but not less than 86720  
\$954,000 in each fiscal year shall be used to fund minority 86721  
contractors and business assistance organizations. The Minority 86722  
Business Development Division shall determine which cities need 86723  
minority contractors and business assistance organizations by 86724  
utilizing United States Census Bureau data and zip codes to locate 86725  
the highest concentrations of minority businesses. The Minority 86726  
Business Development Division also shall determine the numbers of 86727  
minority contractors and business assistance organizations 86728  
necessary and the amount of funding to be provided each. In 86729  
addition, the Minority Business Development Division shall 86730  
continue to plan and implement business conferences. 86731

**Section 38.03.** OHIO PREPAREDNESS FOR BRAC-2005 86732

The foregoing appropriation item 195-410, Defense Conversion 86733  
Assistance, shall be used for grants to local communities to pay 86734  
for the costs associated with the research and preparation of 86735  
response plans for military installations in Ohio, including 86736  
Wright Patterson Air Force Base, Springfield Air National Guard 86737

Base, and other Ohio military installations in the state for the 86738  
U.S. Department of Defense Base Realignment and Closure (BRAC) 86739  
2005 Program. The grants shall contain requirements for cost 86740  
sharing to evidence the commitment of local communities to this 86741  
process. The Director of Development may reserve up to five per 86742  
cent of the appropriation for contingency and administration 86743  
support. 86744

**Section 38.04. BUSINESS DEVELOPMENT** 86745

The foregoing appropriation item 195-412, Business 86746  
Development Grants, shall be used as an incentive for attracting 86747  
and retaining business opportunities for the state. Any such 86748  
business opportunity, whether new, expanding, or relocating in 86749  
Ohio, is eligible for funding. The project must create or retain a 86750  
significant number of jobs for Ohioans. Grant awards may be 86751  
considered only when (1) the project's viability hinges on an 86752  
award of funds from appropriation item 195-412, Business 86753  
Development Grants; (2) all other public or private sources of 86754  
financing have been considered; or (3) the funds act as a catalyst 86755  
for the infusion into the project of other financing sources. 86756

The department's primary goal shall be to award funds to 86757  
political subdivisions of the state for off-site infrastructure 86758  
improvements. In order to meet the particular needs of economic 86759  
development in a region, the department may elect to award funds 86760  
directly to a business for on-site infrastructure improvements. 86761  
"Infrastructure improvements" mean improvements to water system 86762  
facilities, sewer and sewage treatment facilities, electric or gas 86763  
service facilities, fiber optic facilities, rail facilities, site 86764  
preparation, and parking facilities. The Director of Development 86765  
may recommend the funds be used in an alternative manner when 86766  
deemed appropriate to meet an extraordinary economic development 86767  
opportunity or need. 86768

The foregoing appropriation item 195-412, Business 86769  
Development Grants, may be expended only after the submission of a 86770  
request to the Controlling Board by the Department of Development 86771  
outlining the planned use of the funds, and the subsequent 86772  
approval of the request by the Controlling Board. 86773

The foregoing appropriation item 195-412, Business 86774  
Development Grants, may be used for, but is not limited to, 86775  
construction, rehabilitation, and acquisition projects for rail 86776  
freight assistance as requested by the Department of 86777  
Transportation. The Director of Transportation shall submit the 86778  
proposed projects to the Director of Development for an evaluation 86779  
of potential economic benefit. 86780

**Section 38.05. FIRST FRONTIER MATCH** 86781

The foregoing appropriation item 195-414, First Frontier 86782  
Match, shall be used as matching funds to targeted counties for 86783  
the purpose of marketing state, regional, and local 86784  
characteristics that may attract economic development. "Targeted 86785  
counties" mean counties that have a population of less than 86786  
175,000 residents. The appropriation may be used either for 86787  
marketing programs by individual targeted counties or for regional 86788  
marketing campaigns that are marketing programs in which at least 86789  
one targeted county is participating with one or more other 86790  
targeted counties or larger counties. 86791

**ECONOMIC DEVELOPMENT DIVISION AND REGIONAL OFFICES** 86792

The foregoing appropriation item 195-415, Economic 86793  
Development Division and Regional Offices, shall be used for the 86794  
operating expenses of the Economic Development Division and the 86795  
regional economic development offices and for grants for 86796  
cooperative economic development ventures. 86797

**Section 38.06. GOVERNOR'S OFFICE OF APPALACHIA** 86798

The foregoing appropriation item 195-416, Governor's Office 86799  
of Appalachia, shall be used for the administrative costs of 86800  
planning and liaison activities for the Governor's Office of 86801  
Appalachia. Funds not expended for planning and liaison activities 86802  
may be expended for special project grants within the Appalachian 86803  
Region. 86804

Of the foregoing appropriation item 195-416, Governor's 86805  
Office of Appalachia, up to \$250,000 each fiscal year shall be 86806  
used to match federal funds from the Appalachian Regional 86807  
Commission to provide job training to impact the Appalachian 86808  
Region. 86809

Of the foregoing appropriation item 195-416, Governor's 86810  
Office of Appalachia, up to \$4,372,324 in each fiscal year shall 86811  
be used in conjunction with other federal and state funds to 86812  
provide financial assistance to projects in Ohio's Appalachian 86813  
counties in order to further the goals of the Appalachian Regional 86814  
Commission. Such projects and project sponsors shall meet 86815  
Appalachian Regional Commission eligibility requirements. Grants 86816  
shall be administered by the Department of Development. 86817

URBAN/RURAL INITIATIVE 86818

The foregoing appropriation item 195-417, Urban/Rural 86819  
Initiative, shall be used to make grants in accordance with 86820  
sections 122.19 to 122.22 of the Ohio Revised Code. 86821

**Section 38.07.** THIRD FRONTIER ACTION FUND 86822

The foregoing appropriation item 195-422, Third Frontier 86823  
Action Fund, shall be used to make grants in accordance with 86824  
sections 184.01 and 184.02 of the Revised Code. Prior to the 86825  
release of funds from appropriation item 195-422, Third Frontier 86826  
Action Fund, each grant award shall be recommended for funding by 86827  
the Third Frontier Commission and obtain approval from the 86828

Controlling Board. 86829

Of the foregoing appropriation item 195-422, Third Frontier 86830  
Action Fund, not more than six per cent in each fiscal year shall 86831  
be used for operating expenditures in administering the program. 86832

In addition to the six per cent for operating expenditures, 86833  
an additional administrative amount, not to exceed \$1,500,000 86834  
within the biennium, shall be available for proposal evaluation, 86835  
research and analyses, and marketing efforts deemed necessary to 86836  
receive and disseminate information about science and 86837  
technology-related opportunities in the state. 86838

SCIENCE AND TECHNOLOGY COLLABORATION 86839

The Department of Development shall work in close 86840  
collaboration with the Board of Regents and the Third Frontier 86841  
Commission in relation to appropriation items and programs listed 86842  
in the following paragraph, and other technology-related 86843  
appropriations and programs in the Department of Development, the 86844  
Board of Regents, and Air Quality Development Authority, as those 86845  
agencies may designate, to ensure implementation of a coherent 86846  
state strategy with respect to science and technology. 86847

Each of the following appropriations and programs: 195-401, 86848  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 86849  
Third Frontier Action Fund; 898-604, Coal Research and Development 86850  
Fund; 235-454, Research Challenge; 235-510, Ohio Supercomputer 86851  
Center; 235-527, Ohio Aerospace Institute; 235-535, Agricultural 86852  
Research and Development Center; 235-553, Dayton Area Graduate 86853  
Studies Institute; 235-554, Computer Science Graduate Education; 86854  
235-556, Ohio Academic Resources Network; and 195-435, Biomedical 86855  
Research and Technology Transfer Trust, shall be reviewed annually 86856  
by the Third Frontier Commission with respect to its development 86857  
of complementary relationships within a combined state science and 86858  
technology investment portfolio and its overall contribution to 86859

the state's science and technology strategy, including the 86860  
adoption of appropriately consistent criteria for: (1) the 86861  
scientific merit of activities supported by the program; (2) the 86862  
relevance of the program's activities to commercial opportunities 86863  
in the private sector; (3) the private sector's involvement in a 86864  
process that continually evaluates commercial opportunities to use 86865  
the work supported by the program; and (4) the ability of the 86866  
program and recipients of grant funding from the program to engage 86867  
in activities that are collaborative, complementary, and efficient 86868  
with respect to the expenditure of state funds. 86869

All programs listed in the preceding paragraph shall provide 86870  
annual reports to the Third Frontier Commission discussing 86871  
existing, planned, or possible collaborations between programs and 86872  
recipients of grant funding related to technology, development, 86873  
commercialization, and supporting Ohio's economic development. The 86874  
annual review by the Third Frontier Commission shall be a 86875  
comprehensive review of the entire state science and technology 86876  
program portfolio rather than a review of individual programs. 86877

**Section 38.08. INTERNATIONAL TRADE** 86878

The foregoing appropriation item 195-432, International 86879  
Trade, shall be used to operate and to maintain Ohio's 86880  
out-of-state trade offices. 86881

The Director of Development may enter into contracts with 86882  
foreign nationals to staff foreign offices. Such contracts may be 86883  
paid in local currency or United States currency and shall be 86884  
exempt from the provisions of section 127.16 of the Revised Code. 86885  
The director also may establish foreign currency accounts in 86886  
accordance with section 122.05 of the Revised Code for the payment 86887  
of expenses related to the operation and maintenance of the 86888  
foreign trade offices. 86889

The foregoing appropriation item 195-432, International 86890

Trade, shall be used to fund the International Trade Division and 86891  
to assist Ohio manufacturers and agricultural producers in 86892  
exporting to foreign countries in conjunction with the Department 86893  
of Agriculture. 86894

Of the foregoing appropriation item 195-432, International 86895  
Trade, up to \$35,000 may be used to purchase gifts for 86896  
representatives of foreign governments or dignitaries of foreign 86897  
countries. 86898

**Section 38.09.** OHIO INVESTMENT IN TRAINING PROGRAM 86899

The foregoing appropriation item 195-434, Investment in 86900  
Training Grants, shall be used to promote training through grants 86901  
for the reimbursement of eligible training expenses. 86902

**Section 38.10.** CDBG OPERATING MATCH 86903

The foregoing appropriation item 195-497, CDBG Operating 86904  
Match, shall be used to provide matching funds as requested by the 86905  
United States Department of Housing and Urban Development to 86906  
administer the federally funded Community Development Block Grant 86907  
(CDBG) program. 86908

STATE OPERATING MATCH 86909

The foregoing appropriation item 195-498, State Energy Match, 86910  
shall be used to provide matching funds as required by the United 86911  
States Department of Energy to administer the federally funded 86912  
State Energy Plan. 86913

**Section 38.11.** TRAVEL AND TOURISM GRANTS 86914

The foregoing appropriation item 195-507, Travel and Tourism 86915  
Grants, shall be used to provide grants to local organizations to 86916  
support various local travel and tourism events in Ohio. 86917

Of the foregoing appropriation item 195-507, Travel and 86918

Tourism Grants, up to \$160,000 in each fiscal year of the biennium 86919  
may be used to support the outdoor dramas Trumpet in the Land, 86920  
Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; 86921  
\$40,000 in each fiscal year shall be used for the Cincinnati Film 86922  
Commission; \$40,000 in each fiscal year shall be used for the 86923  
Cleveland Film Commission; \$600,000 in each fiscal year shall be 86924  
used for grants to the International Center for the Preservation 86925  
of Wild Animals; \$120,000 in each fiscal year shall be used for 86926  
the Ottawa County Visitors Bureau, the Sandusky/Erie County 86927  
Visitors and Convention Bureau, and the Lorain County Visitors 86928  
Bureau for collaborative efforts to promote tourism; \$25,000 in 86929  
each fiscal year shall be used for the Ohio River Trails Program; 86930  
\$40,000 in fiscal year 2004 shall be used for the United States 86931  
Senior Open in Toledo; \$20,000 in fiscal year 2005 for the 86932  
Professional Football Hall of Fame; and \$20,000 in fiscal year 86933  
2005 for the Cuyahoga Valley Scenic Railroad. 86934

**Section 38.12. SHOVEL READY SITES** 86935

The foregoing appropriation item 195-516, Shovel Ready Sites, 86936  
shall be used for the Shovel Ready Sites Program. 86937

The Director of Development shall contract for pilot projects 86938  
with three port authorities, two of which shall be from urban 86939  
counties with populations of at least 200,000 but not more than 86940  
600,000 residents, and one of which shall be from a rural county. 86941  
The appropriation shall be used to leverage federal funds, local 86942  
funds, or both, to provide grants for the preparation of sites for 86943  
immediate construction for infrastructure in the state. 86944

**Section 38.13. THIRD FRONTIER RESEARCH & COMMERCIALIZATION** 86945  
**GENERAL OBLIGATION DEBT SERVICE** 86946

The foregoing appropriation item 195-905, Third Frontier 86947  
Research & Commercialization General Obligation Debt Service, 86948

shall be used to pay all debt service and related financing costs 86949  
during the period from July 1, 2003, to June 30, 2005, on 86950  
obligations to be issued for research and development purposes 86951  
under Section 2p of Article VIII, Ohio Constitution, and 86952  
implementing legislation. The Office of the Sinking Fund or the 86953  
Director of Budget and Management shall effectuate the required 86954  
payments by an intrastate transfer voucher. 86955

**Section 38.14. SUPPORTIVE SERVICES** 86956

The Director of Development may assess divisions of the 86957  
department for the cost of central service operations. Such an 86958  
assessment shall be based on a plan submitted to and approved by 86959  
the Office of Budget and Management by the first day of August of 86960  
each fiscal year, and contain the characteristics of 86961  
administrative ease and uniform application. 86962

A division's payments shall be credited to the Supportive 86963  
Services Fund (Fund 135) using an intrastate transfer voucher. 86964

**GENERAL REIMBURSEMENT** 86965

The foregoing appropriation item 195-636, General 86966  
Reimbursements, shall be used for conference and subscription fees 86967  
and other reimbursable costs. Revenues to the General 86968  
Reimbursement Fund (Fund 685) shall consist of fees and other 86969  
moneys charged for conferences, subscriptions, and other 86970  
administrative costs that are not central service costs. 86971

**Section 38.15. TRAINING SERVICES** 86972

Of the foregoing appropriation item 195-605, Federal 86973  
Projects, \$400,000 in each fiscal year shall be used for grants to 86974  
the Ohio Weatherization Training Center, administered by the 86975  
Corporation for Ohio Appalachian Development, for training and 86976  
technical assistance services. 86977

**Section 38.16.** HEAP WEATHERIZATION 86978

Fifteen per cent of the federal funds received by the state 86979  
for the Home Energy Assistance Block Grant shall be deposited in 86980  
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 86981  
shall be used to provide home weatherization services in the 86982  
state. 86983

Of the foregoing appropriation item 195-614, HEAP 86984  
Weatherization, \$200,000 in each fiscal year shall be used for 86985  
grants to the Ohio Weatherization Training Center, administered by 86986  
the Corporation for Ohio Appalachian Development, for training and 86987  
technical assistance services. 86988

STATE SPECIAL PROJECTS 86989

The foregoing appropriation item 195-639, State Special 86990  
Projects, shall be used as a general account for the deposit of 86991  
private-sector funds from utility companies and other 86992  
miscellaneous state funds. Private-sector moneys shall be used to 86993  
(1) pay the expenses of verifying the income-eligibility of HEAP 86994  
applicants, (2) market economic development opportunities in the 86995  
state, and (3) leverage additional federal funds. State funds 86996  
shall be used to match federal housing grants for the homeless. 86997

**Section 38.17.** MINORITY BUSINESS ENTERPRISE LOAN 86998

All repayments from the Minority Development Financing 86999  
Advisory Board loan program and the Ohio Mini-Loan Guarantee 87000  
Program shall be deposited in the State Treasury to the credit of 87001  
the Minority Business Enterprise Loan Fund (Fund 4W1). 87002

All operating costs of administering the Minority Business 87003  
Enterprise Loan Fund shall be paid from the Minority Business 87004  
Enterprise Loan Fund (Fund 4WI). 87005

MINORITY BUSINESS BONDING FUND 87006

Notwithstanding Chapters 122., 169., and 175. of the Revised Code and other provisions of Am. Sub. H.B. 283 of the 123rd General Assembly, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the 2003-2005 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program pursuant to section 169.05 of the Revised Code. The transfer of any cash by the Director of Budget and Management from the Department of Commerce's Unclaimed Funds Fund (Fund 543) to the Department of Development's Minority Business Bonding Fund (Fund 449) shall occur, if requested by the Director of Development, only if such funds are needed for payment of losses arising from the Minority Business Bonding Program, and only after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program has been used for that purpose. Moneys transferred by the Director of Budget and Management from the Department of Commerce for this purpose may be moneys in custodial funds held by the Treasurer of State. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195-623, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are appropriated.

**MINORITY BUSINESS BONDING PROGRAM ADMINISTRATION**

Investment earnings of the Minority Business Bonding Fund (Fund 449) shall be credited to the Minority Business Bonding Program Administration Fund (Fund 450).

**Section 38.18. ECONOMIC DEVELOPMENT FINANCING OPERATING**

The foregoing appropriation item 195-625, Economic Development Financing Operating, shall be used for the operating expenses of financial assistance programs authorized under Chapter

166. of the Revised Code and under sections 122.43 and 122.45 of 87038  
the Revised Code. 87039

VOLUME CAP ADMINISTRATION 87040

The foregoing appropriation item 195-654, Volume Cap 87041  
Administration, shall be used for expenses related to the 87042  
administration of the Volume Cap Program. Revenues received by the 87043  
Volume Cap Administration Fund (Fund 617) shall consist of 87044  
application fees, forfeited deposits, and interest earned from the 87045  
custodial account held by the Treasurer of State. 87046

UNIVERSAL SERVICE FUND 87047

The foregoing appropriation item 195-659, Universal Service, 87048  
shall be used to provide payments to regulated electric utility 87049  
companies for low-income customers enrolled in Percentage of 87050  
Income Payment Plan (PIPP) electric accounts, to fund targeted 87051  
energy efficiency and customer education services to PIPP 87052  
customers, and to cover the department's administrative costs 87053  
related to the Universal Service Fund Programs. 87054

ENERGY EFFICIENCY REVOLVING LOAN FUND 87055

The foregoing appropriation item 195-660, Energy Efficiency 87056  
Revolving Loan, shall be used to provide financial assistance to 87057  
customers for eligible energy efficiency projects for residential, 87058  
commercial and industrial business, local government, educational 87059  
institution, nonprofit, and agriculture customers, and to pay for 87060  
the program's administrative costs as provided in the Revised Code 87061  
and rules adopted by the Director of Development. 87062

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 87063

All payments received by the state pursuant to a series of 87064  
settlements with ten brokerage firms reached with the United 87065  
States Securities and Exchange Commission, the National 87066  
Association of Securities Dealers, the New York Stock Exchange, 87067

the New York Attorney General, and other state regulators, 87068  
(henceforth referred to as the "Global Analysts Settlement 87069  
Agreements") shall be deposited into the state treasury to the 87070  
credit of the Economic Development Contingency Fund (Fund 5Y6), 87071  
which is hereby created in the state treasury. The fund shall be 87072  
used by the Director of Development to support economic 87073  
development projects for which appropriations would not otherwise 87074  
be available, and shall be subject to the submission of a request 87075  
to the Controlling Board by the Director outlining the planned use 87076  
of the funds, and the subsequent approval of the request by the 87077  
Controlling Board. 87078

**Section 38.19. FACILITIES ESTABLISHMENT FUND** 87079

The foregoing appropriation item 195-615, Facilities 87080  
Establishment (Fund 037), shall be used for the purposes of the 87081  
Facilities Establishment Fund under Chapter 166. of the Revised 87082  
Code. 87083

Notwithstanding Chapter 166. of the Revised Code, up to 87084  
\$1,800,000 in cash per fiscal year may be transferred from the 87085  
Facilities Establishment Fund (Fund 037) to the Economic 87086  
Development Financing Operating Fund (Fund 451). The transfer is 87087  
subject to Controlling Board approval pursuant to division (B) of 87088  
section 166.03 of the Revised Code. 87089

Notwithstanding Chapter 166. of the Revised Code, up to 87090  
\$20,475,000 in cash may be transferred during the biennium from 87091  
the Facilities Establishment Fund (Fund 037) to the Urban 87092  
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 87093  
barriers to urban core redevelopment. The Director of Development 87094  
shall develop program guidelines for the transfer and release of 87095  
funds, including, but not limited to, the completion of all 87096  
appropriate environmental assessments before state assistance is 87097  
committed to a project. 87098

Notwithstanding Chapter 166. of the Revised Code, up to 87099  
\$5,000,000 per fiscal year in cash may be transferred from the 87100  
Facilities Establishment Fund (Fund 037) to the Rural Industrial 87101  
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 87102  
Board approval pursuant to section 166.03 of the Revised Code. 87103

FAMILY FARM LOAN PROGRAM 87104

Notwithstanding Chapter 166. of the Revised Code, up to 87105  
\$1,500,000 in each fiscal year shall be transferred from moneys in 87106  
the Facilities Establishment Fund (Fund 037) to the Family Farm 87107  
Loan Guarantee Fund (Fund 5H1) in the Department of Development. 87108  
These moneys shall be used for loan guarantees. The transfer is 87109  
subject to Controlling Board approval. 87110

Financial assistance from the Family Farm Loan Guarantee Fund 87111  
(Fund 5H1) shall be repaid to Fund 5H1. This fund is established 87112  
in accordance with sections 166.031, 901.80, 901.81, 901.82, and 87113  
901.83 of the Revised Code. 87114

When the Family Farm Loan Guarantee Fund (Fund 5H1) ceases to 87115  
exist, all outstanding balances, all loan repayments, and any 87116  
other outstanding obligations shall revert to the Facilities 87117  
Establishment Fund (Fund 037). 87118

RURAL DEVELOPMENT INITIATIVE FUND 87119

(A)(1) The Rural Development Initiative Fund (Fund 5S8) shall 87120  
receive moneys from the Facilities Establishment Fund (Fund 037). 87121  
The Director of Development may make grants from the Rural 87122  
Development Initiative Fund as specified in division (A)(2) of 87123  
this section to eligible applicants in Appalachian counties and in 87124  
rural counties in the state that are designated as distressed 87125  
pursuant to section 122.25 of the Revised Code. Preference shall 87126  
be given to eligible applicants located in Appalachian counties 87127  
designated as distressed by the federal Appalachian Regional 87128  
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 87129

cease to exist after June 30, 2007. All moneys remaining in the 87130  
Fund after that date shall revert to the Facilities Establishment 87131  
Fund (Fund 037). 87132

(2) The Director of Development shall make grants from the 87133  
Rural Development Initiative Fund (Fund 5S8) only to eligible 87134  
applicants who also qualify for and receive funding under the 87135  
Rural Industrial Park Loan Program as specified in sections 122.23 87136  
to 122.27 of the Revised Code. Eligible applicants shall use the 87137  
grants for the purposes specified in section 122.24 of the Revised 87138  
Code. All projects supported by grants from the fund are subject 87139  
to Chapter 4115. of the Revised Code as specified in division (E) 87140  
of section 166.02 of the Revised Code. The Director shall develop 87141  
program guidelines for the transfer and release of funds. The 87142  
release of grant moneys to an eligible applicant is subject to 87143  
Controlling Board approval. 87144

(B) Notwithstanding Chapter 166. of the Revised Code, the 87145  
Director of Budget and Management may transfer up to \$5,000,000 87146  
per fiscal year in cash on an as needed basis at the request of 87147  
the Director of Development from the Facilities Establishment Fund 87148  
(Fund 037) to the Rural Development Initiative Fund (Fund 5S8). 87149  
The transfer is subject to Controlling Board approval pursuant to 87150  
section 166.03 of the Revised Code. 87151

CAPITAL ACCESS LOAN PROGRAM 87152

The foregoing appropriation item 195-628, Capital Access Loan 87153  
Program, shall be used for operating, program, and administrative 87154  
expenses of the program. Funds of the Capital Access Loan Program 87155  
shall be used to assist participating financial institutions in 87156  
making program loans to eligible businesses that face barriers in 87157  
accessing working capital and obtaining fixed asset financing. 87158

Notwithstanding Chapter 166. of the Revised Code, the 87159  
Director of Budget and Management may transfer up to \$3,000,000 87160

per fiscal year in cash on an as needed basis at the request of 87161  
the Director of Development from the Facilities Establishment Fund 87162  
(Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The 87163  
transfer is subject to Controlling Board approval pursuant to 87164  
section 166.03 of the Revised Code. 87165

INNOVATION OHIO LOAN FUND 87166

The foregoing appropriation item 195-664, Innovation Ohio, 87167  
shall be used to provide for innovation Ohio purposes, including 87168  
loan guarantees and loans pursuant to Chapter 166. and 87169  
particularly sections 166.12 to 166.16 of the Revised Code. Of the 87170  
foregoing appropriation item 195-664, Innovation Ohio, the 87171  
unencumbered balance of the appropriation at the end of fiscal 87172  
year 2004 shall be transferred by the Director of Budget and 87173  
Management to fiscal year 2005. 87174

**Section 38.20.** CLEAN OHIO OPERATING EXPENSES 87175

The foregoing appropriation item 195-663, Clean Ohio 87176  
Operating, shall be used by the Department of Development in 87177  
administering sections 122.65 to 122.658 of the Revised Code. 87178

**Section 39.** OBD OHIO BOARD OF DIETETICS 87179

General Services Fund Group				87180	
4K9 860-609 Operating Expenses	\$	334,917	\$	329,687	87181
TOTAL GSF General Services Fund				87182	
Group	\$	334,917	\$	329,687	87183
TOTAL ALL BUDGET FUND GROUPS	\$	334,917	\$	329,687	87184

**Section 40.** CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT 87186  
MANAGEMENT 87187

General Revenue Fund				87188	
GRF 145-401 Commission on Dispute	\$	500,000	\$	500,000	87189

Resolution/Management					
TOTAL GRF General Revenue Fund	\$	500,000	\$	500,000	87190
General Services Fund Group					87191
4B6 145-601 Gifts and Grants	\$	140,000	\$	140,000	87192
TOTAL GSF General Services Fund	\$	140,000	\$	140,000	87193
Group					
Federal Special Revenue Fund Group					87194
3S6 145-602 Dispute Resolution:	\$	140,000	\$	140,000	87195
Federal					
TOTAL FED Federal Special Revenue	\$	140,000	\$	140,000	87196
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	780,000	\$	780,000	87197
COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT					
					87198
The foregoing appropriation item 145-401, Commission on					87199
Dispute Resolution/Management, shall be used in each fiscal year					87200
by the Commission on Dispute Resolution and Conflict Management					87201
for the purpose of providing dispute resolution and conflict					87202
management training, consultation, and materials for state and					87203
local government, communities, school districts, and courts and,					87204
in consultation with the Department of Education, for the purpose					87205
of offering competitive school conflict programs to school					87206
districts.					87207
The Commission shall assist the Department of Education in					87208
the development and dissemination of the school conflict					87209
management programs to school districts.					87210
<b>Section 41. EDU DEPARTMENT OF EDUCATION</b>					87211
General Revenue Fund					87212
GRF 200-100 Personal Services	\$	12,211,314	\$	12,211,314	87213
GRF 200-320 Maintenance and	\$	5,066,249	\$	5,066,249	87214
Equipment					

GRF 200-408	Public Preschool	\$	19,018,551	\$	19,018,551	87215
GRF 200-410	Professional Development	\$	29,490,073	\$	29,765,073	87216
GRF 200-411	Family and Children First	\$	3,324,750	\$	3,324,750	87217
GRF 200-420	Technical Systems Development	\$	5,703,750	\$	5,703,750	87218
GRF 200-421	Alternative Education Programs	\$	16,135,547	\$	16,135,547	87219
GRF 200-422	School Management Assistance	\$	1,778,000	\$	1,778,000	87220
GRF 200-424	Policy Analysis	\$	592,220	\$	592,220	87221
GRF 200-425	Tech Prep Consortia Support	\$	2,133,213	\$	2,133,213	87222
GRF 200-426	Ohio Educational Computer Network	\$	34,331,741	\$	34,331,741	87223
GRF 200-427	Academic Standards	\$	9,000,592	\$	9,000,592	87224
GRF 200-431	School Improvement Initiatives	\$	10,905,625	\$	10,905,625	87225
GRF 200-433	Reading/Writing/Math Improvement	\$	20,488,264	\$	20,488,264	87226
GRF 200-437	Student Assessment	\$	41,353,391	\$	45,953,391	87227
GRF 200-439	Accountability/Report Cards	\$	4,087,500	\$	4,087,500	87228
GRF 200-441	American Sign Language	\$	207,717	\$	207,717	87229
GRF 200-442	Child Care Licensing	\$	1,385,633	\$	1,385,633	87230
GRF 200-445	OhioReads Admin/Volunteer Support	\$	4,500,000	\$	4,500,000	87231
GRF 200-446	Education Management Information System	\$	16,928,969	\$	16,928,969	87232
GRF 200-447	GED Testing/Adult High School	\$	1,829,106	\$	1,829,106	87233

GRF 200-448	Educator Preparation	\$	24,375	\$	24,375	87234
GRF 200-449	Head Start/Head Start Plus Start Up	\$	11,000,000	\$	5,000,000	87235
GRF 200-452	Teaching Success Commission Initiatives	\$	1,650,000	\$	1,650,000	87236
GRF 200-455	Community Schools	\$	4,231,842	\$	4,231,842	87237
GRF 200-500	School Finance Equity	\$	14,039,495	\$	7,819,443	87238
GRF 200-501	Base Cost Funding	\$	4,391,033,023	\$	4,409,958,425	87239
GRF 200-502	Pupil Transportation	\$	394,950,126	\$	404,245,812	87240
GRF 200-503	Bus Purchase Allowance	\$	17,199,960	\$	17,199,960	87241
GRF 200-505	School Lunch Match	\$	8,998,025	\$	8,998,025	87242
GRF 200-509	Adult Literacy Education	\$	8,774,250	\$	8,774,250	87243
GRF 200-511	Auxiliary Services	\$	127,903,356	\$	127,903,356	87244
GRF 200-513	Student Intervention Services	\$	38,890,815	\$	41,090,815	87245
GRF 200-514	Postsecondary Adult Career-Technical Education	\$	19,919,464	\$	19,919,464	87246
GRF 200-520	Disadvantaged Pupil Impact Aid	\$	371,766,738	\$	373,266,738	87247
GRF 200-521	Gifted Pupil Program	\$	48,201,031	\$	48,201,031	87248
GRF 200-525	Parity Aid	\$	320,677,373	\$	426,951,154	87249
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$	55,803,103	\$	55,803,103	87250
GRF 200-540	Special Education Enhancements	\$	137,214,484	\$	139,536,046	87251
GRF 200-545	Career-Technical Education Enhancements	\$	14,572,907	\$	14,572,907	87252
GRF 200-546	Charge-Off Supplement	\$	48,478,418	\$	48,478,418	87253
GRF 200-558	Emergency Loan Interest Subsidy	\$	3,022,500	\$	2,300,000	87254

GRF 200-566	OhioReads Grants	\$	12,874,777	\$	12,832,272	87255
GRF 200-578	Safe and Supportive Schools	\$	3,576,348	\$	3,576,348	87256
GRF 200-901	Property Tax Allocation - Education	\$	783,350,000	\$	822,360,000	87257
GRF 200-906	Tangible Tax Exemption - Education	\$	70,710,000	\$	67,710,000	87258
TOTAL GRF	General Revenue Fund	\$	7,149,334,615	\$	7,317,750,989	87259
	General Services Fund Group					87260
138 200-606	Computer Services	\$	7,404,690	\$	7,635,949	87261
4D1 200-602	Ohio Prevention/Education Resource Center	\$	347,000	\$	347,000	87262
4L2 200-681	Teacher Certification and Licensure	\$	5,038,017	\$	5,236,517	87263
452 200-638	Miscellaneous Revenue	\$	500,000	\$	500,000	87264
5B1 200-651	Child Nutrition Services	\$	800,000	\$	800,000	87265
5H3 200-687	School District Solvency Assistance	\$	18,000,000	\$	18,000,000	87266
596 200-656	Ohio Career Information System	\$	516,694	\$	529,761	87267
TOTAL GSF	General Services Fund Group	\$	32,606,401	\$	33,049,227	87268
	Federal Special Revenue Fund Group					87270
3C5 200-661	Early Childhood Education	\$	21,508,746	\$	21,508,746	87271
3D1 200-664	Drug Free Schools	\$	13,169,757	\$	13,347,966	87272
3D2 200-667	Honors Scholarship Program	\$	1,786,500	\$	1,786,500	87273
3H9 200-605	Head Start Collaboration Project	\$	275,000	\$	275,000	87274

3L6	200-617	Federal School Lunch	\$	185,948,186	\$	191,898,528	87275
3L7	200-618	Federal School Breakfast	\$	48,227,431	\$	49,524,254	87276
3L8	200-619	Child/Adult Food Programs	\$	63,577,244	\$	65,293,830	87277
3L9	200-621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	87278
3M0	200-623	ESEA Title 1A	\$	356,458,504	\$	384,975,184	87279
3M1	200-678	Innovative Education	\$	15,041,997	\$	16,094,937	87280
3M2	200-680	Ind W/Disab Education Act	\$	288,468,284	\$	331,392,575	87281
3S2	200-641	Education Technology	\$	19,682,057	\$	20,469,339	87282
3T4	200-613	Public Charter Schools	\$	23,287,500	\$	26,187,113	87283
3Y2	200-688	21st Century Community Learning Centers	\$	17,138,239	\$	18,500,000	87284
3Y4	200-632	Reading First	\$	29,881,256	\$	33,168,194	87285
3Y6	200-635	Improving Teacher Quality	\$	103,686,420	\$	104,100,000	87286
3Y7	200-689	English Language Acquisition	\$	4,872,334	\$	5,505,737	87287
3Z2	200-690	State Assessments	\$	11,894,315	\$	12,489,031	87288
309	200-601	Educationally Disadvantaged	\$	22,148,769	\$	22,899,001	87289
366	200-604	Adult Basic Education	\$	21,369,906	\$	22,223,820	87290
367	200-607	School Food Services	\$	10,767,759	\$	11,144,631	87291
368	200-614	Veterans' Training	\$	626,630	\$	655,587	87292
369	200-616	Career-Tech Education Federal Enhancement	\$	8,165,672	\$	8,165,672	87293
370	200-624	Education of Exceptional Children	\$	1,933,910	\$	1,933,910	87294
374	200-647	Troops to Teachers	\$	2,618,076	\$	2,622,370	87295
TOTAL FED		Federal Special					87296
Revenue Fund Group			\$	1,320,564,139	\$	1,414,191,626	87297

State Special Revenue Fund Group				87298
4R7 200-695 Indirect Cost Recovery	\$	5,002,500	\$ 5,250,400	87299
4V7 200-633 Interagency Support	\$	800,000	\$ 800,000	87300
454 200-610 Guidance and Testing	\$	956,761	\$ 956,761	87301
455 200-608 Commodity Foods	\$	11,308,000	\$ 11,624,624	87302
5U2 200-685 National Education	\$	200,000	\$ 200,000	87303
Statistics				
5W2 200-663 Head Start Plus/Head	\$	57,170,000	\$ 108,184,000	87304
Start				
5X8 200-453 Jobs for Ohio	\$	3,500,000	\$ 3,500,000	87305
Graduates Program				
598 200-659 Auxiliary Services	\$	1,328,910	\$ 1,328,910	87306
Reimbursement				
620 200-615 Educational Grants	\$	1,000,000	\$ 1,000,000	87307
TOTAL SSR State Special Revenue				87308
Fund Group	\$	81,266,171	\$ 132,844,695	87309
Lottery Profits Education Fund Group				87310
017 200-612 Base Cost Funding	\$	606,123,500	\$ 606,195,300	87311
017 200-682 Lease Rental Payment	\$	31,776,500	\$ 31,704,700	87312
Reimbursement				
TOTAL LPE Lottery Profits				87313
Education Fund Group	\$	637,900,000	\$ 637,900,000	87314
Revenue Distribution Fund Group				87315
053 200-900 School District	\$	115,911,593	\$ 115,911,593	87316
Property Tax				
Replacement				
TOTAL RDF Revenue Distribution				87317
Fund Group	\$	115,911,593	\$ 115,911,593	87318
TOTAL ALL BUDGET FUND GROUPS	\$	9,337,582,973	\$ 9,651,648,130	87319

**Section 41.01. PERSONAL SERVICES** 87321

Of the foregoing appropriation item 200-100, Personal 87322

Services, \$1,630,181 in each fiscal year shall be used by the 87323  
Department of Education to provide vocational administration 87324  
matching funds pursuant to 20 U.S.C. 2311. 87325

MAINTENANCE AND EQUIPMENT 87326

Of the foregoing appropriation item 200-320, Maintenance and 87327  
Equipment, up to \$25,000 may be expended in each fiscal year for 87328  
State Board of Education out-of-state travel. 87329

Of the foregoing appropriation item 200-320, Maintenance and 87330  
Equipment, \$692,014 in each fiscal year shall be used by the 87331  
Department of Education to provide vocational administration 87332  
matching funds pursuant to 20 U.S.C. 2311. 87333

**Section 41.02. PUBLIC PRESCHOOL** 87334

The Department of Education shall distribute the foregoing 87335  
appropriation item 200-408, Public Preschool, to pay the costs of 87336  
comprehensive preschool programs. As used in this section, "school 87337  
district" means a city, local, exempted village, or joint 87338  
vocational school district, or an educational service center. 87339

(A) In each fiscal year, up to two per cent of the total 87340  
appropriation may be used by the department for program support 87341  
and technical assistance; developing program capacity; and 87342  
assisting programs with facilities planning, construction, 87343  
renovation, or lease agreements in conjunction with the Community 87344  
Development Finance Fund (CDFS). The Department shall distribute 87345  
the remainder of the appropriation in each fiscal year to serve 87346  
children from families earning not more than 185 per cent of the 87347  
federal poverty guidelines. 87348

(B) The department shall provide an annual report to the 87349  
Governor, the Speaker of the House of Representatives, the 87350  
President of the Senate, the State Board of Education, Head Start 87351  
agencies, and other interested parties regarding the Public 87352

Preschool Program and performance indicators, as outlined by the 87353  
Department. 87354

(C) For purposes of this section, "eligible child" means a 87355  
child who is at least three years of age, is not of the age to be 87356  
eligible for kindergarten, and whose family earns not more than 87357  
185 per cent of the federal poverty guidelines. 87358

(D) After setting aside the amounts to make payments due from 87359  
the previous fiscal year, in fiscal year 2004 and fiscal year 87360  
2005, the Department shall distribute funds first to recipients of 87361  
funds under the program in the previous fiscal year and the 87362  
balance to new recipients. Awards under this section shall be 87363  
distributed on a per-pupil basis, which the Department may adjust 87364  
so that the per-pupil amount multiplied by the number of eligible 87365  
children enrolled and receiving services, as defined by the 87366  
Department, reported on the first day of December or the first 87367  
business day following that date equals the amount allocated under 87368  
division (A) of this section. The Department may increase the 87369  
per-pupil amount by a reasonable percentage for inflation, to be 87370  
determined by the Department. 87371

The Department may reallocate unobligated or unspent money to 87372  
participating school districts for purposes of program expansion, 87373  
improvement, or special projects to promote quality and 87374  
innovation. 87375

(E) Costs for developing and administering a preschool 87376  
program may not exceed fifteen per cent of the total approved 87377  
costs of the program. 87378

All recipients of funds shall maintain such fiscal control 87379  
and accounting procedures as may be necessary to ensure the 87380  
disbursement of, and accounting for, these funds. The control of 87381  
funds provided in this program, and title to property obtained 87382  
therefrom, shall be under the authority of the approved recipient 87383

for purposes provided in the program unless, as described in 87384  
division (J) of this section, a preschool program waives its right 87385  
for funding or a program's funding is eliminated or reduced due to 87386  
its inability to meet financial or program performance standards. 87387  
The approved recipient shall administer and use such property and 87388  
funds for the purposes specified. 87389

(F) The Department shall prescribe target levels for critical 87390  
performance indicators for the purpose of assessing public 87391  
preschool programs. On-site reviews and follow-up visits shall be 87392  
based on progress in meeting the prescribed target levels. 87393

(G) The Department may examine a recipient's financial and 87394  
program records. If the financial practices of the program are not 87395  
in accordance with standard accounting principles or do not meet 87396  
financial standards outlined under division (E) of this section, 87397  
or if the program fails to substantially meet the Head Start 87398  
performance standards or exhibits below average performance as 87399  
measured against the performance indicators outlined in division 87400  
(F) of this section, the preschool program shall propose and 87401  
implement a corrective action plan that has been approved by the 87402  
Department. The approved corrective action plan shall be signed by 87403  
the school district board of education and the appropriate grantee 87404  
official. The corrective action plan shall include a schedule for 87405  
monitoring by the Department. Such monitoring may include monthly 87406  
reports, inspections, a timeline for correction of deficiencies, 87407  
and technical assistance to be provided by the Department or 87408  
obtained by the public preschool program. The Department may 87409  
withhold funding pending corrective action. If a public preschool 87410  
program fails to satisfactorily complete a corrective action plan, 87411  
the Department may either deny expansion funding to the program or 87412  
withdraw all or part of the public preschool funding from the 87413  
agency and establish a new state-funded agency through a 87414  
competitive bidding process established by the Department. 87415

(H) The department shall require public preschool programs to document child progress, using research-based indicators as prescribed by the department, and report results annually. The department shall determine the dates for documenting and reporting.

(I) Each school district shall develop a sliding fee scale based on family incomes in the district and shall charge families who earn more than the federal poverty guidelines for preschool.

(J) If a public preschool program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or program performance standards, the grantee and delegate shall transfer control of title to property, equipment, and remaining supplies obtained through the program to designated grantees and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the competitive bidding process established by the Department.

**Section 41.03. PROFESSIONAL DEVELOPMENT**

Of the foregoing appropriation item 200-410, Professional Development, \$5,200,000 in fiscal year 2004 shall be used by the Department of Education to support a statewide comprehensive system of regional professional development centers that support local educators' ability to foster academic achievement in the students they serve. Of the foregoing appropriation item 200-410, Professional Development, \$5,200,000 in fiscal year 2005 shall be used by the regional education delivery system. Before releasing

these funds in fiscal year 2005, the Department of Education shall 87447  
submit a spending plan to the Controlling Board. The release of 87448  
the funds is contingent on Controlling Board approval of the 87449  
spending plan. Both the regional professional development centers 87450  
in fiscal year 2004 and the regional education delivery system in 87451  
fiscal year 2005 shall include training that assists educators, 87452  
school leadership, and technical assistance providers in 87453  
understanding and implementing standards-based education, data 87454  
analysis, and development of assessment systems for quality 87455  
instruction. 87456

Of the foregoing appropriation item 200-410, Professional 87457  
Development, \$7,079,625 in fiscal year 2004 and \$7,329,625 in 87458  
fiscal year 2005 shall be used by the Department of Education to 87459  
provide grants to pay \$2,000 of the application fee in order to 87460  
assist teachers from public and chartered nonpublic schools 87461  
applying for the first time to the National Board for Professional 87462  
Teaching Standards for professional teaching certificates or 87463  
licenses that the board offers. This set aside shall also be used 87464  
to recognize and reward teachers who become certified by the 87465  
National Board for Professional Teaching Standards pursuant to 87466  
section 3319.55 of the Revised Code. Up to \$300,000 in each fiscal 87467  
year of this set aside may be used by the Department to pay for 87468  
costs associated with activities to support candidates through the 87469  
application and certification process. 87470

These moneys shall be used to pay up to the first 500 87471  
applications in fiscal year 2004 and the first 400 applications in 87472  
fiscal year 2005 received by the Department. 87473

Of the foregoing appropriation item 200-410, Professional 87474  
Development, up to \$10,442,358 in each fiscal year shall be 87475  
allocated for entry year programs. These funds shall be used to 87476  
support mentoring services and performance assessments of 87477  
beginning teachers in school districts and chartered nonpublic 87478

schools. 87479

Of the foregoing appropriation item 200-410, Professional 87480  
Development, up to \$188,090 in each fiscal year shall be used to 87481  
provide technical assistance and grants for districts to develop 87482  
local knowledge/skills-based compensation systems. Each district 87483  
receiving grants shall issue an annual report to the Department of 87484  
Education detailing the use of the funds and the impact of the 87485  
system developed by the district. 87486

Of the foregoing appropriation item 200-410, Professional 87487  
Development, up to \$670,000 in each fiscal year shall be used for 87488  
training and professional development of school administrators, 87489  
school treasurers, and school business officials. 87490

Of the foregoing appropriation item 200-410, Professional 87491  
Development, \$144,000 in each fiscal year shall be used by the 87492  
Department of Education to develop a supply and demand report that 87493  
describes the availability of quality educators and critical 87494  
educator shortage areas in Ohio. 87495

Of the foregoing appropriation item 200-410, Professional 87496  
Development, \$1,056,000 in each fiscal year shall be used for 87497  
educator recruitment programs targeting special need areas, 87498  
including recruiting highly qualified minority candidates into 87499  
teaching, recruiting prospective mathematics and science teachers, 87500  
and targeting other areas of special need. 87501

Of the foregoing appropriation item 200-410, Professional 87502  
Development, \$60,000 in fiscal year 2004 and \$70,000 in fiscal 87503  
year 2005 shall be used to support the Ohio University Leadership 87504  
Program. 87505

Of the foregoing appropriation item 200-410, Professional 87506  
Development, \$4,650,000 in each fiscal year shall be allocated by 87507  
the Department of Education on a per pupil basis, to school 87508  
districts in academic emergency. These funds shall be used by the 87509

districts to provide an equivalent of five days of ongoing 87510  
embedded professional development for classroom teachers who 87511  
provide instruction in the subject areas of reading, writing, 87512  
mathematics, science, or social studies to students enrolled in 87513  
the ninth or tenth grade. This professional development shall 87514  
focus on developing subject competency, developing cultural 87515  
competency, developing skills for analyzing test data, and 87516  
developing data-based intervention strategies to prepare students 87517  
below grade level to pass the Ohio Graduation Test. Districts 87518  
shall submit a research-based, professional development plan for 87519  
five days of embedded professional development to the Department 87520  
of Education prior to receiving funds. The plan shall detail how 87521  
ninth and tenth grade teachers will learn and implement classroom 87522  
strategies for students to reach state standards in mathematics, 87523  
reading, writing, social studies, and science. 87524

**Section 41.04. TECHNICAL SYSTEMS DEVELOPMENT** 87525

The foregoing appropriation item 200-420, Technical Systems 87526  
Development, shall be used to support the development and 87527  
implementation of information technology solutions designed to 87528  
improve the performance and customer service of the Department of 87529  
Education. Funds may be used for personnel, maintenance, and 87530  
equipment costs related to the development and implementation of 87531  
these technical system projects. Implementation of these systems 87532  
shall allow the Department to provide greater levels of assistance 87533  
to school districts and to provide more timely information to the 87534  
public, including school districts, administrators, and 87535  
legislators. 87536

**ALTERNATIVE EDUCATION PROGRAMS** 87537

There is hereby created the Alternative Education Advisory 87538  
Council, which shall consist of one representative from each of 87539  
the following agencies: the Ohio Department of Education; the 87540

Department of Youth Services; the Ohio Department of Alcohol and 87541  
Drug Addiction Services; the Department of Mental Health; the 87542  
Office of the Governor or, at the Governor's discretion, the 87543  
Office of the Lieutenant Governor; the Office of the Attorney 87544  
General; and the Office of the Auditor of State. 87545

Of the foregoing appropriation item 200-421, Alternative 87546  
Education Programs, not less than \$7,529,274 in each fiscal year 87547  
shall be used for the renewal of successful implementation grants 87548  
and for competitive matching grants to the 21 urban school 87549  
districts as defined in division (O) of section 3317.02 of the 87550  
Revised Code as it existed prior to July 1, 1998, and not less 87551  
than \$7,494,820 in each fiscal year shall be used for the renewal 87552  
of successful implementation of grants and for competitive 87553  
matching grants to rural and suburban school districts for 87554  
alternative educational programs for existing and new at-risk and 87555  
delinquent youth. Programs shall be focused on youth in one or 87556  
more of the following categories: those who have been expelled or 87557  
suspended, those who have dropped out of school or who are at risk 87558  
of dropping out of school, those who are habitually truant or 87559  
disruptive, or those on probation or on parole from a Department 87560  
of Youth Services facility. Grants shall be awarded according to 87561  
the criteria established by the Alternative Education Advisory 87562  
Council in 1999. Grants shall be awarded only to programs where 87563  
the grant would not serve as the program's primary source of 87564  
funding. These grants shall be administered by the Department of 87565  
Education. 87566

The Department of Education may waive compliance with any 87567  
minimum education standard established under section 3301.07 of 87568  
the Revised Code for any alternative school that receives a grant 87569  
under this section on the grounds that the waiver will enable the 87570  
program to more effectively educate students enrolled in the 87571  
alternative school. 87572

Of the foregoing appropriation item 200-421, Alternative 87573  
Education Programs, \$75,000 in each fiscal year shall be used to 87574  
support the Toledo Tech Academy. 87575

Of the foregoing appropriation item 200-421, Alternative 87576  
Education Programs, up to \$449,235 in each fiscal year may be used 87577  
for program administration, monitoring, technical assistance, 87578  
support, research, and evaluation. Any unexpended balance may be 87579  
used to provide additional matching grants to urban, suburban, or 87580  
rural school districts as outlined above. 87581

Of the foregoing appropriation item 200-421, Alternative 87582  
Education Programs, \$287,218 in each fiscal year shall be used to 87583  
contract with the Center for Learning Excellence at The Ohio State 87584  
University to provide technical support for the project and the 87585  
completion of formative and summative evaluation of the grants. 87586

Of the foregoing appropriation item 200-421, Alternative 87587  
Education Programs, \$300,000 in each fiscal year shall be used to 87588  
support Amer-I-Can. Of this set-aside, no funds shall be disbursed 87589  
without approval of the Controlling Board. Amer-I-Can programs 87590  
shall submit to the Controlling Board a biennial spending plan 87591  
that delineates how these funds will be spent. Amer-I-Can programs 87592  
also shall demonstrate to the Controlling Board that they have 87593  
hired an independent evaluator and have selected valid and 87594  
reliable instruments to assess pre and post changes in student 87595  
behavior. 87596

SCHOOL MANAGEMENT ASSISTANCE 87597

Of the foregoing appropriation item 200-422, School 87598  
Management Assistance, \$351,000 in each fiscal year shall be used 87599  
by the Auditor of State for expenses incurred in the Auditor of 87600  
State's role relating to fiscal caution activities as defined in 87601  
Chapter 3316. of the Revised Code. Expenses include duties related 87602  
to the completion of performance audits for school districts that 87603

the Superintendent of Public Instruction determines are employing 87604  
fiscal practices or experiencing budgetary conditions that could 87605  
produce a state of fiscal watch or fiscal emergency. 87606

The remainder of foregoing appropriation item 200-422, School 87607  
Management Assistance, shall be used by the Department of 87608  
Education to provide fiscal technical assistance and inservice 87609  
education for school district management personnel and to 87610  
administer, monitor, and implement the fiscal watch and fiscal 87611  
emergency provisions under Chapter 3316. of the Revised Code. 87612

POLICY ANALYSIS 87613

The foregoing appropriation item 200-424, Policy Analysis, 87614  
shall be used by the Department of Education to support a system 87615  
of administrative, statistical, and legislative education 87616  
information to be used for policy analysis. Staff supported by 87617  
this appropriation shall administer the development of reports, 87618  
analyses, and briefings to inform education policymakers of 87619  
current trends in education practice, efficient and effective use 87620  
of resources, and evaluation of programs to improve education 87621  
results. The database shall be kept current at all times. These 87622  
research efforts shall be used to supply information and analysis 87623  
of data to the General Assembly and other state policymakers, 87624  
including the Office of Budget and Management and the Legislative 87625  
Service Commission. 87626

The Department of Education may use funding from this 87627  
appropriation item to purchase or contract for the development of 87628  
software systems or contract for policy studies that will assist 87629  
in the provision and analysis of policy-related information. 87630  
Funding from this appropriation item also may be used to monitor 87631  
and enhance quality assurance for research-based policy analysis 87632  
and program evaluation to enhance the effective use of education 87633  
information to inform education policymakers. 87634

TECH PREP CONSORTIA SUPPORT 87635

The foregoing appropriation item 200-425, Tech Prep Consortia 87636  
Support, shall be used by the Department of Education to support 87637  
state-level activities designed to support, promote, and expand 87638  
tech prep programs. Use of these funds shall include, but not be 87639  
limited to, administration of grants, program evaluation, 87640  
professional development, curriculum development, assessment 87641  
development, program promotion, communications, and statewide 87642  
coordination of tech prep consortia. 87643

OHIO EDUCATIONAL COMPUTER NETWORK 87644

The foregoing appropriation item 200-426, Ohio Educational 87645  
Computer Network, shall be used by the Department of Education to 87646  
maintain a system of information technology throughout Ohio and to 87647  
provide technical assistance for such a system in support of the 87648  
State Education Technology Plan pursuant to section 3301.07 of the 87649  
Revised Code. 87650

Of the foregoing appropriation item 200-426, Ohio Educational 87651  
Computer Network, up to \$18,592,763 in each fiscal year shall be 87652  
used by the Department of Education to support connection of all 87653  
public school buildings to the state's education network, to each 87654  
other, and to the Internet. In each fiscal year the Department of 87655  
Education shall use these funds to assist data acquisition sites 87656  
or school districts with the operational costs associated with 87657  
this connectivity. The Department of Education shall develop a 87658  
formula and guidelines for the distribution of these funds to the 87659  
data acquisition sites or individual school districts. As used in 87660  
this section, "public school building" means a school building of 87661  
any city, local, exempted village, or joint vocational school 87662  
district, or any community school established under Chapter 3314. 87663  
of the Revised Code, or any educational service center building 87664  
used for instructional purposes, or the Ohio School for the Deaf 87665  
and the Ohio School for the Blind, or high schools chartered by 87666

the Ohio Department of Youth Services and high schools operated by 87667  
Ohio Department of Rehabilitation and Corrections' Ohio Central 87668  
School System. 87669

Of the foregoing appropriation item 200-426, Ohio Educational 87670  
Computer Network, up to \$1,884,355 in each fiscal year shall be 87671  
used for the Union Catalog and InfOhio Network. 87672

The Department of Education shall use up to \$3,412,500 in 87673  
each fiscal year to assist designated data acquisition sites with 87674  
operational costs associated with the increased use of the state's 87675  
education network by chartered nonpublic schools. The Department 87676  
of Education shall use the same per building amount as used to 87677  
provide connectivity subsidy funds to public school buildings. 87678

The remainder of appropriation item 200-426, Ohio Educational 87679  
Computer Network, shall be used to support development, 87680  
maintenance, and operation of a network of uniform and compatible 87681  
computer-based information and instructional systems. The 87682  
technical assistance shall include, but not be restricted to, 87683  
development and maintenance of adequate computer software systems 87684  
to support network activities. Program funds may be used, through 87685  
a formula and guidelines devised by the department, to subsidize 87686  
the activities of designated data acquisition sites, as defined by 87687  
State Board of Education rules, to provide school districts and 87688  
chartered nonpublic schools with computer-based student and 87689  
teacher instructional and administrative information services, 87690  
including approved computerized financial accounting, and to 87691  
ensure the effective operation of local automated administrative 87692  
and instructional systems. To broaden the scope of the use of 87693  
technology for education, the Department may use up to \$223,762 in 87694  
each fiscal year to coordinate the activities of the computer 87695  
network with other agencies funded by the department or the state. 87696  
In order to improve the efficiency of network activities, the 87697  
department and data acquisition sites may jointly purchase 87698

equipment, materials, and services from funds provided under this 87699  
appropriation for use by the network and, when considered 87700  
practical by the department, may utilize the services of 87701  
appropriate state purchasing agencies. 87702

**ACADEMIC STANDARDS** 87703

Of the foregoing appropriation item 200-427, Academic 87704  
Standards, up to \$731,250 in each fiscal year shall be used to 87705  
provide funds to school districts that have one or more teachers 87706  
participating in the teachers-on-loan program. 87707

The remainder of appropriation item 200-427, Academic 87708  
Standards, shall be used by the Department of Education to develop 87709  
and communicate to school districts academic content standards and 87710  
curriculum models. The Department of Education shall communicate 87711  
these standards and curricula to school districts primarily 87712  
through Internet website postings and electronic mail. 87713

**Section 41.05. SCHOOL IMPROVEMENT INITIATIVES** 87714

Of the foregoing appropriation item 200-431, School 87715  
Improvement Initiatives, \$10,505,625 in each fiscal year shall be 87716  
used to provide technical assistance to school districts that are 87717  
declared to be in a state of academic watch or academic emergency 87718  
under section 3302.03 of the Revised Code to provide support to 87719  
districts in the development and implementation of their 87720  
continuous improvement plans as required in section 3302.04 of the 87721  
Revised Code and to provide technical assistance and support in 87722  
accordance with Title I of the "No Child Left Behind Act of 2001," 87723  
115 Stat. 1425, 20 U.S.C. 6317. 87724

Of the foregoing appropriation item 200-431, School 87725  
Improvement Initiatives, up to \$350,000 in each fiscal year shall 87726  
be used to reduce the dropout rate by addressing the academic and 87727  
social problems of inner-city students through Project GRAD. 87728

Of the foregoing appropriation item 200-431, School  
Improvement Initiatives, \$50,000 in each fiscal year shall be used  
to support LEAF.

READING/WRITING/MATH IMPROVEMENT 87732

Of the foregoing appropriation item 200-433,  
Reading/Writing/Math Improvement, up to \$12,675,000 in each fiscal  
year shall be used for professional development in literacy for  
classroom teachers, administrators, and literacy specialists, and  
to provide intensive summer training for mathematics teachers.

Of the foregoing appropriation item 200-433,  
Reading/Writing/Math Improvement, \$250,000 in each fiscal year  
shall be used to continue the Waterford Early Reading Program.

Of the foregoing appropriation item 200-433,  
Reading/Writing/Math Improvement, up to \$1,000,000 in each fiscal  
year shall be used by the Department of Education to fund the  
Reading Recovery Training Network, to cover the cost of release  
time for the teacher trainers, and to provide grants to districts  
to implement other reading improvement programs on a pilot basis.  
Funds from this appropriation item also may be used to conduct  
evaluations of the impact and effectiveness of Reading Recovery  
and other reading improvement programs.

The remainder of appropriation item 200-433,  
Reading/Writing/Math Improvement, shall be used to support  
standards-based classroom reading and writing instruction and  
reading intervention and the design/development of standards-based  
literacy curriculum materials; to support literacy professional  
development partnerships between the Department of Education,  
higher education institutions, the literacy specialists project,  
the Ohio principals' literacy network, regional literacy teams,  
literacy networks, and school districts.

STUDENT ASSESSMENT 87759

Of the foregoing appropriation item 200-437, Student 87760  
Assessment, \$500,000 in fiscal year 2004 and \$100,000 in fiscal 87761  
year 2005 shall be used by the Department of Education to train 87762  
school district personnel to score the practice version of the 87763  
Ohio Graduation Test to be taken by students enrolled in the ninth 87764  
grade in school districts in academic watch or academic emergency 87765  
pursuant to sections 3301.0710 and 3301.0711 of the Revised Code. 87766

The remainder of appropriation item 200-437, Student 87767  
Assessment, shall be used to develop, field test, print, 87768  
distribute, score, report results, and support other associated 87769  
costs for the tests required under sections 3301.0710 and 87770  
3301.0711 of the Revised Code and for similar purposes as required 87771  
by section 3301.27 of the Revised Code. 87772

ACCOUNTABILITY/REPORT CARDS 87773

The foregoing appropriation item 200-439, 87774  
Accountability/Report Cards, shall be used for the development of 87775  
an accountability system that includes the preparation and 87776  
distribution of school report cards pursuant to section 3302.03 of 87777  
the Revised Code. 87778

AMERICAN SIGN LANGUAGE 87779

Of the foregoing appropriation item 200-441, American Sign 87780  
Language, up to \$136,943 in each fiscal year shall be used to 87781  
implement pilot projects for the integration of American Sign 87782  
Language deaf language into the kindergarten through twelfth-grade 87783  
curriculum. 87784

The remainder of the appropriation shall be used by the 87785  
Department of Education to provide supervision and consultation to 87786  
school districts in dealing with parents of children who are deaf 87787  
or hard of hearing, in integrating American Sign Language as a 87788  
foreign language, and in obtaining interpreters and improving 87789  
their skills. 87790

CHILD CARE LICENSING 87791

The foregoing appropriation item 200-442, Child Care 87792  
Licensing, shall be used by the Department of Education to license 87793  
and to inspect preschool and school-age child care programs in 87794  
accordance with sections 3301.52 to 3301.59 of the Revised Code. 87795

OHIOREADS ADMIN/VOLUNTEER SUPPORT 87796

The foregoing appropriation item 200-445, OhioReads 87797  
Admin/Volunteer Support, may be allocated by the OhioReads Office 87798  
in the Department of Education at the direction of the OhioReads 87799  
Council for volunteer coordinators in public school buildings, to 87800  
educational service centers for costs associated with volunteer 87801  
coordination, for background checks for volunteers, to evaluate 87802  
the OhioReads Program, and for operating expenses associated with 87803  
administering the program. 87804

**Section 41.06.** EDUCATION MANAGEMENT INFORMATION SYSTEM 87805

The foregoing appropriation item 200-446, Education 87806  
Management Information System, shall be used by the Department of 87807  
Education to improve the Education Management Information System 87808  
(EMIS). 87809

Of the foregoing appropriation item 200-446, Education 87810  
Management Information System, up to \$1,295,857 in each fiscal 87811  
year shall be distributed to designated data acquisition sites for 87812  
costs relating to processing, storing, and transferring data for 87813  
the effective operation of the EMIS. These costs may include, but 87814  
are not limited to, personnel, hardware, software development, 87815  
communications connectivity, professional development, and support 87816  
services, and to provide services to participate in the State 87817  
Education Technology Plan pursuant to section 3301.07 of the 87818  
Revised Code. 87819

Of the foregoing appropriation item 200-446, Education 87820

Management Information System, up to \$8,055,189 in each fiscal 87821  
year shall be distributed on a per-pupil basis to school 87822  
districts, community schools established under Chapter 3314. of 87823  
the Revised Code, education service centers, joint vocational 87824  
school districts, and any other education entity that reports data 87825  
through EMIS. From this funding, each school district or community 87826  
school established under Chapter 3314. of the Revised Code with 87827  
enrollment greater than 100 students and each vocational school 87828  
district shall receive a minimum of \$5,000 in each fiscal year. 87829  
Each school district or community school established under Chapter 87830  
3314. of the Revised Code with enrollment between one and one 87831  
hundred and each education service center and each county board of 87832  
MR/DD that submits data through EMIS shall receive \$3,000 in each 87833  
fiscal year. This subsidy shall be used for costs relating to 87834  
reporting, processing, storing, transferring, and exchanging data 87835  
necessary to meet requirements of the Department of Education's 87836  
data system. 87837

Of the foregoing appropriation item 200-446, Education 87838  
Management Information System, \$782,500 in each fiscal year shall 87839  
be used by the Department of Education, in consultation with an 87840  
advisory group of school districts, community schools, and other 87841  
education-related entities, for the development and implementation 87842  
of a common core of Education Management Information System data 87843  
definitions and data format standards. Once these definitions and 87844  
standards have been developed, they shall be approved by the 87845  
Education Data Advisory Council. Once the standards are approved 87846  
by the Education Data Advisory Council, any software meeting the 87847  
standards shall be designated as an approved vendor and may enter 87848  
into contracts with local school districts, community schools, 87849  
data acquisition centers, or other educational entities for the 87850  
purpose of collecting and managing data required under Ohio's 87851  
education management information system (EMIS) laws. On an annual 87852  
basis, the Department of Education shall convene an advisory group 87853

of school districts, community schools, and other 87854  
education-related entities to review the Education Management 87855  
Information System data definitions and data format standards. The 87856  
advisory group shall recommend changes and enhancements based upon 87857  
surveys of its members, education agencies in other states, and 87858  
current industry practices, to reflect best practices, align with 87859  
federal initiatives, and meet the needs of school districts. 87860

School districts and community schools shall implement a 87861  
common and uniform set of data definitions and data format 87862  
standards for Education Management Information System purposes by 87863  
July 1, 2004. The Department of Education shall work with data 87864  
acquisition sites and their member school districts and community 87865  
schools to implement those uniform standards. School districts and 87866  
community schools that do not adopt and implement the uniform data 87867  
definitions and standards by July 1, 2004, as jointly determined 87868  
by the Department of Education software development team and the 87869  
advisory group shall have all EMIS funding withheld until they are 87870  
in compliance. 87871

GED TESTING/ADULT HIGH SCHOOL 87872

The foregoing appropriation item 200-447, GED Testing/Adult 87873  
High School, shall be used to provide General Educational 87874  
Development (GED) testing at no cost to applicants, pursuant to 87875  
rules adopted by the State Board of Education. The Department of 87876  
Education shall reimburse school districts and community schools, 87877  
created in accordance with Chapter 3314. of the Revised Code, for 87878  
a portion of the costs incurred in providing summer instructional 87879  
or intervention services to students who have not graduated due to 87880  
their inability to pass one or more parts of the state's ninth 87881  
grade proficiency test. School districts shall also provide such 87882  
services to students who are residents of the district pursuant to 87883  
section 3313.64 of the Revised Code, but who are enrolled in 87884  
chartered, nonpublic schools. The services shall be provided in 87885

the public school, in nonpublic schools, in public centers, or in 87886  
mobile units located on or off the nonpublic school premises. No 87887  
school district shall provide summer instructional or intervention 87888  
services to nonpublic school students as authorized by this 87889  
section unless such services are available to students attending 87890  
the public schools within the district. No school district shall 87891  
provide services for use in religious courses, devotional 87892  
exercises, religious training, or any other religious activity. 87893  
Chartered, nonpublic schools shall pay for any unreimbursed costs 87894  
incurred by school districts for providing summer instruction or 87895  
intervention services to students enrolled in chartered, nonpublic 87896  
schools. School districts may provide these services to students 87897  
directly or contract with postsecondary or nonprofit 87898  
community-based institutions in providing instruction. The 87899  
appropriation also shall be used for state reimbursement to school 87900  
districts for adult high school continuing education programs 87901  
pursuant to section 3313.531 of the Revised Code or for costs 87902  
associated with awarding adult high school diplomas under section 87903  
3313.611 of the Revised Code. 87904

EDUCATOR PREPARATION 87905

The foregoing appropriation item 200-448, Educator 87906  
Preparation, shall be used by the Ohio Teacher Education and 87907  
Licensure Advisory Commission to carry out the responsibilities of 87908  
the 21-member Ohio Teacher Education and Licensure Advisory 87909  
Commission. The advisory commission is charged by the State Board 87910  
of Education with considering all matters related to educator 87911  
preparation and licensure, including standards for educator 87912  
preparation and licensure, approval of institutions and programs, 87913  
and recommending decisions to the State Board of Education. 87914

TITLE IV-A HEAD START AND TITLE IV-A HEAD START PLUS START UP 87915

The foregoing appropriation item 200-449, Head Start/Head 87916  
Start Plus Start Up, shall be used to provide start up grants for 87917

Title IV-A reimbursable funding for the provision of services to 87918  
children eligible for Title IV-A services. In fiscal year 2004, 87919  
these grants shall be provided to Title IV-A Head Start agencies. 87920  
In fiscal year 2005, these grants shall be provided to Title IV-A 87921  
Head Start agencies and Title IV-A Head Start Plus agencies. The 87922  
amount of each grant shall be determined by the Department of 87923  
Education. Funds appropriated for this purpose shall be reimbursed 87924  
to the General Revenue Fund when the Title IV-A Head Start or 87925  
Title IV-A Head Start Plus programs cease or are no longer funded 87926  
from Title IV-A. If one program ceases or is no longer funded with 87927  
Title IV-A funds, the General Revenue Fund will be reimbursed for 87928  
that program. 87929

If a Title IV-A Head Start agency or Title IV-A Head Start 87930  
Plus agency chooses not to participate in the program or if the 87931  
Department of Education suspends or terminates part or all of its 87932  
funding, reimbursement owed to the grantee shall be held by the 87933  
Department of Education up to the amount of the grant owed by the 87934  
grantee. If insufficient reimbursement is available to recover the 87935  
amount owed by the grantee, the grantee shall return the remaining 87936  
balance within 60 days of the date of the decision not to 87937  
participate, the suspension, or the termination. Funding recovered 87938  
from such grantees shall be used by the Department of Education 87939  
for supplying grants to new grantees for Title IV-A reimbursable 87940  
funding for provision of services to children eligible for Title 87941  
IV-A services. Any funding remaining when the Title IV-A Head 87942  
Start and the Title IV-A Head Start Plus programs cease or are no 87943  
longer funded with Title IV-A funds shall be returned to the 87944  
General Revenue Fund. 87945

The Title IV-A Head Start Plus agency that is receiving funds 87946  
to operate a Head Start program in accordance with section 3301.35 87947  
of the Revised Code shall provide the program through contracts 87948  
with child care providers licensed or certified in accordance with 87949

Chapter 5104. of the Revised Code. If a licensed or certified 87950  
child care provider is not in operation or willing to participate 87951  
and if eligible families are in need of full-day and full-year 87952  
Head Start and child care services, the Title IV-A Head Start Plus 87953  
agency may be the sole source provider. 87954

TEACHING SUCCESS COMMISSION INITIATIVES 87955

The foregoing appropriation item 200-452, Teaching Success 87956  
Commission Initiatives, shall be used by the Department of 87957  
Education to support initiatives recommended by the Governor's 87958  
Commission on Teaching Success. 87959

COMMUNITY SCHOOLS 87960

Of the foregoing appropriation item 200-455, Community 87961  
Schools, up to \$1,308,661 in each fiscal year may be used by the 87962  
Department of Education for additional services and 87963  
responsibilities under section 3314.11 of the Revised Code. 87964

Of the foregoing appropriation item 200-455, Community 87965  
Schools, up to \$250,000 in each fiscal year may be used by the 87966  
Department of Education for developing and conducting training 87967  
sessions for sponsors and prospective sponsors of community 87968  
schools as prescribed in division (A)(1) of section 3314.015 of 87969  
the Revised Code. In developing such training sessions, the 87970  
Department shall collect and disseminate examples of best 87971  
practices used by sponsors of independent charter schools in Ohio 87972  
and other states. 87973

The remaining appropriation may be used by the Department of 87974  
Education to make grants of up to \$50,000 to each proposing group 87975  
with a preliminary agreement obtained under division (C)(2) of 87976  
section 3314.02 of the Revised Code in order to defray planning 87977  
and initial start-up costs. In the first year of operation of a 87978  
community school, the Department of Education may make a grant of 87979  
not more than \$100,000 to the governing authority of the school to 87980

partially defray additional start-up costs. The amount of the 87981  
grant shall be based on a thorough examination of the needs of the 87982  
community school. The Department of Education shall not utilize 87983  
moneys received under this section for any other purpose other 87984  
than those specified under this section. 87985

A community school awarded start-up grants from appropriation 87986  
item 200-613, Public Charter Schools (Fund 3T4), shall not be 87987  
eligible for grants under this section. 87988

**Section 41.07. SCHOOL FINANCE EQUITY** 87989

The foregoing appropriation item 200-500, School Finance 87990  
Equity, shall be distributed to school districts based on the 87991  
formula specified in section 3317.0213 of the Revised Code. 87992

**Section 41.08. BASE COST FUNDING** 87993

The foregoing appropriation item 200-501, Base Cost Funding, 87994  
includes \$90,000,000 in each fiscal year for the state education 87995  
aid offset due to the change in public utility valuation as a 87996  
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 87997  
General Assembly. This amount represents the total state education 87998  
aid offset due to the valuation change for school districts and 87999  
joint vocational school districts from all relevant appropriation 88000  
line item sources. If it is determined that the state education 88001  
aid offset is more than \$90,000,000, the Controlling Board may 88002  
increase the appropriation for appropriation item 200-501, Base 88003  
Cost Funding, by the difference amount if presented with such a 88004  
request from the Department of Education. The appropriation 88005  
increase, if any, is hereby appropriated. If it is determined that 88006  
the state education aid offset is less than \$90,000,000, the 88007  
Director of Budget and Management shall then reduce the 88008  
appropriation for appropriation item 200-501, Base Cost Funding, 88009  
by the difference amount and notify the Controlling Board of this 88010

action. The appropriation decrease determined by the Director of 88011  
Budget and Management, if any, is hereby approved, and 88012  
appropriations are hereby reduced by the amount determined. 88013

Of the foregoing appropriation item 200-501, Base Cost 88014  
Funding, up to \$425,000 shall be expended in each fiscal year for 88015  
court payments pursuant to section 2151.357 of the Revised Code; 88016  
an amount shall be available in each fiscal year for the cost of 88017  
reappraisal guarantee pursuant to section 3317.04 of the Revised 88018  
Code; an amount shall be available in each fiscal year to fund up 88019  
to 225 full-time equivalent approved GRADS teacher grants pursuant 88020  
to division (R) of section 3317.024 of the Revised Code; an amount 88021  
shall be available in each fiscal year to make payments to school 88022  
districts pursuant to division (A)(2) of section 3317.022 of the 88023  
Revised Code; an amount shall be available in each fiscal year to 88024  
make payments to school districts pursuant to division (F) of 88025  
section 3317.022 of the Revised Code; an amount shall be available 88026  
in each fiscal year to make payments to school districts pursuant 88027  
to division (C) of section 3317.0212 of the Revised Code; and up 88028  
to \$15,000,000 in each fiscal year shall be reserved for payments 88029  
pursuant to sections 3317.026, 3317.027, and 3317.028 of the 88030  
Revised Code except that the Controlling Board may increase the 88031  
\$15,000,000 amount if presented with such a request from the 88032  
Department of Education. Of the foregoing appropriation item 88033  
200-501, Base Cost Funding, up to \$15,000,000 in each fiscal year 88034  
shall be used to provide additional state aid to school districts 88035  
for special education students pursuant to division (C)(3) of 88036  
section 3317.022 of the Revised Code; up to \$2,000,000 in each 88037  
fiscal year shall be reserved for Youth Services tuition payments 88038  
pursuant to section 3317.024 of the Revised Code; and up to 88039  
\$52,000,000 in each fiscal year shall be reserved to fund the 88040  
state reimbursement of educational service centers pursuant to 88041  
section 3317.11 of the Revised Code and the section of this act 88042  
entitled "EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 88043

available for special education weighted funding pursuant to 88044  
division (C)(1) of section 3317.022 and division (D)(1) of section 88045  
3317.16 of the Revised Code. 88046

Of the foregoing appropriation item 200-501, Base Cost 88047  
Funding, an amount shall be available in each fiscal year to be 88048  
used by the Department of Education for transitional aid for 88049  
school districts. Funds shall be distributed pursuant to the 88050  
section of this act entitled "TRANSITIONAL AID." 88051

Of the foregoing appropriation item 200-501, Base Cost 88052  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 88053  
Department of Education for a pilot program to pay for educational 88054  
services for youth who have been assigned by a juvenile court or 88055  
other authorized agency to any of the facilities described in 88056  
division (A) of the section titled "Private Treatment Facility 88057  
Pilot Project." 88058

The remaining portion of appropriation item 200-501, Base 88059  
Cost Funding, shall be expended for the public schools of city, 88060  
local, exempted village, and joint vocational school districts, 88061  
including base cost funding, special education speech service 88062  
enhancement funding, career-technical education weight funding, 88063  
career-technical education associated service funding, guarantee 88064  
funding, and teacher training and experience funding pursuant to 88065  
sections 3317.022, 3317.023, 3317.0212, and 3317.16 of the Revised 88066  
Code. 88067

Appropriation items 200-500, School Finance Equity, 200-501, 88068  
Base Cost Funding, 200-502, Pupil Transportation, 200-520, 88069  
Disadvantaged Pupil Impact Aid, 200-521, Gifted Pupil Program, 88070  
200-525, Parity Aid, and 200-546, Charge-Off Supplement, other 88071  
than specific set-asides, are collectively used in each fiscal 88072  
year to pay state formula aid obligations for school districts and 88073  
joint vocational school districts pursuant to Chapter 3317. of the 88074  
Revised Code. The first priority of these appropriation items, 88075

with the exception of specific set-asides, is to fund state 88076  
formula aid obligations under Chapter 3317. of the Revised Code. 88077  
It may be necessary to reallocate funds among these appropriation 88078  
items in order to meet state formula aid obligations. If it is 88079  
determined that it is necessary to transfer funds among these 88080  
appropriation items to meet state formula aid obligations, the 88081  
Department of Education shall seek approval from the Controlling 88082  
Board to transfer funds among these appropriation items. 88083

**Section 41.09. PUPIL TRANSPORTATION** 88084

Of the foregoing appropriation item 200-502, Pupil 88085  
Transportation, up to \$822,400 in each fiscal year may be used by 88086  
the Department of Education for training prospective and 88087  
experienced school bus drivers in accordance with training 88088  
programs prescribed by the Department. Up to \$56,975,910 in each 88089  
fiscal year may be used by the Department of Education for special 88090  
education transportation reimbursements to school districts and 88091  
county MR/DD boards for transportation operating costs as provided 88092  
in division (M) of section 3317.024 of the Revised Code. The 88093  
remainder of appropriation item 200-502, Pupil Transportation, 88094  
shall be used for the state reimbursement of public school 88095  
districts' costs in transporting pupils to and from the school 88096  
they attend in accordance with the district's policy, State Board 88097  
of Education standards, and the Revised Code. 88098

**BUS PURCHASE ALLOWANCE** 88099

The foregoing appropriation item 200-503, Bus Purchase 88100  
Allowance, shall be distributed to school districts, educational 88101  
service centers, and county MR/DD boards pursuant to rules adopted 88102  
under section 3317.07 of the Revised Code. Up to 28 per cent of 88103  
the amount appropriated may be used to reimburse school districts 88104  
and educational service centers for the purchase of buses to 88105  
transport handicapped and nonpublic school students and to county 88106

MR/DD boards, the Ohio School for the Deaf, and the Ohio School 88107  
for the Blind for the purchase of buses to transport handicapped 88108  
students. 88109

SCHOOL LUNCH MATCH 88110

The foregoing appropriation item 200-505, School Lunch Match, 88111  
shall be used to provide matching funds to obtain federal funds 88112  
for the school lunch program. 88113

**Section 41.10. ADULT LITERACY EDUCATION** 88114

The foregoing appropriation item 200-509, Adult Literacy 88115  
Education, shall be used to support adult basic and literacy 88116  
education instructional programs and the State Literacy Resource 88117  
Center Program. 88118

Of the foregoing appropriation item 200-509, Adult Literacy 88119  
Education, up to \$519,188 in each fiscal year shall be used for 88120  
the support and operation of the State Literacy Resource Center. 88121

Of the foregoing appropriation item 200-509, Adult Literacy 88122  
Education, \$146,250 in each fiscal year shall be used to support 88123  
initiatives for English as a second language programs in 88124  
combination with citizenship. Funding shall be provided to 88125  
organizations that received such funds during fiscal year 2003 88126  
from appropriation item 200-570, School Improvement Incentive 88127  
Grants. 88128

The remainder of the appropriation shall be used to continue 88129  
to satisfy the state match and maintenance of effort requirements 88130  
for the support and operation of the Department of 88131  
Education-administered instructional grant program for adult basic 88132  
and literacy education in accordance with the department's state 88133  
plan for adult basic and literacy education as approved by the 88134  
State Board of Education and the Secretary of the United States 88135  
Department of Education. 88136

AUXILIARY SERVICES 88137

The foregoing appropriation item 200-511, Auxiliary Services, 88138  
shall be used by the Department of Education for the purpose of 88139  
implementing section 3317.06 of the Revised Code. Of the 88140  
appropriation, up to \$1,462,500 in each fiscal year may be used 88141  
for payment of the Post-Secondary Enrollment Options Program for 88142  
nonpublic students pursuant to section 3365.10 of the Revised 88143  
Code. 88144

STUDENT INTERVENTION SERVICES 88145

Of the foregoing appropriation item 200-513, Student 88146  
Intervention Services, \$3,700,000 in fiscal year 2004 and 88147  
\$5,900,000 in fiscal year 2005 shall be allocated by the 88148  
Department of Education, on a per pupil basis, to school districts 88149  
in academic emergency. Districts shall use these funds for 88150  
salaries, materials, and training to provide after-school, 88151  
in-school, Saturday school, summer school, or other related 88152  
intervention programs to students as specified in division (D)(2) 88153  
of section 3301.0711 of the Revised Code. In fiscal year 2004 88154  
these programs shall be provided to students enrolled in the ninth 88155  
grade. In fiscal year 2005, these programs shall be provided to 88156  
students enrolled in the ninth and tenth grades. At the end of 88157  
each fiscal year, the school districts receiving these funds shall 88158  
report to the Department of Education the number of students who 88159  
were offered intervention, the number of students who 88160  
participated, and the number of students who completed the 88161  
intervention program, and shall provide an evaluation of the 88162  
impact of the intervention on students. 88163

Of the foregoing appropriation item 200-513, Student 88164  
Intervention Services, \$150,000 in each fiscal year shall be used 88165  
for Read Baby Read. 88166

The remainder of appropriation item 200-513, Student 88167

Intervention Services, shall be used to assist districts providing 88168  
the intervention services specified in section 3313.608 of the 88169  
Revised Code. The Department of Education shall establish 88170  
guidelines for the use and distribution of these moneys. School 88171  
districts receiving funds from this appropriation shall report to 88172  
the Department of Education on how funds were used. 88173

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 88174

Of the foregoing appropriation item 200-514, Postsecondary 88175  
Adult Career-Technical Education, \$40,000 in each fiscal year 88176  
shall be used for the statewide coordination of the activities of 88177  
the Ohio Young Farmers. 88178

The remainder of appropriation item 200-514, Postsecondary 88179  
Adult Career-Technical Education, shall be used by the State Board 88180  
of Education to provide postsecondary adult career-technical 88181  
education under sections 3313.52 and 3313.53 of the Revised Code. 88182

DISADVANTAGED PUPIL IMPACT AID 88183

Notwithstanding the distribution formula outlined in section 88184  
3317.029 of the Revised Code, each school district shall receive 88185  
an additional two per cent in Disadvantaged Pupil Impact Aid 88186  
(DPIA) funding in fiscal year 2004 over what was received in 88187  
fiscal year 2003 unless the district receives DPIA funding from 88188  
the DPIA guarantee provision pursuant to division (B) of section 88189  
3317.029 of the Revised Code in fiscal year 2003. For such a 88190  
district, its DPIA funding in fiscal year 2004 shall equal the 88191  
amount of DPIA funding the district received in fiscal year 2003. 88192

Notwithstanding the distribution formula outlined in section 88193  
3317.029 of the Revised Code, each school district shall receive 88194  
an additional two per cent in DPIA funding in fiscal year 2005 88195  
over what was received in fiscal year 2004 unless the district 88196  
receives DPIA funding from the DPIA guarantee provision pursuant 88197  
to division (B) of section 3317.029 of the Revised Code in fiscal 88198

year 2003. For such a district, its DPIA funding in fiscal year 88199  
2005 shall equal the amount of DPIA funding the district received 88200  
in fiscal year 2004. 88201

School districts must continue to comply with all expenditure 88202  
guidelines and restrictions outlined in divisions (F), (G), (I), 88203  
and (K) of section 3317.029 of the Revised Code by assuming a two 88204  
per cent increase in funds for each program outlined in divisions 88205  
(C), (D), and (E) of section 3317.029 of the Revised Code and by 88206  
assuming a DPIA index equivalent to the index calculated in fiscal 88207  
year 2003. 88208

The Department of Education shall pay all-day, everyday 88209  
kindergarten funding to all school districts in each fiscal year 88210  
that qualified for and provided the service in fiscal year 2003 88211  
pursuant to section 3317.029 of the Revised Code. School districts 88212  
and community schools that did not have a DPIA allocation in 88213  
fiscal year 2003 shall not receive an allocation in fiscal year 88214  
2004 or fiscal year 2005. 88215

Of the foregoing appropriation item 200-520, Disadvantaged 88216  
Pupil Impact Aid, up to \$3,800,000 in each fiscal year shall be 88217  
used for school breakfast programs. Of this amount, up to 88218  
\$1,000,000 shall be used in each fiscal year by the Department of 88219  
Education for the purpose of increasing participation in child 88220  
nutrition programs, particularly school breakfast and summer 88221  
meals. The Department shall collaborate with the Children's Hunger 88222  
Alliance in the outreach effort. The remainder of the 88223  
appropriation shall be used to partially reimburse school 88224  
buildings within school districts that are required to have a 88225  
school breakfast program pursuant to section 3313.813 of the 88226  
Revised Code, at a rate decided by the Department. 88227

Of the foregoing appropriation item 200-520, Disadvantaged 88228  
Pupil Impact Aid, \$4,500,000 in fiscal year 2004 and \$6,000,000 in 88229  
fiscal year 2005 shall be used to operate the school choice 88230

program in the Cleveland Municipal School District pursuant to 88231  
sections 3313.974 to 3313.979 of the Revised Code. 88232

Of the portion of the funds distributed to the Cleveland 88233  
Municipal School District under this section, up to \$11,901,887 in 88234  
each fiscal year shall be used to operate the school choice 88235  
program in the Cleveland Municipal School District pursuant to 88236  
sections 3313.974 to 3313.979 of the Revised Code. 88237

**Section 41.11. GIFTED PUPIL PROGRAM** 88238

The foregoing appropriation item 200-521, Gifted Pupil 88239  
Program, shall be used for gifted education units not to exceed 88240  
1,110 in each fiscal year pursuant to division (P) of section 88241  
3317.024 and division (F) of section 3317.05 of the Revised Code. 88242

Of the foregoing appropriation item 200-521, Gifted Pupil 88243  
Program, up to \$5,000,000 each in fiscal year may be used as an 88244  
additional supplement for identifying gifted students pursuant to 88245  
Chapter 3324. of the Revised Code. 88246

Of the foregoing appropriation item 200-521, Gifted Pupil 88247  
Program, the Department of Education may expend up to \$1,000,000 88248  
in each fiscal year for the Summer Honors Institute for gifted 88249  
freshman and sophomore high school students. Up to \$600,000 in 88250  
each fiscal year shall be used for research and demonstration 88251  
projects. The Department of Education shall research and evaluate 88252  
the effectiveness of gifted education programs in Ohio. Up to 88253  
\$70,000 in each fiscal year shall be used for the Ohio Summer 88254  
School for the Gifted (Martin Essex Program). 88255

**Section 41.12. PARITY AID** 88256

The foregoing appropriation item 200-525, Parity Aid, shall 88257  
be distributed to school districts based on the formulas specified 88258  
in section 3317.0217 of the Revised Code. 88259

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 88260

The foregoing appropriation item 200-532, Nonpublic 88261  
Administrative Cost Reimbursement, shall be used by the Department 88262  
of Education for the purpose of implementing section 3317.063 of 88263  
the Revised Code. 88264

**Section 41.13. SPECIAL EDUCATION ENHANCEMENTS** 88265

Of the foregoing appropriation item 200-540, Special 88266  
Education Enhancements, up to \$44,204,000 in fiscal year 2004 and 88267  
up to \$45,441,712 in fiscal year 2005 shall be used to fund 88268  
special education and related services at county boards of mental 88269  
retardation and developmental disabilities for eligible students 88270  
under section 3317.20 of the Revised Code. Up to \$2,452,125 shall 88271  
be used in each fiscal year to fund special education classroom 88272  
and related services units at institutions. 88273

Of the foregoing appropriation item 200-540, Special 88274  
Education Enhancements, up to \$2,906,875 in each fiscal year shall 88275  
be used for home instruction for children with disabilities; up to 88276  
\$1,462,500 in each fiscal year shall be used for parent mentoring 88277  
programs; and up to \$2,783,396 in each fiscal year may be used for 88278  
school psychology interns. 88279

Of the foregoing appropriation item 200-540, Special 88280  
Education Enhancements, \$3,406,090 in each fiscal year shall be 88281  
used by the Department of Education to assist school districts in 88282  
funding aides pursuant to paragraph (A)(3)(c)(i)(b) of rule 88283  
3301-51-04 of the Administrative Code. 88284

Of the foregoing appropriation item 200-540, Special 88285  
Education Enhancements, \$78,384,498 in each fiscal year shall be 88286  
distributed by the Department of Education to county boards of 88287  
mental retardation and developmental disabilities, educational 88288  
service centers, and school districts for preschool special 88289

education units and preschool supervisory units in accordance with 88290  
section 3317.161 of the Revised Code. The department may reimburse 88291  
county boards of mental retardation and developmental 88292  
disabilities, educational service centers, and school districts 88293  
for related services as defined in rule 3301-31-05 of the 88294  
Administrative Code, for preschool occupational and physical 88295  
therapy services provided by a physical therapy assistant and 88296  
certified occupational therapy assistant, and for an instructional 88297  
assistant. To the greatest extent possible, the Department of 88298  
Education shall allocate these units to school districts and 88299  
educational service centers. The Controlling Board may approve the 88300  
transfer of unallocated funds from appropriation item 200-501, 88301  
Base Cost Funding, to appropriation item 200-540, Special 88302  
Education Enhancements, to fully fund existing units as necessary 88303  
or to fully fund additional units. The Controlling Board may 88304  
approve the transfer of unallocated funds from appropriation item 88305  
200-540, Special Education Enhancements, to appropriation item 88306  
200-501, Base Cost Funding, to fully fund the special education 88307  
weight cost funding. 88308

The Department of Education shall require school districts, 88309  
educational service centers, and county MR/DD boards serving 88310  
preschool children with disabilities to document child progress 88311  
using research-based indicators prescribed by the Department and 88312  
report results annually. The reporting dates and methodology shall 88313  
be determined by the Department. 88314

Of the foregoing appropriation item 200-540, Special 88315  
Education Enhancements, \$315,000 in each fiscal year shall be 88316  
expended to conduct a demonstration project involving language and 88317  
literacy intervention teams supporting student acquisition of 88318  
language and literacy skills. The demonstration project shall 88319  
demonstrate improvement of language and literacy skills of at-risk 88320  
learners under the instruction of certified speech pathologists 88321

and educators. Baseline data shall be collected and comparison 88322  
data for fiscal year 2004 and fiscal year 2005 shall be collected 88323  
and reported to the Governor, Ohio Reads Council, Department of 88324  
Education, and the General Assembly. 88325

Of the foregoing appropriation item 200-540, Special 88326  
Education Enhancements, up to \$500,000 in each fiscal year shall 88327  
be used for the Research-Based Reading Mentoring Program. 88328

Of the foregoing appropriation item 200-540, Special 88329  
Education Enhancements, \$600,000 in each fiscal year shall be used 88330  
to support the Bellefaire Jewish Children's Bureau. 88331

**Section 41.14. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 88332

Of the foregoing appropriation item 200-545, Career-Technical 88333  
Education Enhancements, up to \$2,576,107 in each fiscal year shall 88334  
be used to fund career-technical education units at institutions. 88335

Of the foregoing appropriation item 200-545, Career-Technical 88336  
Education Enhancements, up to \$2,925,000 in each fiscal year shall 88337  
be used by the Department of Education to fund competitive grants 88338  
to tech prep consortia that expand the number of students enrolled 88339  
in tech prep programs. These grant funds shall be used to directly 88340  
support expanded tech prep programs, including equipment, provided 88341  
to students enrolled in school districts, including joint 88342  
vocational school districts, and affiliated higher education 88343  
institutions. 88344

Of the foregoing appropriation item 200-545, Career-Technical 88345  
Education Enhancements, \$2,225,000 in each fiscal year shall be 88346  
used to provide an amount to each eligible school district for the 88347  
replacement or updating of equipment essential for the instruction 88348  
of students in job skills taught as part of a career-technical 88349  
program or programs approved for such instruction by the State 88350  
Board of Education. School districts replacing or updating 88351

career-technical education equipment may purchase or lease such 88352  
equipment. The Department of Education shall review and approve 88353  
all equipment requests and may allot appropriated funds to 88354  
eligible school districts on the basis of the number of full-time 88355  
equivalent workforce development teachers in all eligible 88356  
districts making application for funds. 88357

The State Board of Education may adopt standards of need for 88358  
equipment allocation. Pursuant to the adoption of any such 88359  
standards of need by the State Board of Education, appropriated 88360  
funds may be allotted to eligible districts according to such 88361  
standards. Equipment funds allotted under either process shall be 88362  
provided to a school district at 30, 40, or 50 per cent of cost on 88363  
the basis of a rating developed by the Department of Education 88364  
using the state share percentage as provided in division (B)(2) of 88365  
section 3317.022 of the Revised Code. 88366

Of the foregoing appropriation item 200-545, Career-Technical 88367  
Education Enhancements, up to \$3,650,000 in each fiscal year shall 88368  
be used by the Department of Education to support existing High 88369  
Schools That Work (HSTW) sites, develop and support new sites, 88370  
fund technical assistance, and support regional centers and middle 88371  
school programs. The purpose of HSTW is to combine challenging 88372  
academic courses and modern career-technical studies to raise the 88373  
academic achievement of students. It provides intensive technical 88374  
assistance, focused staff development, targeted assessment 88375  
services, and ongoing communications and networking opportunities. 88376

Of the foregoing appropriation item 200-545, Career-Technical 88377  
Education Enhancements, \$2,400,000 in each fiscal year shall be 88378  
used for K-12 career development. 88379

Of the foregoing appropriation item 200-545, Career-Technical 88380  
Education Enhancements, up to \$496,800 in each fiscal year shall 88381  
be allocated for the Ohio Career Information System (OCIS) and 88382  
used for the dissemination of career information data to public 88383

schools, libraries, rehabilitation centers, two- and four-year 88384  
colleges and universities, and other governmental units. 88385

Of the foregoing appropriation item 200-545, Career-Technical 88386  
Educational Enhancements, \$300,000 in each fiscal year shall be 88387  
used by the Department of Education to enable students in 88388  
agricultural programs to enroll in a fifth quarter of instruction 88389  
based on the agricultural education model of delivering work-based 88390  
learning through supervised agricultural experience. The 88391  
Department of Education shall determine eligibility criteria and 88392  
the reporting process for the Agriculture 5th Quarter Project and 88393  
shall fund as many programs as possible given the \$300,000 set 88394  
aside. 88395

**Section 41.15. CHARGE-OFF SUPPLEMENT** 88396

The foregoing appropriation item 200-546, Charge-Off 88397  
Supplement, shall be used by the Department of Education to make 88398  
payments pursuant to section 3317.0216 of the Revised Code. 88399

**EMERGENCY LOAN INTEREST SUBSIDY** 88400

The foregoing appropriation item 200-558, Emergency Loan 88401  
Interest Subsidy, shall be used to provide a subsidy to school 88402  
districts receiving emergency school loans pursuant to section 88403  
3313.484 of the Revised Code. The subsidy shall be used to pay 88404  
these districts the difference between the amount of interest the 88405  
district is paying on an emergency loan, and the interest that the 88406  
district would have paid if the interest rate on the loan had been 88407  
two per cent. 88408

**Section 41.16. OHIOREADS GRANTS** 88409

Of the foregoing appropriation item 200-566, OhioReads 88410  
Grants, the OhioReads Office in the Department of Education shall 88411  
use \$2,125,223 in fiscal year 2004 and \$2,167,728 in fiscal year 88412  
2005 to fund the STARS program. 88413

The remainder of the foregoing appropriation item 200-566, 88414  
OhioReads Grants, shall be disbursed by the OhioReads Office in 88415  
the Department of Education at the direction of the OhioReads 88416  
Council to provide grants to public schools in city, local, and 88417  
exempted village school districts; community schools; and 88418  
educational service centers serving kindergarten through fourth 88419  
grade students to support local reading literacy initiatives 88420  
including reading programs, materials, professional development, 88421  
tutoring, tutor recruitment and training, and parental 88422  
involvement. 88423

Grants awarded by the OhioReads Council are intended to 88424  
improve reading outcomes, especially on reading proficiency tests. 88425

SAFE AND SUPPORTIVE SCHOOLS 88426

Of the foregoing appropriation item 200-578, Safe and 88427  
Supportive Schools, up to \$224,250 in each fiscal year shall be 88428  
used to fund a safe school center to provide resources for parents 88429  
and for school and law enforcement personnel. 88430

Of the foregoing appropriation item 200-578, Safe and 88431  
Supportive Schools, up to \$20,000 in each fiscal year may be used 88432  
by schools for the Eddie Eagle Gun Safety Pilot Program. School 88433  
districts wishing to participate in the pilot program shall apply 88434  
to the Department of Education under guidelines established by the 88435  
Superintendent of Public Instruction. 88436

Of the foregoing appropriation item 200-578, Safe and 88437  
Supportive Schools, up to \$1,800,000 in each fiscal year shall be 88438  
used for a safe school help line. 88439

The remainder of the appropriation shall be distributed based 88440  
on guidelines developed by the Department of Education to enhance 88441  
school safety. The guidelines shall provide a list of 88442  
research-based best practices and programs from which local 88443  
grantees shall select based on local needs. These practices shall 88444

include, but not be limited to, school resource officers and safe 88445  
and drug free school coordinators and social-emotional development 88446  
programs. 88447

**Section 41.17. PROPERTY TAX ALLOCATION - EDUCATION** 88448

The Superintendent of Public Instruction shall not request, 88449  
and the Controlling Board shall not approve, the transfer of funds 88450  
from appropriation item 200-901, Property Tax Allocation - 88451  
Education, to any other appropriation item. 88452

The appropriation item 200-901, Property Tax Allocation - 88453  
Education, is appropriated to pay for the state's costs incurred 88454  
due to the homestead exemption and the property tax rollback. In 88455  
cooperation with the Department of Taxation, the Department of 88456  
Education shall distribute these funds directly to the appropriate 88457  
school districts of the state, notwithstanding sections 321.24 and 88458  
323.156 of the Revised Code, which provide for payment of the 88459  
homestead exemption and property tax rollback by the Tax 88460  
Commissioner to the appropriate county treasurer and the 88461  
subsequent redistribution of these funds to the appropriate local 88462  
taxing districts by the county auditor. 88463

Appropriation item 200-906, Tangible Tax Exemption - 88464  
Education, is appropriated to pay for the state's costs incurred 88465  
due to the tangible personal property tax exemption required by 88466  
division (C)(3) of section 5709.01 of the Revised Code. In 88467  
cooperation with the Department of Taxation, the Department of 88468  
Education shall distribute to each county treasurer the total 88469  
amount appearing in the notification from the county treasurer 88470  
pursuant to division (G) of section 321.24 of the Revised Code, 88471  
for all school districts located in the county, notwithstanding 88472  
the provision in section 321.24 of the Revised Code which provides 88473  
for payment of the \$10,000 tangible personal property tax 88474  
exemption by the Tax Commissioner to the appropriate county 88475

treasurer for all local taxing districts located in the county. 88476  
Pursuant to division (G) of section 321.24 of the Revised Code, 88477  
the county auditor shall distribute the amount paid by the 88478  
Department of Education among the appropriate school districts. 88479

Upon receipt of these amounts, each school district shall 88480  
distribute the amount among the proper funds as if it had been 88481  
paid as real or tangible personal property taxes. Payments for the 88482  
costs of administration shall continue to be paid to the county 88483  
treasurer and county auditor as provided for in sections 319.54, 88484  
321.26, and 323.156 of the Revised Code. 88485

Any sums, in addition to the amounts specifically 88486  
appropriated in appropriation items 200-901, Property Tax 88487  
Allocation - Education, for the homestead exemption and the 88488  
property tax rollback payments, and 200-906, Tangible Tax 88489  
Exemption - Education, for the \$10,000 tangible personal property 88490  
tax exemption payments, which are determined to be necessary for 88491  
these purposes, are hereby appropriated. 88492

**Section 41.18. TEACHER CERTIFICATION AND LICENSURE** 88493

The foregoing appropriation item 200-681, Teacher 88494  
Certification and Licensure, shall be used by the Department of 88495  
Education in each year of the biennium to administer teacher 88496  
certification and licensure functions pursuant to sections 88497  
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 88498  
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 88499  
3319.51 of the Revised Code. 88500

**SCHOOL DISTRICT SOLVENCY ASSISTANCE** 88501

Of the foregoing appropriation item 200-687, School District 88502  
Solvency Assistance, \$9,000,000 in each fiscal year shall be 88503  
allocated to the School District Shared Resource Account and 88504  
\$9,000,000 in each fiscal year shall be allocated to the 88505

Catastrophic Expenditures Account. These funds shall be used to 88506  
provide assistance and grants to school districts to enable them 88507  
to remain solvent pursuant to section 3316.20 of the Revised Code. 88508  
Assistance and grants shall be subject to approval by the 88509  
Controlling Board. Any required reimbursements from school 88510  
districts for solvency assistance shall be made to the appropriate 88511  
account in the School District Solvency Assistance Fund (Fund 88512  
5H3). 88513

**Section 41.19. HEAD START PLUS/HEAD START** 88514

There is hereby established the Title IV-A Head Start Program 88515  
to be administered by the Department of Education in accordance 88516  
with an interagency agreement entered into with the Department of 88517  
Job and Family Services under division (A)(2) of section 5101.801 88518  
of the Revised Code. The program shall provide benefits and 88519  
services to TANF eligible individuals pursuant to the requirements 88520  
of section 5101.801 of the Revised Code. Upon approval by the 88521  
Department of Job and Family Services, the Department of Education 88522  
shall adopt policies and procedures establishing program 88523  
requirements for eligibility, services, fiscal accountability, and 88524  
other criteria necessary to comply with the provisions of Title 88525  
IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 88526  
301, as amended. 88527

The foregoing appropriation item 200-663, Head Start 88528  
Plus/Head Start, shall be used to reimburse Title IV-A Head Start 88529  
Plus and Title IV-A Head Start programs for services to children. 88530  
The Department of Education shall administer the Title IV-A Head 88531  
Start Plus and Title IV-A Head Start programs in accordance with 88532  
an interagency agreement between the Departments of Education and 88533  
Job and Family Services. Title IV-A Head Start Plus and Title IV-A 88534  
Head Start providers shall meet all requirements as outlined in 88535  
section 3301.311 of the Revised Code. The Department of Education 88536

shall adopt policies and procedures to establish a procedure for 88537  
approving Title IV-A Head Start Plus and Title IV-A Head Start 88538  
agencies. 88539

Of the foregoing appropriation item 200-663, Head Start 88540  
Plus/Head Start, up to \$57,170,000 in fiscal year 2004 shall be 88541  
used to support the Title IV-A Head Start program. Up to two 88542  
percent of this amount may be used by the Department of Education 88543  
to provide associated program support and technical assistance. 88544

Of the foregoing appropriation item 200-663, Head Start 88545  
Plus/Head Start, up to \$83,457,126 in fiscal year 2005 shall be 88546  
used to support the Title IV-A Head Start Plus initiative. Title 88547  
IV-A Head Start Plus shall provide up to 10,000 slots of full-day, 88548  
full-year programming for children at least three years of age and 88549  
not kindergarten age eligible. The program shall meet the child 88550  
care needs of low-income families who meet eligibility 88551  
requirements established in rules and administrative orders 88552  
adopted by the Ohio Department of Job and Family Services and 88553  
provide early education and comprehensive services as provided 88554  
through the Head Start program before the enactment of this act. 88555

Of the foregoing appropriation item 200-663, Head Start 88556  
Plus/Head Start, up to \$22,763,177 in fiscal year 2005 shall be 88557  
used to support the Title IV-A Head Start program. This funding 88558  
shall be used to support up to 4,000 slots of traditional half-day 88559  
center-based, home-based, combination, or locally-designed option, 88560  
Title IV-A Head Start services. 88561

Of the foregoing appropriation line item 200-663, Head Start 88562  
Plus/Head Start, up to \$1,963,697 in fiscal year 2005 may be used 88563  
by the Department of Education to provide associated program 88564  
support and technical assistance. 88565

For purposes of this section, "eligible child" means a child 88566  
who is at least three years of age, has not entered kindergarten, 88567

and is not of compulsory school age whose family earns not more 88568  
than 100 per cent of the federal poverty level, except as 88569  
otherwise provided in the following paragraph. 88570

The Department of Education, in consultation with Title IV-A 88571  
Head Start agencies and, beginning in July 1, 2004, Title IV-A 88572  
Head Start Plus agencies, shall establish criteria under which 88573  
these agencies may apply to the Department for a waiver to include 88574  
as "eligible children" those children from families earning up to 88575  
the level of eligibility established for child care subsidy by the 88576  
Department of Job and Family Services who otherwise qualify as 88577  
"eligible children" under the preceding paragraph. 88578

In fiscal year 2004, in order to serve children whose 88579  
families receive child care subsidy and whose incomes do not 88580  
exceed the income eligibility requirement for child care subsidy, 88581  
Title IV-A Head Start agencies may enroll children whose families 88582  
receive this child care subsidy from the Ohio Department of Job 88583  
and Family Services, if they partner with child care centers or 88584  
family day care homes, where appropriate. This provision is to 88585  
meet the child care needs of low-income families who are working, 88586  
in training or education programs, or participating in Ohio Works 88587  
First approved activities. 88588

The Department of Education shall conduct a head count of the 88589  
number of children served by Head Start agencies under this 88590  
program in December 2003 and in December 2004. Any funding 88591  
appropriated to this program in fiscal year 2005, which the 88592  
Department of Education projects is not necessary to provide 88593  
services to children enrolled as of the head count taken in 88594  
December 2004 shall be returned to the Department of Job and 88595  
Family Services for use as child care assistance. 88596

The Department of Education shall provide an annual report to 88597  
the Governor, the Speaker of the House of Representatives, the 88598  
President of the Senate, the State Board of Education, Title IV-A 88599

Head Start Plus and Title IV-A Head Start providers, and other 88600  
interested parties regarding the Title IV-A Head Start Plus and 88601  
Title IV-A Head Start program and performance indicators as 88602  
outlined by the Department of Education. 88603

JOB'S FOR OHIO GRADUATES PROGRAM 88604

Pursuant to an interagency agreement entered into between the 88605  
Department of Job and Family Services and the Department of 88606  
Education, \$3,500,000 from Workforce Investment Act funds (Fund 88607  
3V0), reserved for statewide workforce investment activities, in 88608  
fiscal year 2004 and fiscal year 2005, shall be used to support 88609  
the Jobs for Ohio Graduates programs administered by the 88610  
Department of Education. 88611

AUXILIARY SERVICES REIMBURSEMENT 88612

Notwithstanding section 3317.064 of the Revised Code, if the 88613  
unobligated cash balance is sufficient, the Treasurer of State 88614  
shall transfer \$1,500,000 in fiscal year 2004 within thirty days 88615  
after the effective date of this section and \$1,500,000 in fiscal 88616  
year 2005 by August 1, 2004, from the Auxiliary Services Personnel 88617  
Unemployment Compensation Fund to the Department of Education's 88618  
Auxiliary Services Reimbursement Fund (Fund 598). 88619

**Section 41.20.** LOTTERY PROFITS EDUCATION FUND 88620

Appropriation item 200-612, Base Cost Funding (Fund 017), 88621  
shall be used in conjunction with appropriation item 200-501, Base 88622  
Cost Funding (GRF), to provide payments to school districts 88623  
pursuant to Chapter 3317. of the Revised Code. 88624

The Department of Education, with the approval of the 88625  
Director of Budget and Management, shall determine the monthly 88626  
distribution schedules of appropriation item 200-501, Base Cost 88627  
Funding (GRF), and appropriation item 200-612, Base Cost Funding 88628  
(Fund 017). If adjustments to the monthly distribution schedule 88629

are necessary, the Department of Education shall make such 88630  
adjustments with the approval of the Director of Budget and 88631  
Management. 88632

The Director of Budget and Management shall transfer via 88633  
intrastate transfer voucher the amount appropriated under the 88634  
Lottery Profits Education Fund for appropriation item 200-682, 88635  
Lease Rental Payment Reimbursement, to the General Revenue Fund on 88636  
a schedule determined by the director. These funds shall support 88637  
the appropriation item 230-428, Lease Rental Payments (GRF), of 88638  
the School Facilities Commission. 88639

\* LOTTERY PROFITS TRANSFERS 88640

On or before the first day of May of each fiscal year, the 88641  
Director of Budget and Management shall determine if lottery 88642  
profits transfers will meet the appropriation amounts from the 88643  
Lottery Profits Education Fund. 88644

**Section 41.21.** LOTTERY PROFITS EDUCATION RESERVE FUND 88645

(A) There is hereby created the Lottery Profits Education 88646  
Reserve Fund (Fund 018) in the State Treasury. At no time shall 88647  
the amount to the credit of the fund exceed \$75,000,000. 88648  
Investment earnings of the Lottery Profits Education Reserve Fund 88649  
shall be credited to the fund. Notwithstanding any provisions of 88650  
law to the contrary, for fiscal years 2004 and 2005, there is 88651  
appropriated to the Department of Education, from the Lottery 88652  
Profits Education Reserve Fund, an amount necessary to make loans 88653  
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 88654  
Revised Code. All loan repayments from loans made in fiscal years 88655  
1992, 1993, 1994, 1995, 1996, 1997, 1998, or 1999 shall be 88656  
deposited into the credit of the Lottery Profits Education Reserve 88657  
Fund. 88658

(B)(1) On or before July 15, 2003, the Director of Budget and 88659

Management shall determine the amount by which lottery profit 88660  
transfers received by the Lottery Profits Education Fund for 88661  
fiscal year 2003 exceed \$637,722,600. The amount so certified 88662  
shall be distributed in fiscal year 2004 pursuant to division (C) 88663  
of this section. 88664

(2) On or before July 15, 2004, the Director of Budget and 88665  
Management shall determine the amount by which lottery profit 88666  
transfers received by the Lottery Profits Education Fund for 88667  
fiscal year 2004 exceed \$637,900,000. The amount so determined 88668  
shall be distributed in fiscal year 2005 pursuant to division (D) 88669  
of this section. 88670

The Director of Budget and Management shall annually certify 88671  
the amounts determined pursuant to this section to the Speaker of 88672  
the House of Representatives and the President of the Senate. 88673

(C) In fiscal year 2004, if there is a balance in the Lottery 88674  
Profits Education Fund, the moneys shall be allocated as provided 88675  
in this division. Any amounts so allocated are appropriated. 88676

An amount equal to five per cent of the estimated lottery 88677  
profits of \$637,722,600 in fiscal year 2003 or the amount 88678  
remaining in the fund, whichever is the lesser amount, shall be 88679  
transferred to the Lottery Profits Education Reserve Fund within 88680  
the limitations specified in division (A) of this section and be 88681  
reserved and shall not be available for allocation or distribution 88682  
during fiscal year 2004. Any amounts exceeding \$75,000,000 shall 88683  
be distributed pursuant to division (E) of this section. 88684

(D) In fiscal year 2005, if there is a balance in the Lottery 88685  
Profits Education Fund, the moneys shall be allocated as provided 88686  
in this division. Any amounts so allocated are appropriated. 88687

An amount equal to five per cent of the estimated lottery 88688  
profits transfers of \$637,900,000 in fiscal year 2004 or the 88689  
amount remaining in the fund, whichever is the lesser amount, 88690

shall be transferred to the Lottery Profits Education Reserve Fund 88691  
within the limitations specified in division (A) of this section 88692  
and be reserved and shall not be available for allocation or 88693  
distribution during fiscal year 2005. Any amounts exceeding 88694  
\$75,000,000 shall be distributed pursuant to division (E) of this 88695  
section. 88696

(E) In the appropriate fiscal year, any remaining amounts 88697  
after the operations required by division (C) or (D) of this 88698  
section, respectively, shall be transferred to the Public School 88699  
Building Fund (Fund 021) and such amount is appropriated to 88700  
appropriation item CAP-622, Public School Buildings, in the School 88701  
Facilities Commission. 88702

**Section 41.22. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT** 88703

The foregoing appropriation item 200-900, School District 88704  
Property Tax Replacement, shall be used by the Department of 88705  
Education, in consultation with the Department of Taxation, to 88706  
make payments to school districts and joint vocational school 88707  
districts pursuant to section 5727.85 of the Revised Code. 88708

**Section 41.23. \* DISTRIBUTION FORMULAS** 88709

The Department of Education shall report the following to the 88710  
Director of Budget and Management, the Legislative Office of 88711  
Education Oversight, and the Legislative Service Commission: 88712

(A) Changes in formulas for distributing state 88713  
appropriations, including administratively defined formula 88714  
factors; 88715

(B) Discretionary changes in formulas for distributing 88716  
federal appropriations; 88717

(C) Federally mandated changes in formulas for distributing 88718  
federal appropriations. 88719

Any such changes shall be reported two weeks prior to the 88720  
effective date of the change. 88721

**Section 41.24.** DISTRIBUTION - SCHOOL DISTRICT SUBSIDY 88722  
PAYMENTS 88723

This section shall not take effect unless the Director of 88724  
Budget and Management adopts an order putting it into effect and 88725  
certifies a copy of the order to the Superintendent of Public 88726  
Instruction and the Controlling Board. 88727

Notwithstanding any other provision of the Revised Code, the 88728  
monthly distribution of payments made to school districts and 88729  
educational service centers pursuant to section 3317.01 of the 88730  
Revised Code for the first six months of each fiscal year shall 88731  
equal, as nearly as possible, six and two-thirds per cent of the 88732  
estimate of the amounts payable for each fiscal year. The monthly 88733  
distribution of payments for the last six months of each fiscal 88734  
year shall equal, as nearly as possible, ten per cent of the final 88735  
calculation of the amounts payable to each school district for 88736  
that fiscal year. 88737

The treasurer of each school district or educational service 88738  
center may accrue, in addition to the payments defined in this 88739  
section, to the accounts of the calendar years that end during 88740  
each fiscal year, the difference between the sum of the first six 88741  
months' payments in each fiscal year and the amounts the district 88742  
would have received had the payments been made in, as nearly as 88743  
possible in each fiscal year, twelve equal monthly payments. 88744

Notwithstanding the limitations on the amount of borrowing 88745  
and time of payment provided for in section 133.10 of the Revised 88746  
Code but subject to sections 133.26 and 133.30 of the Revised 88747  
Code, a board of education of a school district may at any time 88748  
between July 1, 2003, and December 31, 2003, or at any time 88749  
between July 1, 2004, and December 31, 2004, borrow money to pay 88750

any necessary and actual expenses of the school district during 88751  
the last six months of calendar years 2003 and 2004 and in 88752  
anticipation of the receipt of any portion of the payments to be 88753  
received by that district in the first six months of calendar 88754  
years 2004 and 2005 representing the respective amounts accrued 88755  
pursuant to the preceding paragraph, and issue notes to evidence 88756  
that borrowing to mature not later than the thirtieth day of June 88757  
of the calendar year following the calendar year in which such 88758  
amount was borrowed. The principal amount borrowed in the last six 88759  
months of calendar years 2003 or 2004 under this paragraph may not 88760  
exceed the entire amount accrued or to be accrued by the district 88761  
treasurer in those calendar years pursuant to the preceding 88762  
paragraph. The proceeds of the notes shall be used only for the 88763  
purposes for which the anticipated receipts are lawfully 88764  
appropriated by the board of education. No board of education 88765  
shall be required to use the authority granted by this paragraph. 88766  
The receipts so anticipated, and additional amounts from 88767  
distributions to the districts in the first six months of calendar 88768  
years 2004 and 2005 pursuant to Chapter 3317. of the Revised Code 88769  
needed to pay the interest on the notes, shall be deemed 88770  
appropriated by the board of education to the extent necessary for 88771  
the payment of the principal of and interest on the notes at 88772  
maturity, and the amounts necessary to make those monthly 88773  
distributions are appropriated from the General Revenue Fund. For 88774  
the purpose of better ensuring the prompt payment of principal of 88775  
and interest on the notes when due, the resolution of the board of 88776  
education authorizing the notes may direct that the amount of the 88777  
receipts anticipated, together with those additional amounts 88778  
needed to pay the interest on the borrowed amounts, shall be 88779  
deposited and segregated, in trust or otherwise, to the extent, at 88780  
the time or times, and in the manner provided in that resolution. 88781  
The borrowing authorized by this section does not constitute debt 88782  
for purposes of section 133.04 of the Revised Code. School 88783

districts shall be reimbursed by the state for all necessary and 88784  
actual costs to districts arising from this provision, including, 88785  
without limitation, the interest paid on the notes while the notes 88786  
are outstanding. The Department of Education shall adopt rules 88787  
that are not inconsistent with this section for school district 88788  
eligibility and application for reimbursement of such costs. 88789  
Payments of these costs shall be made out of any anticipated 88790  
balances in appropriation items distributed under Chapter 3317. of 88791  
the Revised Code. The department shall submit all requests for 88792  
reimbursement under these provisions to the Controlling Board for 88793  
approval. 88794

During the last six months of each calendar year, instead of 88795  
deducting the amount the Superintendent of Public Instruction 88796  
would otherwise deduct from a school district's or educational 88797  
service center's state aid payments in accordance with the 88798  
certifications made for such year pursuant to sections 3307.56 and 88799  
3309.51 of the Revised Code, the superintendent shall deduct an 88800  
amount equal to forty per cent of the amount so certified. The 88801  
secretaries of the retirement systems shall compute the 88802  
certifications for the ensuing year under such sections as if the 88803  
entire amounts certified as due in the calendar year ending the 88804  
current fiscal year, but not deducted pursuant to this paragraph, 88805  
had been deducted and paid in that calendar year. During the first 88806  
six months of the ensuing calendar year, in addition to deducting 88807  
the amounts the Superintendent of Public Instruction is required 88808  
to deduct under such sections during such period, the 88809  
superintendent shall deduct from a district's or educational 88810  
service center's state aid payments an additional amount equal to 88811  
the amount that was certified as due from the district for the 88812  
calendar year that ends during the fiscal year, but that was not 88813  
deducted because of this paragraph. The superintendent's 88814  
certifications to the Director of Budget and Management during the 88815  
first six months of the calendar year shall reflect such 88816

additional deduction. 88817

**Section 41.25.** EDUCATIONAL SERVICE CENTERS FUNDING 88818

(A) As used in this section: 88819

(1) "Internet- or computer-based community school" has the 88820  
same meaning as in section 3314.02 of the Revised Code. 88821

(2) "Service center ADM" has the same meaning as in section 88822  
3317.11 of the Revised Code. 88823

(B) Notwithstanding division (F) of section 3317.11 of the 88824  
Revised Code, no funds shall be provided under that division to an 88825  
educational service center in either fiscal year for any pupils of 88826  
a city or exempted village school district unless an agreement to 88827  
provide services under section 3313.843 of the Revised Code was 88828  
entered into by January 1, 1997, except that funds shall be 88829  
provided to an educational service center for any pupils of a city 88830  
school district if the agreement to provide services was entered 88831  
into within one year of the date upon which such district changed 88832  
from a local school district to a city school district. 88833

(C) Notwithstanding any provision of the Revised Code to the 88834  
contrary, an educational service center that sponsors a community 88835  
school under Chapter 3314. of the Revised Code in either fiscal 88836  
year may include the students of that community school in its 88837  
service center ADM for purposes of state funding under division 88838  
(F) of section 3317.11 of the Revised Code, unless the community 88839  
school is an Internet- or computer-based community school. A 88840  
service center shall include the community school students in its 88841  
service center ADM only to the extent that the students are not 88842  
already so included, and only in accordance with guidelines issued 88843  
by the Department of Education. If the students of a community 88844  
school sponsored by an educational service center are included in 88845  
the service center ADM of another educational service center, 88846

those students shall be removed from the service center ADM of the 88847  
other educational service center and added to the service center 88848  
ADM of the community school's sponsoring service center. The 88849  
General Assembly authorizes this procedure as an incentive for 88850  
educational service centers to take over sponsorship of community 88851  
schools from the State Board of Education as the State Board's 88852  
sponsorship is phased out in accordance with Sub. H.B. 364 of the 88853  
124th General Assembly. No student of an Internet- or 88854  
computer-based community school shall be counted in the service 88855  
center ADM of any educational service center. The Department shall 88856  
pay educational service centers under division (F) of section 88857  
3317.11 of the Revised Code for community school students included 88858  
in their service center ADMs under this division only if 88859  
sufficient funds earmarked within appropriation item 200-501, Base 88860  
Cost Funding, for payments under that division remain after first 88861  
paying for students attributable to their local and client school 88862  
districts, in accordance with divisions (B) and (D) of this 88863  
section. 88864

(D) If insufficient funds are earmarked within appropriation 88865  
item 200-501, Base Cost Funding, for payments under division (F) 88866  
of section 3317.11 of the Revised Code and division (C) of this 88867  
section in fiscal year 2004 or fiscal year 2005, the Department 88868  
shall prioritize the distribution of the earmarked funds as 88869  
follows: 88870

(1) The Department shall first distribute to each educational 88871  
service center the per-student amount specified in division (F) of 88872  
section 3317.11 of the Revised Code for each student in its 88873  
service center ADM attributable to the local school districts 88874  
within the service center's territory. 88875

(2) The Department shall distribute the remaining funds in 88876  
each fiscal year to each educational service center for the 88877  
students in its service center ADM attributable to each city and 88878

exempted village school district that had entered into an 88879  
agreement with an educational service center for that fiscal year 88880  
under section 3313.843 of the Revised Code by January 1, 1997, up 88881  
to the per-student amount specified in division (F) of section 88882  
3317.11 of the Revised Code. If insufficient funds remain to pay 88883  
each service center the full amount specified in division (F) of 88884  
that section for each such student, the Department shall 88885  
distribute the remaining funds to each service center 88886  
proportionally, on a per-student basis for each such student, 88887  
unless that proportional per-student amount exceeds the amount 88888  
specified in division (F)(1) of that section. In that case, the 88889  
Department shall distribute the per-student amount specified in 88890  
division (F)(1) of that section to each service center for each 88891  
such student and shall distribute the remainder proportionally, on 88892  
a per-student basis for each such student, to the multi-county 88893  
service centers described in division (F)(2) of that section. 88894

(3) If the Department has paid each service center under 88895  
divisions (D)(1) and (2) of this section, the full amount 88896  
specified in division (F) of section 3317.11 of the Revised Code 88897  
for each student attributable to its local school districts and 88898  
its client school districts described in division (D)(2) of this 88899  
section the Department shall distribute any remaining funds 88900  
proportionally, on a per-student basis, to each service center 88901  
that sponsors a community school, other than an Internet- or 88902  
computer-based community school, for the students included in the 88903  
service center ADM under division (C) of this section. These 88904  
payments shall not exceed per student the amount specified in 88905  
division (F) of section 3317.11 of the Revised Code. 88906

**Section 41.26.** \* For the school year commencing July 1, 2003, 88907  
or the school year commencing July 1, 2004, or both, the 88908  
Superintendent of Public Instruction may waive for the board of 88909  
education of any school district the ratio of teachers to pupils 88910

in kindergarten through fourth grade required under paragraph 88911  
(A)(3) of rule 3301-35-05 of the Administrative Code if the 88912  
following conditions apply: 88913

(A) The board of education requests the waiver. 88914

(B) After the Department of Education conducts an on-site 88915  
evaluation of the district related to meeting the required ratio, 88916  
the board of education demonstrates to the satisfaction of the 88917  
Superintendent of Public Instruction that providing the facilities 88918  
necessary to meet the required ratio during the district's regular 88919  
school hours with pupils in attendance would impose an extreme 88920  
hardship on the district. 88921

(C) The board of education provides assurances that are 88922  
satisfactory to the Superintendent of Public Instruction that the 88923  
board will act in good faith to meet the required ratio as soon as 88924  
possible. 88925

**Section 41.27. PRIVATE TREATMENT FACILITY PILOT PROJECT** 88926

(A) As used in this section: 88927

(1) The following are "participating residential treatment 88928  
centers": 88929

(a) Private residential treatment facilities that have 88930  
entered into a contract with the Department of Youth Services to 88931  
provide services to children placed at the facility by the 88932  
Department and which, in fiscal year 2004 or fiscal year 2005 or 88933  
both, the Department pays through appropriation item 470-401, Care 88934  
and Custody; 88935

(b) Abraxas, in Shelby; 88936

(c) Paint Creek, in Bainbridge; 88937

(d) Act One, in Akron; 88938

(e) Friars Club, in Cincinnati.	88939
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	88940 88941 88942
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	88943 88944
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	88945 88946 88947 88948 88949
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	88950 88951 88952
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.	88953 88954 88955 88956 88957 88958 88959 88960 88961 88962 88963 88964 88965 88966 88967 88968 88969

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2004 and fiscal year 2005 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2004 and fiscal year 2005 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall 89002  
not include the child for whom tuition is paid in the district's 89003  
average daily membership certified under division (A) of section 89004  
3317.03 of the Revised Code. 89005

(D) In each of fiscal years 2004 and 2005, the Department of 89006  
Education shall reimburse, from appropriations made for the 89007  
purpose, a school district, educational service center, or 89008  
residential treatment facility, whichever is providing the 89009  
service, that has demonstrated that it is in compliance with the 89010  
funding criteria for each served child for whom a school district 89011  
must pay tuition under division (C) of this section. The amount of 89012  
the reimbursement shall be the formula amount specified in section 89013  
3317.022 of the Revised Code, except that the department shall 89014  
proportionately reduce this reimbursement if sufficient funds are 89015  
not available to pay this amount to all qualified providers. 89016

(E) Funds provided to a school district, educational service 89017  
center, or residential treatment facility under this section shall 89018  
be used to supplement, not supplant, funds from other public 89019  
sources for which the school district, service center, or 89020  
residential treatment facility is entitled or eligible. 89021

(F) The Department of Education shall track the utilization 89022  
of funds provided to school districts, educational service 89023  
centers, and residential treatment facilities under this section 89024  
and monitor the effect of the funding on the educational programs 89025  
they provide in participating residential treatment facilities. 89026  
The department shall monitor the programs for educational 89027  
accountability. 89028

**Section 41.28.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 89029  
ASSESSMENT OF EDUCATION PROGRESS 89030

The General Assembly intends for the Superintendent of Public 89031  
Instruction to provide for school district participation in the 89032

administration of the National Assessment of Education Progress in 89033  
accordance with section 3301.27 of the Revised Code. Each school 89034  
and school district selected for participation by the 89035  
Superintendent of Public Instruction shall participate. 89036

**Section 41.29.** Notwithstanding division (C)(1) of section 89037  
3313.975 of the Revised Code, in addition to students in 89038  
kindergarten through third grade, initial scholarships may be 89039  
awarded to fourth, fifth, sixth, seventh, and eighth grade 89040  
students in fiscal year 2004 and in fiscal year 2005. 89041

**Section 41.30.** STATEMENT OF STATE SHARE PERCENTAGE FOR BASE 89042  
COST AND PARITY AID FUNDING 89043

Pursuant to division (D)(3) of section 3317.012 of the 89044  
Revised Code, and based on the most recent data available prior to 89045  
the enactment of this act, the General Assembly has determined 89046  
that the state share percentage of base cost and parity aid 89047  
funding for the update year (fiscal year 2002) is 49.0%. This is 89048  
the target percentage for fiscal year 2004 and fiscal year 2005 89049  
that the General Assembly shall use to fulfill its obligation 89050  
under division (D)(4) of section 3317.012 of the Revised Code. 89051

Pursuant to division (D)(4) of section 3317.012 of the 89052  
Revised Code, and based on the most recent data available prior to 89053  
the enactment of this act, the General Assembly has determined 89054  
that the state share percentage of base cost and parity aid 89055  
funding for fiscal year 2004 is 48.5% and for fiscal year 2005 is 89056  
47.9%. This determination fulfills the General Assembly's 89057  
obligation under that division for fiscal year 2004 and fiscal 89058  
year 2005. 89059

**Section 41.31.** DEPARTMENT OF EDUCATION APPROPRIATION 89060  
TRANSFERS FOR STUDENT ASSESSMENT 89061

In fiscal year 2004 and fiscal year 2005, if the 89062  
Superintendent of Public Instruction determines that additional 89063  
funds are needed to fully fund the requirements of Am. Sub. S.B. 1 89064  
of the 124th General Assembly for assessments of student 89065  
performance, the Superintendent of Public Instruction may 89066  
recommend the reallocation of unspent and unencumbered 89067  
appropriations within the Department of Education to the General 89068  
Revenue Fund appropriation item 200-437, Student Assessment, to 89069  
the Director of Budget and Management. If the Director of Budget 89070  
and Management determines that such a reallocation is required, 89071  
the Director of Budget and Management may transfer unspent and 89072  
unencumbered funds within the Department of Education as necessary 89073  
to appropriation item 200-437, Student Assessment. 89074

**Section 41.32.** (A) As used in this section: 89075

(1) "IEP" has the same meaning as in section 3314.08 of the 89076  
Revised Code. 89077

(2) "SBH student" means a student receiving special education 89078  
and related services for severe behavior handicap conditions 89079  
pursuant to an IEP. 89080

(B) This section applies only to a community school 89081  
established under Chapter 3314. of the Revised Code that in each 89082  
of fiscal years 2004 and 2005 enrolls a number of SBH students 89083  
equal to at least fifty per cent of the total number of students 89084  
enrolled in the school in the applicable fiscal year. 89085

(C) In addition to any payments made under section 3314.08 of 89086  
the Revised Code, in each of fiscal years 2004 and 2005 the 89087  
Department of Education shall pay to a community school a subsidy 89088  
equal to the difference between the aggregate amount calculated 89089  
and paid in that fiscal year to the community school for special 89090  
education and related services additional weighted costs for the 89091  
SBH students enrolled in the school and the aggregate amount that 89092

would have been calculated for the school for special education 89093  
and related services additional weighted costs for those same 89094  
students in fiscal year 2001. If the difference is a negative 89095  
number, the amount of the subsidy shall be zero. 89096

(D) The amount of any subsidy paid to a community school 89097  
under this section shall not be deducted from any moneys 89098  
calculated under Chapter 3317. of the Revised Code for payment to 89099  
a school district in which any of its students are entitled to 89100  
attend school under section 3313.64 or 3313.65 of the Revised 89101  
Code. 89102

The amount of any subsidy paid to a community school under 89103  
this section shall be paid from the amount appropriated to the 89104  
Department of Education in appropriation item 200-501, Base Cost 89105  
Funding. 89106

**Section 41.33.** (A) As used in this section: 89107

(1) "Entitled to attend school" means entitled to attend 89108  
school in a school district under section 3313.64 and 3313.65 of 89109  
the Revised Code. 89110

(2) "Formula ADM" and "category six special education ADM" 89111  
have the same meanings as in section 3317.02 of the Revised Code. 89112

(3) "Individualized education program" has the same meaning 89113  
as in section 3323.01 of the Revised Code. 89114

(4) "Parent" has the same meaning as in section 3313.64 of 89115  
the Revised Code. 89116

(5) "Qualified special education child" is a child for whom 89117  
all of the following conditions apply: 89118

(a) The school district in which the child is entitled to 89119  
attend school has identified the child as autistic; 89120

(b) The school district in which the child is entitled to 89121

attend school has developed an individualized education program 89122  
under Chapter 3323. of the Revised Code for the child; 89123

(c) The child either: 89124

(i) Was enrolled in the school district in which the child is 89125  
entitled to attend school in any grade from preschool through 89126  
twelve in the school year prior to the year in which a scholarship 89127  
under this section is first sought for the child; 89128

(ii) Is eligible to enter school in any grade preschool 89129  
through twelve in the school district in which the child is 89130  
entitled to attend school in the school year in which a 89131  
scholarship under this section is first sought for the child. 89132

(6) "Registered private provider" means a nonpublic school or 89133  
other nonpublic entity that has been approved by the Department of 89134  
Education to participate in the program established under this 89135  
section. 89136

(B) There is hereby established the Pilot Project Special 89137  
Education Scholarship Program. Under the program, in fiscal years 89138  
2004 and 2005, the Department of Education shall pay a scholarship 89139  
to the parent of each qualified special education child upon 89140  
application of that parent pursuant to procedures and deadlines 89141  
established by rule of the State Board of Education. Each 89142  
scholarship shall be used only to pay tuition for the child on 89143  
whose behalf the scholarship is awarded to attend a special 89144  
education program that implements the child's individualized 89145  
education program and that is operated by a school district other 89146  
than the school district in which the child is entitled to attend 89147  
school or by another public entity, to either of which under law 89148  
the parent is required to pay tuition on behalf of the child, or 89149  
by a registered private provider. Each scholarship shall be in an 89150  
amount not to exceed the lesser of the tuition charged for the 89151  
child by the special education program or fifteen thousand 89152

dollars. The purpose of the scholarship is to permit the parent of 89153  
a qualified special education child the choice to send the child 89154  
to a special education program, instead of, or in addition to, the 89155  
one operated by or for the school district in which the child is 89156  
entitled to attend school, to receive the services prescribed in 89157  
the child's individualized education program once the 89158  
individualized education program is finalized. A scholarship under 89159  
this section shall not be awarded to the parent of a child while 89160  
the child's individualized education program is being developed by 89161  
the school district in which the child is entitled to attend 89162  
school, or while any administrative or judicial mediation or 89163  
proceedings with respect to the content of the child's 89164  
individualized education program are pending. A scholarship under 89165  
this section shall not be awarded to the parent of a child who 89166  
attends a public special education program under a contract, 89167  
compact, or other bilateral agreement between the school district 89168  
in which the child is entitled to attend school and another school 89169  
district or other public provider or to the parent of a child who 89170  
attends a community school established under Chapter 3314. of the 89171  
Revised Code. A child attending a special education program with a 89172  
scholarship under this section shall continue to be entitled to 89173  
transportation to and from that program in the manner prescribed 89174  
by law. 89175

(C)(1) Notwithstanding anything to the contrary in the 89176  
Revised Code, a child for whom a scholarship is awarded under this 89177  
section shall be counted in the formula ADM and the category six 89178  
special education ADM of the district in which the child is 89179  
entitled to attend school and not in the formula ADM and the 89180  
category six special education ADM of any other school district. 89181

(2) In each fiscal year, the Department shall deduct from the 89182  
amounts paid to each school district under Chapter 3317. of the 89183  
Revised Code, and, if necessary, sections 321.24 and 323.156 of 89184

the Revised Code, the aggregate amount of scholarships awarded 89185  
under this section for qualified special education children 89186  
included in the formula ADM and category six special education ADM 89187  
of that school district as provided in division (C)(1) of this 89188  
section. The scholarships deducted shall be considered as an 89189  
approved special education and related services expense for the 89190  
purpose of the school district's compliance with division (C)(5) 89191  
of section 3317.022 of the Revised Code. 89192

(3) From time to time, the Department shall make a payment to 89193  
the parent of each qualified special education child for whom a 89194  
scholarship has been awarded under this section. The scholarship 89195  
amount shall be proportionately reduced in the case of any such 89196  
child who is not enrolled in the special education program for 89197  
which a scholarship was awarded under this section for the entire 89198  
school year. The Department shall make no payments to the parent 89199  
of a child while any administrative or judicial mediation or 89200  
proceedings with respect to the content of the child's 89201  
individualized education program are pending. 89202

(D) A scholarship shall not be paid to a parent for payment 89203  
of tuition owed to a nonpublic entity unless that entity is a 89204  
registered private provider. The Department shall approve entities 89205  
that meet the standards established by rule of the State Board for 89206  
the program established under this section. 89207

(E) The State Board shall adopt rules in accordance with 89208  
Chapter 119. of the Revised Code prescribing procedures necessary 89209  
to implement this section, including, but not limited to, 89210  
procedures and deadlines for parents to apply for scholarships, 89211  
standards for registered private providers, and procedures for 89212  
approval of entities as registered private providers. The Board 89213  
shall adopt the rules so that the program established under this 89214  
section is operational by January 1, 2004. 89215

(F) The Legislative Office of Education Oversight shall 89216

conduct a formative evaluation of the program established under 89217  
this section and shall report its findings to the General Assembly 89218  
not later than March 1, 2005. In conducting the evaluation, the 89219  
Office shall to the extent possible gather comments from parents 89220  
who have been awarded scholarships under the program, school 89221  
district officials, representatives of registered private 89222  
providers, educators, and representatives of educational 89223  
organizations for inclusion in the report required under this 89224  
section. 89225

**Section 41.34.** (A) Not later than March 31, 2004, the 89226  
department of education shall recommend to the general assembly, 89227  
in consultation with stakeholders, plans for an Ohio Regional 89228  
Education Delivery System to provide minimum core services and 89229  
technical assistance to school districts. The recommendations 89230  
shall address how the system should provide the state-funded core 89231  
services currently provided by educational service centers, 89232  
regional professional development centers, special education 89233  
regional resource centers, area media centers, school improvement 89234  
facilitators, Ohio SchoolNet regional services, data acquisition 89235  
sites, educational technology centers, and other regional service 89236  
providers. The department shall also recommend that the system 89237  
provide minimum core services and technical assistance to 89238  
chartered nonpublic schools to assist these schools in meeting 89239  
Ohio's statutory and administrative code provisions applicable to 89240  
such schools. However, the recommendations shall specify that in 89241  
providing services to chartered nonpublic schools, the system is 89242  
not required to create additional services or technical assistance 89243  
beyond those provided to school districts. 89244

(B)(1) The number of regional service centers recommended 89245  
under the Ohio Regional Education Delivery System shall not exceed 89246  
nineteen and shall be distributed geographically throughout the 89247  
state. 89248

(2) The plans shall recommend that each region established 89249  
under the Ohio Regional Education Delivery System be served by a 89250  
fiscal agent in the form of a regional educational service agency. 89251  
Each service agency shall be selected by a majority vote of the 89252  
school districts in the region based upon the agency's 89253  
satisfactory audit record, demonstrated fiscal capacity, and 89254  
demonstrated staff and resource capacity. The selection of each 89255  
service agency shall be subject to final approval by the State 89256  
Board of Education. 89257

(C) The department, in consultation with stakeholders, shall 89258  
recommend an accountability system for the Ohio Regional Education 89259  
Delivery System or any part thereof as deemed necessary. The 89260  
recommended accountability system shall include minimum standards 89261  
for operation and the provision of minimum core services. It shall 89262  
also include benchmarks against performance measures based on each 89263  
of the following: 89264

(1) Student achievement; 89265

(2) The effectiveness and efficiency of service delivery; 89266

(3) The quality of implementation of state initiatives; 89267

(4) Satisfaction expressed by school districts and other 89268  
entities that use the Ohio Regional Education Delivery System with 89269  
the quality of the system. 89270

(D) The Department, in consultation with stakeholders, shall 89271  
recommend rules regarding each of the following: 89272

(1) Procedures for changing the boundaries of regions 89273  
established under the system; 89274

(2) Procedures for changing the configuration of the system; 89275

(3) A requirement that each regional service center, prior to 89276  
receiving state funds, submit to the Department an annual 89277  
strategic plan and budget that is aligned with the state's 89278

strategic plan and demonstrates how the regional service center 89279  
provides and coordinates services and technical assistance to 89280  
client service providers, school districts, and school buildings; 89281

(4) A governance structure for the system that includes a 89282  
Regional Education Delivery Center Board and functional area 89283  
advisory boards. 89284

(E) The Department shall recommend a methodology to provide 89285  
funding to the regional service centers, and all parts thereof, in 89286  
order to support state education initiatives. 89287

**Section 41.35.** (A) There is hereby created the Head Start 89288  
Partnership Study Council consisting of the following twenty-two 89289  
members: 89290

(1) Four representatives appointed by the Director of Job and 89291  
Family Services, two of whom are employees of the Department of 89292  
Job and Family Services; 89293

(2) Four representatives appointed by the Superintendent of 89294  
Public Instruction, two of whom are employees of the Department of 89295  
Education; 89296

(3) Three members of the House of Representatives, not more 89297  
than two of whom are members of the same political party, 89298  
appointed by the Speaker of the House of Representatives; 89299

(4) Three members of the Senate, not more two of whom are 89300  
members of the same political party, appointed by the President of 89301  
the Senate; 89302

(5) Three representatives of Head Start agencies, two of whom 89303  
are appointed by the Ohio Head Start Association, and one of whom 89304  
is appointed by the Ohio Association of Community Action Agencies; 89305

(6) Two representatives of child care providers appointed by 89306  
the Ohio Association of Child Care Providers; 89307

(7) One representative appointed by the Ohio Day Care 89308  
Advisory Council; 89309

(8) One representative appointed by the County Commissioner's 89310  
Association of Ohio; 89311

(9) One representative appointed by the Association of 89312  
Directors of County Departments of Job and Family Services. 89313

Initial appointments of members shall be made not later than 89314  
September 1, 2003. Vacancies in any of those appointments shall be 89315  
filled in the same manner as original appointments. 89316

The Speaker of the House of Representatives and the President 89317  
of the Senate jointly shall appoint the chairperson of the 89318  
Council. 89319

Members of the Council shall serve without compensation. 89320

(B) In fiscal year 2004, the Council shall advise the 89321  
Departments of Education and Job and Family Services in the design 89322  
and implementation of the Title IV-A Head Start Plus Program as 89323  
established under sections 3301.33 and 3301.35 of the Revised Code 89324  
and shall report to the General Assembly on the plans for that 89325  
program by December 31, 2003. 89326

(C) In fiscal year 2005, the Council shall monitor the 89327  
implementation of the Title IV-A Head Start Plus Program as 89328  
established under sections 3301.33 and 3301.35 of the Revised Code 89329  
and provide advice to the Departments of Education and Job and 89330  
Family Services in that implementation. 89331

(D) Unless reauthorized by the General Assembly, the Council 89332  
shall cease to exist on July 1, 2005. 89333

**Section 41.36.** (A) In the 2004-2005 and 2005-2006 school 89334  
years, within three months after a student identified with 89335  
disabilities begins receiving services for the first time under an 89336  
individualized education program, as defined in section 3323.01 of 89337

the Revised Code, the school district in which that student is 89338  
enrolled shall require the student to undergo a comprehensive eye 89339  
examination performed either by an optometrist licensed under 89340  
Chapter 4725. of the Revised Code or by a physician authorized 89341  
under Chapter 4731. of the Revised Code to practice medicine and 89342  
surgery or osteopathic medicine and surgery who is comprehensively 89343  
trained and educated in the treatment of the human eye, eye 89344  
disease, or comprehensive vision services, unless the student 89345  
underwent such an examination within the nine-month period 89346  
immediately prior to being identified with disabilities. 89347

However, no student who has not undergone the eye examination 89348  
required under this section shall be prohibited from initiating, 89349  
receiving, or continuing to receive services prescribed in the 89350  
student's individualized education program. 89351

(B) The superintendent of each school district or the 89352  
superintendent's designee may determine fulfillment of the 89353  
requirement prescribed in division (A) of this section based on 89354  
any special circumstances of the student, the student's parent, 89355  
guardian, or family that may prevent the student from undergoing 89356  
the eye examination prior to beginning special education services. 89357

(C) Except for a student who may be entitled to a 89358  
comprehensive eye examination in the identification of the 89359  
student's disabilities, in the development of the student's 89360  
individualized education program, or as a related service under 89361  
the student's individualized education program, neither the state 89362  
nor any school district shall be responsible for paying for the 89363  
eye examination required by this section. 89364

**Section 41.37. TRANSITIONAL AID** 89365

The Department of Education shall distribute earmarked funds 89366  
within appropriation item 200-501, Base Cost Funding, for 89367

transitional aid in each fiscal year to each city, local, and 89368  
exempted village school district that experiences a decrease in 89369  
its SF-3 funding plus charge-off supplement for the current fiscal 89370  
year in excess of five per cent of its SF-3 funding plus 89371  
charge-off supplement for the previous fiscal year. The Department 89372  
shall distribute to each such district an amount to reduce the 89373  
decrease to five per cent of the district's SF-3 funding plus 89374  
charge-off supplement for the previous fiscal year. For this 89375  
purpose, "SF-3 funding plus charge-off supplement" equals the sum 89376  
of the following: 89377

(A) Base cost funding under division (A) of section 3317.022 89378  
of the Revised Code; 89379

(B) Special education and related services additional 89380  
weighted funding under division (C)(1) of section 3317.022 of the 89381  
Revised Code; 89382

(C) Speech services funding under division (C)(4) of section 89383  
3317.022 of the Revised Code; 89384

(D) Vocational education additional weighted funding under 89385  
division (E) of section 3317.022 of the Revised Code; 89386

(E) GRADS funding under division (R) of section 3317.024 of 89387  
the Revised Code; 89388

(F) Adjustments for classroom teachers and educational 89389  
service personnel under divisions (B), (C), and (D) of section 89390  
3317.023 of the Revised Code; 89391

(G) Disadvantaged Pupil Impact Aid under section 3317.029 of 89392  
the Revised Code; 89393

(H) Gifted education units under division (F) of section 89394  
3317.05 of the Revised Code; 89395

(I) Equity aid under section 3317.0213 of the Revised Code; 89396

(J) Transportation under division (D) of section 3317.022 of 89397

the Revised Code;	89398
(K) The state aid guarantee under section 3317.0212 of the Revised Code;	89399 89400
(L) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	89401 89402
(M) Parity aid under section 3317.0217 of the Revised Code;	89403
(N) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	89404 89405
(O) The charge-off supplement under section 3317.0216 of the Revised Code.	89406 89407
The SF-3 funding plus charge-off supplement for fiscal year 2003 for each district is the sum of those amounts less the general revenue fund spending reductions ordered by the Governor under Executive Order 2003-03T, March 5, 2003.	89408 89409 89410 89411
<b>Section 41.38.</b> By January 1, 2004, the Department of Education shall provide to the General Assembly a feasible standard for measuring school district attendance rates.	89412 89413 89414
<b>Section 41.39. EARMARK ACCOUNTABILITY</b>	89415
At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the committees of the House of Representatives and the Senate primarily concerned with education and to the Department of Education a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be provided by	89416 89417 89418 89419 89420 89421 89422 89423 89424 89425 89426

the Department of Education to an earmarked entity for a fiscal 89427  
year until its report for the prior fiscal year has been 89428  
submitted. 89429

**Section 42. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK** 89430  
**COMMISSION** 89431

General Revenue Fund 89432

GRF 374-100	Personal Services	\$	1,300,000	\$	1,300,000	89433
GRF 374-200	Maintenance	\$	800,000	\$	800,000	89434
GRF 374-300	Equipment	\$	97,500	\$	97,500	89435
GRF 374-401	Statehouse News Bureau	\$	260,000	\$	260,000	89436
GRF 374-402	Ohio Government	\$	762,146	\$	762,146	89437

Telecommunications

Studio

GRF 374-403	Ohio SONET	\$	2,000,000	\$	2,000,000	89438
GRF 374-404	Telecommunications	\$	3,962,199	\$	3,864,269	89439

Operating Subsidy

TOTAL GRF General Revenue Fund \$ 9,181,845 \$ 9,083,915 89440

General Services Fund Group 89441

4F3 374-603	Affiliate Services	\$	3,067,447	\$	3,067,447	89442
4T2 374-605	Government	\$	150,000	\$	150,000	89443

Television/Telecommunications

Operating

TOTAL GSF General Services 89444

Fund Group \$ 3,217,447 \$ 3,217,447 89445

TOTAL ALL BUDGET FUND GROUPS \$ 12,399,292 \$ 12,301,362 89446

STATEHOUSE NEWS BUREAU 89447

The foregoing appropriation item 374-401, Statehouse News 89448  
Bureau, shall be used solely to support the operations of the Ohio 89449  
Statehouse News Bureau. 89450

OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO 89451

The foregoing appropriation item 374-402, Ohio Government Telecommunications Studio, shall be used solely to support the operations of the Ohio Government Telecommunications Studio.

OHIO SONET

The foregoing appropriation item 374-403, Ohio SONET, shall be used by the Ohio Educational Telecommunications Network Commission to pay monthly operating expenses and maintenance of the television and radio transmission infrastructure.

TELECOMMUNICATIONS OPERATING SUBSIDY

Of the foregoing appropriation item 374-404, Telecommunications Operating Subsidy, \$45,000 in each fiscal year shall be used for a competitive grant for dial-up newspaper reading services for the blind and physically handicapped. The Ohio Educational Telecommunications Network shall not disburse these funds without prior approval of the Controlling Board.

The remainder of appropriation item 374-404, Telecommunications Operating Subsidy, shall be distributed by the Ohio Educational Telecommunications Network Commission to Ohio's qualified public educational television stations, radio reading services, and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation developed by the Ohio Educational Telecommunications Network Commission.

**Section 43.** ELC OHIO ELECTIONS COMMISSION

General Revenue Fund				89476	
GRF 051-321 Operating Expenses	\$	294,857	\$	294,857	89477
TOTAL GRF General Revenue Fund	\$	294,857	\$	294,857	89478
State Special Revenue Fund Group				89479	
4P2 051-601 Ohio Elections				89480	
Commission Fund	\$	312,716	\$	321,766	89481

TOTAL SSR State Special				89482
Revenue Fund Group	\$	312,716	\$ 321,766	89483
TOTAL ALL BUDGET FUND GROUPS	\$	607,573	\$ 616,623	89484

<b>Section 44. FUN STATE BOARD OF EMBALMERS AND FUNERAL</b>				89486
DIRECTORS				89487
General Services Fund Group				89488
4K9 881-609 Operating Expenses	\$	563,639	\$ 594,870	89489
TOTAL GSF General Services				89490
Fund Group	\$	563,639	\$ 594,870	89491
TOTAL ALL BUDGET FUND GROUPS	\$	563,639	\$ 594,870	89492

<b>Section 45. ERB STATE EMPLOYMENT RELATIONS BOARD</b>				89494
General Revenue Fund				89495
GRF 125-321 Operating Expenses	\$	3,268,338	\$ 3,268,338	89496
TOTAL GRF General Revenue Fund	\$	3,268,338	\$ 3,268,338	89497
General Services Fund Group				89498
572 125-603 Training and Publications	\$	75,541	\$ 75,541	89499
TOTAL GSF General Services				89500
Fund Group	\$	75,541	\$ 75,541	89501
TOTAL ALL BUDGET FUND GROUPS	\$	3,343,879	\$ 3,343,879	89502

<b>Section 46. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b>				89504
General Services Fund Group				89505
4K9 892-609 Operating Expenses	\$	999,150	\$ 1,041,369	89506
TOTAL GSF General Services				89507
Fund Group	\$	999,150	\$ 1,041,369	89508
TOTAL ALL BUDGET FUND GROUPS	\$	999,150	\$ 1,041,369	89509

<b>Section 47. EPA ENVIRONMENTAL PROTECTION AGENCY</b>				89511
General Revenue Fund				89512

GRF 715-403	Clean Ohio	\$	788,985	\$	788,985	89513
GRF 715-501	Local Air Pollution Control	\$	1,119,878	\$	1,091,882	89514
GRF 717-321	Surface Water	\$	9,333,376	\$	9,358,950	89515
GRF 718-321	Groundwater	\$	1,195,001	\$	1,163,554	89516
GRF 719-321	Air Pollution Control	\$	2,543,260	\$	2,543,260	89517
GRF 721-321	Drinking Water	\$	2,713,032	\$	2,713,032	89518
GRF 723-321	Hazardous Waste	\$	110,184	\$	107,284	89519
GRF 724-321	Pollution Prevention	\$	765,137	\$	745,002	89520
GRF 725-321	Laboratory	\$	1,290,237	\$	1,293,971	89521
GRF 726-321	Corrective Actions	\$	1,253,593	\$	1,255,080	89522
TOTAL GRF	General Revenue Fund	\$	21,112,683	\$	21,061,000	89523
General Services Fund Group						89524
199 715-602	Laboratory Services	\$	1,042,081	\$	1,045,654	89525
219 715-604	Central Support Indirect	\$	15,239,297	\$	15,544,407	89526
4A1 715-640	Operating Expenses	\$	3,308,758	\$	3,369,731	89527
TOTAL GSF	General Services Fund Group	\$	19,590,136	\$	19,959,792	89528
Federal Special Revenue Fund Group						89529
3F2 715-630	Revolving Loan Fund - Operating	\$	80,000	\$	80,000	89530
3F3 715-632	Fed Supported Cleanup and Response	\$	2,792,648	\$	2,326,434	89531
3F4 715-633	Water Quality Management	\$	737,850	\$	712,850	89532
3F5 715-641	Nonpoint Source Pollution Management	\$	7,090,002	\$	7,155,000	89533
3J1 715-620	Urban Stormwater	\$	850,000	\$	956,001	89534
3K2 715-628	Clean Water Act 106	\$	4,125,992	\$	4,125,992	89535
3K4 715-634	DOD Monitoring and Oversight	\$	1,462,173	\$	1,450,333	89536

3K6	715-639	Remedial Action Plan	\$	416,000	\$	385,001	89538
3N1	715-655	Pollution Prevention Grants	\$	10,172	\$	0	89539
3N4	715-657	DOE Monitoring and Oversight	\$	3,362,932	\$	3,427,442	89540
3V7	715-606	Agencywide Grants	\$	100,268	\$	0	89541
352	715-611	Wastewater Pollution	\$	252,000	\$	265,002	89542
353	715-612	Public Water Supply	\$	2,909,865	\$	2,916,174	89543
354	715-614	Hazardous Waste Management - Federal	\$	4,195,192	\$	4,203,891	89544
357	715-619	Air Pollution Control - Federal	\$	5,447,334	\$	5,599,501	89545
362	715-605	Underground Injection Control - Federal	\$	101,874	\$	101,874	89546
TOTAL FED Federal Special Revenue							89547
Fund Group			\$	33,934,302	\$	33,705,495	89548
State Special Revenue Fund Group							89549
3T3	715-669	Drinking Water SRF	\$	3,631,132	\$	3,716,777	89550
4J0	715-638	Underground Injection Control	\$	379,488	\$	394,385	89551
4K2	715-648	Clean Air - Non Title V	\$	3,092,801	\$	3,370,002	89552
4K3	715-649	Solid Waste	\$	14,286,500	\$	14,698,987	89553
4K4	715-650	Surface Water Protection	\$	9,380,180	\$	9,380,181	89554
4K5	715-651	Drinking Water Protection	\$	6,294,334	\$	6,255,946	89555
4P5	715-654	Cozart Landfill	\$	146,792	\$	149,728	89556
4R5	715-656	Scrap Tire Management	\$	5,800,000	\$	6,000,000	89557
4R9	715-658	Voluntary Action Program	\$	603,435	\$	795,671	89558
4T3	715-659	Clean Air - Title V Permit Program	\$	16,950,003	\$	16,650,001	89559

4U7	715-660	Construction & Demolition Debris	\$	220,000	\$	220,000	89560
5H4	715-664	Groundwater Support	\$	1,768,661	\$	1,797,036	89561
5N2	715-613	Dredge and Fill	\$	30,000	\$	30,000	89562
5S1	715-607	Clean Ohio - Operating	\$	206,735	\$	208,174	89563
500	715-608	Immediate Removal Special Account	\$	475,024	\$	482,000	89564
503	715-621	Hazardous Waste Facility Management	\$	11,051,591	\$	11,465,671	89565
503	715-662	Hazardous Waste Facility Board	\$	566,350	\$	576,619	89566
505	715-623	Hazardous Waste Cleanup	\$	10,862,544	\$	11,557,987	89567
505	715-674	Clean Ohio Environmental Review	\$	999,896	\$	1,179,249	89568
541	715-670	Site Specific Cleanup	\$	344,448	\$	345,075	89569
542	715-671	Risk Management Reporting	\$	142,087	\$	146,188	89570
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	89571
602	715-626	Motor Vehicle Inspection and Maintenance	\$	1,444,464	\$	1,437,398	89572
644	715-631	ER Radiological Safety	\$	281,424	\$	286,114	89573
660	715-629	Infectious Waste Management	\$	160,000	\$	160,000	89574
676	715-642	Water Pollution Control Loan Administration	\$	4,858,798	\$	4,964,625	89575
678	715-635	Air Toxic Release	\$	314,081	\$	210,662	89576
679	715-636	Emergency Planning	\$	2,798,648	\$	2,828,647	89577
696	715-643	Air Pollution Control Administration	\$	750,002	\$	750,000	89578

699 715-644 Water Pollution	\$	625,000	\$	625,000	89579
Control Administration					
TOTAL SSR State Special Revenue	\$	99,964,418	\$	102,182,123	89580
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	174,601,539	\$	176,908,410	89581
CENTRAL SUPPORT INDIRECT					89582
Notwithstanding any other provision of law to the contrary,					89583
the Director of Environmental Protection, with the approval of the					89584
Director of Budget and Management, shall utilize a methodology for					89585
determining each division's payments into the Central Support					89586
Indirect Fund (Fund 219). The methodology used shall contain the					89587
characteristics of administrative ease and uniform application.					89588
Payments to the Central Support Indirect Fund (Fund 219) shall be					89589
made using an intrastate transfer voucher.					89590
CLEAN OHIO - OPERATING					89591
The foregoing appropriation item 715-607, Clean Ohio -					89592
Operating, shall be used by the Ohio Environmental Protection					89593
Agency in administering sections 122.65 to 122.658 of the Revised					89594
Code.					89595
<b>Section 48. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION</b>					89596
General Revenue Fund					89597
GRF 172-321 Operating Expenses	\$	437,131	\$	439,109	89598
TOTAL GRF General Revenue Fund	\$	437,131	\$	439,109	89599
TOTAL ALL BUDGET FUND GROUPS	\$	437,131	\$	439,109	89600
<b>Section 49. ETH OHIO ETHICS COMMISSION</b>					89602
General Revenue Fund					89603
GRF 146-321 Operating Expenses	\$	1,286,869	\$	1,351,213	89604
TOTAL GRF General Revenue Fund	\$	1,286,869	\$	1,351,213	89605
General Services Fund Group					89606

4M6 146-601 Operating Expenses	\$	409,543	\$	383,543	89607
TOTAL GSF General Services					89608
Fund Group	\$	409,543	\$	383,543	89609
TOTAL ALL BUDGET FUND GROUPS	\$	1,696,412	\$	1,734,756	89610

**Section 50. EXP OHIO EXPOSITIONS COMMISSION** 89612

General Revenue Fund					89613
GRF 723-403 Junior Fair Subsidy	\$	465,412	\$	465,412	89614
TOTAL GRF General Revenue Fund	\$	465,412	\$	465,412	89615
State Special Revenue Fund Group					89616
4N2 723-602 Ohio State Fair	\$	520,000	\$	520,000	89617
Harness Racing					
506 723-601 Operating Expenses	\$	13,211,481	\$	13,643,315	89618
640 723-603 State Fair Reserve	\$	125,000	\$	0	89619
TOTAL SSR State Special Revenue					89620
Fund Group	\$	13,856,481	\$	14,163,315	89621
TOTAL ALL BUDGET FUND GROUPS	\$	14,321,893	\$	14,628,727	89622

**STATE FAIR RESERVE** 89623

The foregoing appropriation item 723-603, State Fair Reserve, 89624  
shall serve as a budget reserve fund for the Ohio Expositions 89625  
Commission in the event of a significant decline in attendance due 89626  
to inclement weather or extraordinary circumstances during the 89627  
Ohio State Fair resulting in a loss of revenue. The State Fair 89628  
Reserve may be used by the Ohio Expositions Commission to pay 89629  
bills resulting from the Ohio State Fair only if all the following 89630  
criteria are met: 89631

(A) Admission revenues for the 2003 Ohio State Fair are less 89632  
than \$2,542,500 or admission revenues for the 2004 Ohio State Fair 89633  
are less than \$2,619,000 due to inclement weather or extraordinary 89634  
circumstances. These amounts are ninety per cent of the projected 89635  
admission revenues for each year. 89636

(B) The Ohio Expositions Commission declares a state of 89637  
fiscal exigency and requests release of funds by the Director of 89638  
Budget and Management. 89639

(C) The Director of Budget and Management releases the funds. 89640  
The Director of Budget and Management may approve or disapprove 89641  
the request for release of funds, may increase or decrease the 89642  
amount of release, and may place such conditions as the director 89643  
considers necessary on the use of the released funds. The Director 89644  
of Budget and Management may transfer appropriation authority from 89645  
fiscal year 2004 to fiscal year 2005 as needed. 89646

In the event that the Ohio Expositions Commission faces a 89647  
temporary cash shortage that will preclude it from meeting current 89648  
obligations, the Commission may request the Director of Budget and 89649  
Management to approve use of the State Fair Reserve to meet those 89650  
obligations. The request shall include a plan describing how the 89651  
Commission will eliminate the cash shortage. If the Director of 89652  
Budget and Management approves the expenditures, the Commission 89653  
shall reimburse Fund 640 by the thirtieth day of June of that same 89654  
fiscal year through an intrastate transfer voucher. The amount 89655  
reimbursed is hereby appropriated. 89656

Of the foregoing appropriation item 723-603, State Fair 89657  
Reserve, up to \$125,000 shall be transferred in fiscal year 2004 89658  
to appropriation item 723-403, Junior Fair Subsidy. 89659

**Section 51. GOV OFFICE OF THE GOVERNOR** 89660

General Revenue Fund 89661

GRF 040-321 Operating Expenses \$ 4,112,358 \$ 4,235,726 89662

GRF 040-403 Federal Relations \$ 510,000 \$ 510,000 89663

GRF 040-408 Office of Veterans' \$ 276,723 \$ 285,025 89664

Affairs

TOTAL GRF General Revenue Fund \$ 4,899,081 \$ 5,030,751 89665

General Services Fund Group				89666
412 040-607 Federal Relations	\$	500,000	\$ 500,000	89667
TOTAL GSF General Services Fund	\$	500,000	\$ 500,000	89668
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	5,399,081	\$ 5,530,751	89669
APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR				89670
The Governor may expend a portion of the foregoing				89671
appropriation item 040-321, Operating Expenses, to hire or appoint				89672
legal counsel to be used in proceedings involving the Governor in				89673
the Governor's official capacity or the Governor's office only,				89674
without the approval of the Attorney General, notwithstanding				89675
sections 109.02 and 109.07 of the Revised Code.				89676
FEDERAL RELATIONS				89677
A portion of the foregoing appropriation items 040-403,				89678
Federal Relations, and 040-607, Federal Relations, may be used to				89679
support Ohio's membership in national or regional associations.				89680
The Office of the Governor may charge any state agency of the				89681
executive branch using an intrastate transfer voucher such amounts				89682
necessary to defray the costs incurred for the conduct of federal				89683
relations associated with issues that can be attributed to the				89684
agency. Amounts collected shall be deposited to the Office of the				89685
Governor Federal Relations Fund (Fund 412).				89686
<b>Section 52. DOH DEPARTMENT OF HEALTH</b>				89687
General Revenue Fund				89688
GRF 440-407 Animal Borne Disease	\$	2,690,101	\$ 2,690,101	89689
and Prevention				
GRF 440-412 Cancer Incidence	\$	1,038,815	\$ 1,066,616	89690
Surveillance System				
GRF 440-413 Healthy Communities	\$	4,139,009	\$ 4,139,009	89691
GRF 440-416 Child and Family	\$	9,034,972	\$ 9,034,972	89692

		Health Services					
GRF	440-418	Immunizations	\$	8,431,975	\$	8,600,615	89693
GRF	440-419	Sexual Assault	\$	35,899	\$	35,899	89694
		Prevention					
GRF	440-444	AIDS Prevention and	\$	7,589,816	\$	7,589,816	89695
		Treatment					
GRF	440-446	Infectious Disease	\$	439,330	\$	439,330	89696
		Prevention					
GRF	440-451	Lab and Public Health	\$	6,085,250	\$	6,085,250	89697
		Prevention Programs					
GRF	440-452	Child and Family	\$	1,024,017	\$	1,024,017	89698
		Health Services Match					
GRF	440-453	Health Care Quality	\$	10,453,728	\$	10,453,728	89699
		Assurance					
GRF	440-454	Local Environmental	\$	1,047,654	\$	1,047,654	89700
		Health					
GRF	440-459	Help Me Grow	\$	9,861,089	\$	9,861,089	89701
GRF	440-461	Center for Vital and	\$	4,079,790	\$	4,079,790	89702
		Health Stats					
GRF	440-504	Poison Control Network	\$	388,000	\$	388,000	89703
GRF	440-505	Medically Handicapped	\$	6,462,257	\$	6,462,738	89704
		Children					
GRF	440-507	Targeted Health Care	\$	731,023	\$	731,023	89705
		Services Over 21					
GRF	440-508	Migrant Health	\$	91,301	\$	91,301	89706
TOTAL GRF		General Revenue Fund	\$	73,624,026	\$	73,820,948	89707
		General Services Fund Group					89708
142	440-618	General Operations -	\$	3,372,444	\$	3,461,915	89709
		General Services Fund					
211	440-613	Central Support	\$	26,578,343	\$	26,584,707	89710
		Indirect Costs					
473	440-622	Lab Operating Expenses	\$	4,154,045	\$	4,154,045	89711
683	440-633	Employee Assistance	\$	1,192,234	\$	1,192,214	89712

Program					
698	440-634	Nurse Aide Training	\$ 170,000	\$ 170,000	89713
TOTAL GSF General Services					89714
Fund Group					\$ 35,467,066 \$ 35,562,881 89715
Federal Special Revenue Fund Group					89716
320	440-601	Maternal Child Health	\$ 34,451,205	\$ 35,136,169	89717
Block Grant					
387	440-602	Preventive Health	\$ 8,200,000	\$ 8,200,000	89718
Block Grant					
389	440-604	Women, Infants, and Children	\$ 210,000,000	\$ 220,000,000	89719
391	440-606	Medicaid/Medicare	\$ 26,294,274	\$ 26,820,159	89720
392	440-618	General Operations - Federal Fund	\$ 114,474,764	\$ 115,319,323	89721
TOTAL FED Federal Special Revenue					89722
Fund Group					\$ 393,420,243 \$ 405,475,651 89723
State Special Revenue Fund Group					89724
4D6	440-608	Genetics Services	\$ 2,300,000	\$ 2,300,000	89725
4F9	440-610	Sickle Cell Disease Control	\$ 1,035,344	\$ 1,035,344	89726
4G0	440-636	Heirloom Birth Certificate	\$ 5,000	\$ 5,000	89727
4G0	440-637	Birth Certificate Surcharge	\$ 5,000	\$ 5,000	89728
4L3	440-609	Miscellaneous Expenses	\$ 256,082	\$ 144,119	89729
4T4	440-603	Child Highway Safety	\$ 233,894	\$ 233,894	89730
4V6	440-641	Save Our Sight	\$ 1,733,327	\$ 1,767,994	89731
470	440-618	General Operations - State Special Revenue	\$ 14,525,443	\$ 16,025,194	89732
471	440-619	Certificate of Need	\$ 475,000	\$ 483,572	89733
477	440-627	Medically Handicapped Children Audit	\$ 4,640,498	\$ 4,733,008	89734

5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	89735
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	89736
5D6	440-620	Second Chance Trust	\$	887,018	\$	825,951	89737
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	89738
5E1	440-624	Health Services	\$	688,321	\$	0	89739
5L1	440-623	Nursing Facility Technical Assistance Program	\$	586,153	\$	617,517	89740
610	440-626	Radiation Emergency Response	\$	923,315	\$	923,315	89741
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687	89742
TOTAL SSR State Special Revenue							89743
Fund Group			\$	44,928,966	\$	45,734,479	89744
Holding Account Redistribution Fund Group							89745
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	89746
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,400	\$	20,400	89747
TOTAL 090 Holding Account							89748
Redistribution Fund Group			\$	90,400	\$	90,400	89749
TOTAL ALL BUDGET FUND GROUPS			\$	547,530,701	\$	560,684,359	89750

**Section 52.01. CANCER REGISTRY SYSTEM** 89752

Of the foregoing appropriation item 440-412, Cancer Incidence 89753  
 Surveillance System, not more than \$50,000 in each fiscal year 89754  
 shall be provided to Health Comp, Inc. 89755

The remaining moneys in appropriation item 440-412, Cancer 89756  
 Incidence Surveillance System, shall be used to maintain and 89757

operate the Ohio Cancer Incidence Surveillance System pursuant to 89758  
sections 3701.261 to 3701.263 of the Revised Code. 89759

**Section 52.02.** CHILD AND FAMILY HEALTH SERVICES 89760

Of the foregoing appropriation item 440-416, Child and Family 89761  
Health Services, \$1,700,000 in each fiscal year shall be used for 89762  
women's health services. 89763

Of the foregoing appropriation item 440-416, Child and Family 89764  
Health Services, not more than \$270,000 shall be used in each 89765  
fiscal year for the OPTIONS dental care access program. 89766

Of the foregoing appropriation item 440-416, Child and Family 89767  
Health Services, not more than \$900,000 in each fiscal year shall 89768  
be used by federally qualified health centers and federally 89769  
designated look-alikes to provide services to uninsured low-income 89770  
persons. 89771

Of the foregoing appropriation item 440-416, Child and Family 89772  
Health Services, \$500,000 in each fiscal year shall be used for 89773  
abstinence-only education. The Director of Health shall develop 89774  
guidelines for the establishment of abstinence programs for 89775  
teenagers with the purpose of decreasing unplanned pregnancies and 89776  
abortion. The guidelines shall be developed pursuant to Title V of 89777  
the "Social Security Act," 42 U.S.C. 510, and shall include, but 89778  
are not limited to, advertising campaigns and direct training in 89779  
schools and other locations. 89780

Of the foregoing appropriation item 440-416, Child and Family 89781  
Health Services, \$30,000 in each fiscal year shall be allocated to 89782  
the Jewish Family Service of Cleveland, \$10,000 in each fiscal 89783  
year shall be allocated to the Jewish Family Service of 89784  
Cincinnati, and \$10,000 in each fiscal year shall be allocated to 89785  
the Jewish Family Services of Columbus for interpreters for health 89786  
care. 89787

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$25,000 in each fiscal year shall be allocated to Clermont County's Comprehensive Community Suicide Prevention Program. 89788  
89789  
89790  
89791

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$25,000 in each fiscal year shall be allocated to the Health Education Center in Cincinnati. 89792  
89793  
89794

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$62,500 in each fiscal year shall be allocated to the Cincinnati YWCA Hippy. 89795  
89796  
89797

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$25,000 in each fiscal year shall be allocated to the Helping Hearts Program. 89798  
89799  
89800

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$25,000 in each fiscal year shall be allocated to the Tree of Knowledge Learning Center. 89801  
89802  
89803

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in each fiscal year shall be allocated to the Mayerson Foundation. 89804  
89805  
89806

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in each fiscal year shall be allocated to the Columbus Yassenoff Jewish Community Center to fund nutrition and exercise education for children ages eight to thirteen. 89807  
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**Section 52.03.** WOMEN'S HEALTH SERVICES UNTIL JANUARY 1, 2004 89811

None of the funds received for women's health services through a family planning grant from the foregoing appropriation item 440-416, Child and Family Health Services, shall be used to provide abortion services. None of the funds received through these family planning grants shall be used for counseling for or referrals for abortion, except in the case of a medical emergency. 89812  
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These funds shall be distributed on the basis of the relative need 89818  
in the community served by the Director of Health to family 89819  
planning programs, which shall include family planning programs 89820  
funded under Title V of the "Social Security Act," 49 Stat. 620 89821  
(1935), 42 U.S.C. 301, as amended, and Title X of the "Public 89822  
Health Services Act," 58 Stat. 682 (1946), 42 U.S.C. 201, as 89823  
amended, as well as to other family planning programs that the 89824  
Department of Health also determines will provide services that 89825  
are physically and financially separate from abortion-providing 89826  
and abortion-promoting activities, and that do not include 89827  
counseling for or referrals for abortion, other than in the case 89828  
of medical emergency, with state moneys, but that otherwise 89829  
substantially comply with the quality standards for such programs 89830  
under Title V and Title X. 89831

The Director of Health, by rule, shall provide reasonable 89832  
methods by which a grantee wishing to be eligible for federal 89833  
funding may comply with these requirements for state funding 89834  
without losing its eligibility for federal funding, while ensuring 89835  
that a family planning program receiving a family planning grant 89836  
must be organized so that it is physically and financially 89837  
separate from the provision of abortion services and from 89838  
activities promoting abortion as a method of family planning. 89839

This section expires January 1, 2004. 89840

**Section 52.04. WOMEN'S SERVICES STARTING JANUARY 1, 2004** 89841

None of the funds received through grants for women's health 89842  
services under this section from the foregoing appropriation item 89843  
440-416, Child and Family Health Services, shall be used to 89844  
provide abortion services. None of the funds received through 89845  
these grants shall be used for counseling for or referrals for 89846  
abortion, except in the case of a medical emergency. These funds 89847  
shall be distributed by the Director of Health to programs that 89848

the Department of Health determines will provide services that are 89849  
physically and financially separate from abortion-providing and 89850  
abortion-promoting activities, and that do not include counseling 89851  
for or referrals for abortion, other than in the case of medical 89852  
emergency. 89853

These women's health services include and are limited to the 89854  
following: pelvic exams and lab testing; breast exams and patient 89855  
education on breast cancer; screening for cervical cancer; 89856  
screening and treatment for Sexually Transmitted Diseases (STDs) 89857  
and HIV screening; voluntary choice of contraception, including 89858  
abstinence and natural family planning; patient education and 89859  
pre-pregnancy counseling on the dangers of smoking, alcohol, and 89860  
drug use during pregnancy; education on sexual coercion and 89861  
violence in relationships; and prenatal care or referral for 89862  
prenatal care. These health care services shall be provided by 89863  
licensed doctors, licensed nurses, licensed medical assistants, 89864  
licensed counselors, and licensed social workers in a medical 89865  
clinic setting. 89866

The Director of Health shall adopt rules in accordance with 89867  
Chapter 119. of the Revised Code specifying reasonable eligibility 89868  
standards that must be met to receive the state funding and 89869  
provide reasonable methods by which a grantee wishing to be 89870  
eligible for federal funding may comply with these requirements 89871  
for state funding without losing its eligibility for federal 89872  
funding. 89873

Each applicant for these funds shall provide sufficient 89874  
assurance to the Director of Health of all of the following: 89875

(A) The program shall not discriminate in the provision of 89876  
services based on an individual's religion, race, national origin, 89877  
handicapping condition, age, sex, number of pregnancies, or 89878  
marital status; 89879

(B) The program shall provide services without subjecting individuals to any coercion to accept services or to employ any particular methods of family planning;

(C) Acceptance of services shall be solely on a voluntary basis and may not be made a prerequisite to eligibility for, or receipt of, any other service, assistance from, or participation in, any other program of the service provider;

(D) The costs for services provided by the program, if any are charged, shall be based on the patient's ability to pay and priority in the provision of services shall be given to persons from low-income families.

In distributing these grant funds, the Director of Health shall give priority to grant requests from local departments of health for women's health services to be provided directly by personnel of the local department of health. Prior to the effective date of this section, the Director of Health shall issue a single request for proposals for all grants under this set-aside. The Director of Health shall send a notification of this request for proposals to every local department of health in this state and shall place a notification on the department's web site. The Director shall allow at least 30 days after issuing this notification before closing the period to receive applications.

After the closing date for receiving grant applications, the Director of Health shall first consider grant applications from local departments of health that apply for grants for women's health services to be provided directly by personnel of the local department of health. Local departments of health that apply for grants for women's health services to be provided directly by personnel of the local department of health need not provide all the listed women's health services in order to qualify for a grant. However, in prioritizing awards among local departments of health that qualify for funding under this paragraph, the Director

of Health may consider, among other reasonable factors, the 89912  
comprehensiveness of the women's health services to be offered, 89913  
provided that no local department of health shall be discriminated 89914  
against in the process of awarding these grant funds because the 89915  
applicant does not provide contraception. 89916

If funds remain after awarding grants to all local 89917  
departments of health that qualify for the priority, the Director 89918  
of Health may make grants to other applicants. Awards to other 89919  
applicants may be made to those applicants that will offer all 89920  
eight of the listed women's health services or that will offer all 89921  
of the services except contraception. No applicant shall be 89922  
discriminated against in the process of awarding these grant funds 89923  
because the applicant does not provide contraception. 89924

This section takes effect January 1, 2004. 89925

**Section 52.05. SEXUAL ASSAULT PREVENTION AND INTERVENTION** 89926

The foregoing appropriation item 440-419, Sexual Assault 89927  
Prevention and Intervention, shall be used for the following 89928  
purposes: 89929

(A) Funding of new services in counties with no services for 89930  
sexual assault; 89931

(B) Expansion of services provided in currently funded 89932  
projects so that comprehensive crisis intervention and prevention 89933  
services are offered; 89934

(C) Start-up funding for Sexual Assault Nurse Examiner (SANE) 89935  
projects; 89936

(D) Statewide expansion of local outreach and public 89937  
awareness efforts. 89938

**HIV/AIDS PREVENTION/TREATMENT** 89939

Of the foregoing appropriation item 440-444, AIDS Prevention 89940

and Treatment, up to \$6.4 million in fiscal year 2004 and up to 89941  
\$6.7 million in fiscal year 2005 shall be used to assist persons 89942  
with HIV/AIDS in acquiring HIV-related medications. 89943

INFECTIOUS DISEASE PREVENTION 89944

Of the foregoing appropriation item 440-446, Infectious 89945  
Disease Prevention, not more than \$200,000 in each fiscal year 89946  
shall be used to reimburse boards of county commissioners pursuant 89947  
to division (A) of section 339.77 of the Revised Code. 89948

Of the foregoing appropriation item 440-446, Infectious 89949  
Disease Prevention, not more than \$60,000 shall be used by the 89950  
Director of Health to reimburse Boards of County Commissioners for 89951  
the cost of detaining indigent persons with tuberculosis. Any 89952  
portion of the \$60,000 allocated for detainment not used for that 89953  
purpose shall be used to make payments to counties pursuant to 89954  
section 339.77 of the Revised Code. 89955

Of the foregoing appropriation item 440-446, Infectious 89956  
Disease Prevention, not more than \$250,000 in each fiscal year 89957  
shall be used for the purchase of drugs for sexually transmitted 89958  
diseases. 89959

HELP ME GROW 89960

The foregoing appropriation item 440-459, Help Me Grow, shall 89961  
be used by the Department of Health to distribute subsidies to 89962  
counties to implement the Help Me Grow program. Appropriation item 89963  
440-459 may be used in conjunction with Temporary Assistance for 89964  
Needy Families from the Department of Job and Family Services, 89965  
Early Intervention funding from the Department of Mental 89966  
Retardation and Developmental Disabilities, and in conjunction 89967  
with other early childhood funds and services to promote the 89968  
optimal development of young children. Local contracts shall be 89969  
developed between local departments of job and family services and 89970  
family and children first councils for the administration of TANF 89971

funding for the Help Me Grow Program. The Department of Health 89972  
shall enter into an interagency agreement with the Department of 89973  
Education, Department of Mental Retardation and Developmental 89974  
Disabilities, Department of Job and Family Services, and 89975  
Department of Mental Health to ensure that all early childhood 89976  
programs and initiatives are coordinated and school linked. 89977

POISON CONTROL NETWORK 89978

The foregoing appropriation item 440-504, Poison Control 89979  
Network, shall be used in each fiscal year by the Department of 89980  
Health for grants to the consolidated Ohio Poison Control Center 89981  
to provide poison control services to Ohio citizens. 89982

Notwithstanding section 3701.83 of the Revised Code, not 89983  
later than the fifteenth day of July of each fiscal year or as 89984  
soon as possible thereafter, the Director of Budget and Management 89985  
shall transfer cash in the amount of \$127,287 from appropriation 89986  
item 440-618, General Operations - General Services Fund, (Fund 89987  
142) to the General Revenue Fund. 89988

TARGETED HEALTH CARE SERVICES OVER 21 89989

In each fiscal year, appropriation item 440-507, Targeted 89990  
Health Care Services Over 21, shall be used to administer the 89991  
cystic fibrosis program and implement the Hemophilia Insurance 89992  
Premium Payment program. 89993

EXTENSION OF HEMOPHILIA HEALTH INSURANCE PREMIUM PAYMENTS 89994

The Director of Health shall continue to provide, through 89995  
contracts with or grants to hemophilia treatment centers, for 89996  
health insurance premiums to be paid for individuals who are at 89997  
least twenty-one years of age, diagnosed with hemophilia or a 89998  
related bleeding disorder, and receive such assistance on the day 89999  
prior to the effective date of this section under the program for 90000  
care and treatment of persons suffering from hemophilia 90001  
established under former section 3701.144 of the Revised Code 90002

until the effective date of the initial rules adopted under 90003  
division (A)(12) of section 3701.021 of the Revised Code for the 90004  
hemophilia program established under section 3701.029 of the 90005  
Revised Code. The Public Health Council shall adopt those rules 90006  
not later than twelve months after the effective date of this 90007  
section. 90008

MATERNAL CHILD HEALTH BLOCK GRANT 90009

Of the foregoing appropriation item 440-601, Maternal Child 90010  
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 90011  
fiscal year for the purposes of abstinence-only education. The 90012  
Director of Health shall develop guidelines for the establishment 90013  
of abstinence programs for teenagers with the purpose of 90014  
decreasing unplanned pregnancies and abortion. Such guidelines 90015  
shall be pursuant to Title V of the "Social Security Act," 42 90016  
U.S.C. 510, and shall include, but are not limited to, advertising 90017  
campaigns and direct training in schools and other locations. 90018

GENETICS SERVICES 90019

The foregoing appropriation item 440-608, Genetics Services 90020  
(Fund 4D6), shall be used by the Department of Health to 90021  
administer programs authorized by sections 3701.501 and 3701.502 90022  
of the Revised Code. None of these funds shall be used to counsel 90023  
or refer for abortion, except in the case of a medical emergency. 90024

SAFETY AND QUALITY OF CARE STANDARDS 90025

The Department of Health may use Fund 471, Certificate of 90026  
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of 90027  
the Revised Code in each fiscal year. 90028

MEDICALLY HANDICAPPED CHILDREN AUDIT 90029

The Medically Handicapped Children Audit Fund (Fund 477) 90030  
shall receive revenue from audits of hospitals and recoveries from 90031  
third-party payers. Moneys may be expended for payment of audit 90032

settlements and for costs directly related to obtaining recoveries 90033  
from third-party payers and for encouraging Medically Handicapped 90034  
Children's Program recipients to apply for third-party benefits. 90035  
Moneys also may be expended for payments for diagnostic and 90036  
treatment services on behalf of medically handicapped children, as 90037  
defined in division (A) of section 3701.022 of the Revised Code, 90038  
and Ohio residents who are twenty-one or more years of age and who 90039  
are suffering from cystic fibrosis or hemophilia. Moneys may also 90040  
be expended for administrative expenses incurred in operating the 90041  
Medically Handicapped Children's Program. 90042

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 90043  
PERMIT FUND 90044

The Director of Budget and Management, pursuant to a plan 90045  
submitted by the Department of Health, or as otherwise determined 90046  
by the Director of Budget and Management, shall set a schedule to 90047  
transfer cash from the Liquor Control Fund (Fund 043) to the 90048  
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 90049  
needs of the Alcohol Testing and Permit program. 90050

The Director of Budget and Management shall transfer to the 90051  
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 90052  
Fund (Fund 043) established in section 4301.12 of the Revised Code 90053  
such amounts at such times as determined by the transfer schedule. 90054

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 90055

The foregoing appropriation item 440-607, Medically 90056  
Handicapped Children - County Assessments (Fund 666), shall be 90057  
used to make payments pursuant to division (E) of section 3701.023 90058  
of the Revised Code. 90059

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 90060

The Director of Budget and Management shall transfer, by 90061  
intrastate transfer voucher, each fiscal year, cash from Fund 4E3, 90062  
Resident Protection Fund, in the Ohio Department of Job and Family 90063

Services, to Fund 5L1, Nursing Facility Technical Assistance Fund, 90064  
in the Ohio Department of Health, to be used in accordance with 90065  
section 3721.026 of the Revised Code. The transfers shall equal 90066  
the amount appropriated per fiscal year in Fund 5L1, Nursing 90067  
Facility Technical Assistance Fund. 90068

**Section 53. HEF HIGHER EDUCATIONAL FACILITY COMMISSION** 90069

Agency Fund Group 90070  
461 372-601 Operating Expenses \$ 15,290 \$ 16,819 90071  
TOTAL AGY Agency Fund Group \$ 15,290 \$ 16,819 90072  
TOTAL ALL BUDGET FUND GROUPS \$ 15,290 \$ 16,819 90073

**Section 54. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS** 90075

General Revenue Fund 90076  
GRF 148-100 Personal Services \$ 127,419 \$ 127,419 90077  
GRF 148-200 Maintenance \$ 35,901 \$ 35,901 90078  
TOTAL GRF General Revenue Fund \$ 163,320 \$ 163,320 90079  
General Services Fund Group 90080  
601 148-602 Gifts and \$ 8,485 \$ 8,485 90081  
Miscellaneous  
TOTAL GSF General Services 90082  
Fund Group \$ 8,485 \$ 8,485 90083  
TOTAL ALL BUDGET FUND GROUPS \$ 171,805 \$ 171,805 90084

**Section 55. OHS OHIO HISTORICAL SOCIETY** 90086

General Revenue Fund 90087  
GRF 360-403 Adena - Worthington \$ 200,000 \$ 150,000 90088  
Home  
GRF 360-501 Operating Subsidy \$ 3,389,973 \$ 3,389,973 90089  
GRF 360-502 Site Operations \$ 8,240,438 \$ 8,240,438 90090  
GRF 360-503 Ohio Bicentennial \$ 1,847,239 \$ 58,164 90091  
Commission

GRF 360-504	Ohio Preservation Office	\$	289,733	\$	289,733	90092
GRF 360-505	Afro-American Museum	\$	778,231	\$	778,231	90093
GRF 360-506	Hayes Presidential Center	\$	524,981	\$	524,981	90094
GRF 360-508	Historical Grants	\$	2,200,000	\$	1,550,000	90095
TOTAL GRF	General Revenue Fund	\$	17,470,595	\$	14,981,520	90096
TOTAL ALL BUDGET FUND GROUPS		\$	17,470,595	\$	14,981,520	90097

SUBSIDY APPROPRIATION 90098

Upon approval by the Director of Budget and Management, the 90099  
foregoing appropriation items shall be released to the Ohio 90100  
Historical Society in quarterly amounts that in total do not 90101  
exceed the annual appropriations. The funds and fiscal records of 90102  
the society for fiscal years 2004 and 2005 shall be examined by 90103  
independent certified public accountants approved by the Auditor 90104  
of State, and a copy of the audited financial statements shall be 90105  
filed with the Office of Budget and Management. The society shall 90106  
prepare and submit to the Office of Budget and Management the 90107  
following: 90108

(A) An estimated operating budget for each fiscal year of the 90109  
biennium. The operating budget shall be submitted at or near the 90110  
beginning of each year. 90111

(B) Financial reports, indicating actual receipts and 90112  
expenditures for the fiscal year to date. These reports shall be 90113  
filed at least semiannually during the fiscal biennium. 90114

The foregoing appropriations shall be considered to be the 90115  
contractual consideration provided by the state to support the 90116  
state's offer to contract with the Ohio Historical Society under 90117  
section 149.30 of the Revised Code. If the Ohio Historical Society 90118  
accepts this contractual offer, the society may not, during fiscal 90119  
year 2004 or 2005, close any of the sites operated by the society 90120  
as of the effective date of this section. 90121

Not later than May 15, 2004, the Ohio Historical Society 90122  
shall submit to the Controlling Board a plan for the 90123  
implementation of the recommendations of the Select Committee to 90124  
Study the Effectiveness of Ohio's Historical Programs and 90125  
Partnerships. No appropriations to the society for fiscal year 90126  
2005 may be expended without prior approval of the implementation 90127  
plan by the Controlling Board. 90128

HAYES PRESIDENTIAL CENTER

If a United States government agency, including, but not 90130  
limited to, the National Park Service, chooses to take over the 90131  
operations or maintenance of the Hayes Presidential Center, in 90132  
whole or in part, the Ohio Historical Society shall make 90133  
arrangements with the National Park Service or other United States 90134  
government agency for the efficient transfer of operations or 90135  
maintenance. 90136

HISTORICAL GRANTS

Of the foregoing appropriation item 360-508, Historical 90138  
Grants, \$91,667 in fiscal year 2004 and \$88,571 in fiscal year 90139  
2005 shall be distributed to the Hebrew Union College in 90140  
Cincinnati for the Center for Holocaust and Humanity Education, 90141  
\$137,500 in fiscal year 2004 shall be distributed to the National 90142  
Underground Railroad Freedom Center in Cincinnati, \$229,167 in 90143  
fiscal year 2004 and \$221,430 in fiscal year 2005 shall be 90144  
distributed to the Great Lakes Historical Society in Vermilion, 90145  
\$733,333 in fiscal year 2004 and \$708,571 in fiscal year 2005 90146  
shall be distributed to the Western Reserve Historical Society in 90147  
Cleveland, \$458,333 in fiscal year 2004 shall be distributed to 90148  
the Village of Dennison for the Historical Center Street District, 90149  
\$91,667 in fiscal year 2004 and \$88,571 in fiscal year 2005 shall 90150  
be distributed to the Harbor Heritage Society Steamship Mather in 90151  
Cleveland, and \$458,333 in fiscal year 2004 and \$442,857 in fiscal 90152  
year 2005 shall be distributed to the Cincinnati Museum Center. 90153

OHIO BICENTENNIAL COMMISSION ROYALTIES 90154

Notwithstanding any previous arrangement to the contrary, the 90155  
Ohio Bicentennial Commission shall keep the first \$100,000 in 90156  
earned royalties associated with the Ohio Bicentennial logo during 90157  
the 2004-2005 biennium. This \$100,000 shall be used to cover the 90158  
operating expenses of the Ohio Bicentennial Commission in fiscal 90159  
year 2005. The remaining moneys collected from royalties 90160  
associated with the Ohio Bicentennial logo shall be deposited into 90161  
the General Revenue Fund, of which \$350,000 shall be distributed 90162  
to the Ohio Historical Society for use in appropriation item 90163  
360-403, Adena - Worthington Home. 90164

**Section 56. REP OHIO HOUSE OF REPRESENTATIVES** 90165

General Revenue Fund				90166
GRF 025-321 Operating Expenses	\$	19,018,547	\$ 19,969,473	90167
TOTAL GRF General Revenue Fund	\$	19,018,547	\$ 19,969,473	90168
General Services Fund Group				90169
103 025-601 House Reimbursement	\$	1,351,875	\$ 1,419,469	90170
4A4 025-602 Miscellaneous Sales	\$	35,690	\$ 37,474	90171
TOTAL GSF General Services				90172
Fund Group	\$	1,387,565	\$ 1,456,943	90173
TOTAL ALL BUDGET FUND GROUPS	\$	20,406,112	\$ 21,426,416	90174

**Section 57. IGO OFFICE OF THE INSPECTOR GENERAL** 90176

General Revenue Fund				90177
GRF 965-321 Operating Expenses	\$	812,000	\$ 812,000	90178
TOTAL GRF General Revenue Fund	\$	812,000	\$ 812,000	90179
State Special Revenue Fund Group				90180
4Z3 965-602 Special Investigations	\$	100,000	\$ 100,000	90181
TOTAL SSR State Special Revenue	\$	100,000	\$ 100,000	90182
Fund Group				

TOTAL ALL BUDGET FUND GROUPS	\$	912,000	\$	912,000	90183
SPECIAL INVESTIGATIONS					90184
Of the foregoing appropriation item 965-602, Special					90185
Investigations, up to \$100,000 in each fiscal year may be used for					90186
investigative costs, pursuant to section 121.481 of the Revised					90187
Code.					90188
<b>Section 58. INS DEPARTMENT OF INSURANCE</b>					90189
Federal Special Revenue Fund Group					90190
3U5 820-602 OSHIIP Operating Grant	\$	560,559	\$	560,559	90191
TOTAL FED Federal Special					90192
Revenue Fund Group	\$	560,559	\$	560,559	90193
State Special Revenue Fund Group					90194
554 820-601 Operating Expenses -	\$	506,515	\$	561,411	90195
OSHIIP					
554 820-606 Operating Expenses	\$	21,815,431	\$	22,357,575	90196
555 820-605 Examination	\$	7,433,751	\$	7,639,581	90197
TOTAL SSR State Special Revenue					90198
Fund Group	\$	29,755,697	\$	30,558,567	90199
TOTAL ALL BUDGET FUND GROUPS	\$	30,316,256	\$	31,119,126	90200
MARKET CONDUCT EXAMINATION					90201
When conducting a market conduct examination of any insurer					90202
doing business in this state, the Superintendent of Insurance may					90203
assess the costs of the examination against the insurer. The					90204
superintendent may enter into consent agreements to impose					90205
administrative assessments or fines for conduct discovered that					90206
may be violations of statutes or regulations administered by the					90207
superintendent. All costs, assessments, or fines collected shall					90208
be deposited to the credit of the Department of Insurance					90209
Operating Fund (Fund 554).					90210
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					90211

The Superintendent of Insurance may transfer funds from the Department of Insurance Operating Fund (Fund 554), established by section 3901.021 of the Revised Code, to the Superintendent's Examination Fund (Fund 555), established by section 3901.071 of the Revised Code, only for the expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised Code.

On July 1, 2003, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,000,000 from the Department of Insurance Operating Fund (Fund 554) to the General Revenue Fund.

**Section 59. JFS DEPARTMENT OF JOB AND FAMILY SERVICES**

General Revenue Fund				90224	
GRF 600-321 Support Services				90225	
State	\$	62,361,047	\$	58,611,047	90226
Federal	\$	7,176,249	\$	7,125,883	90227
Support Services Total	\$	69,537,296	\$	65,736,930	90228
GRF 600-410 TANF State	\$	272,619,061	\$	272,619,061	90229
GRF 600-413 Child Care	\$	84,120,596	\$	84,120,596	90230
Match/Maintenance of Effort					
GRF 600-416 Computer Projects				90231	
State	\$	120,000,000	\$	120,000,000	90232
Federal	\$	31,095,442	\$	31,400,454	90233
Computer Projects Total	\$	151,095,442	\$	151,400,454	90234
GRF 600-420 Child Support Administration	\$	5,091,446	\$	5,091,446	90235
GRF 600-421 Office of Family Stability	\$	4,864,932	\$	4,864,932	90236
GRF 600-422 Local Operations	\$	2,305,232	\$	2,305,232	90237

**Am. Sub. H. B. No. 95**  
**As Reported by the Committee of Conference**

GRF 600-423	Office of Children and Families	\$	5,000,000	\$	5,000,000	90238
GRF 600-424	Office of Workforce Development	\$	877,971	\$	877,971	90239
GRF 600-425	Office of Ohio Health Plans					90240
	State	\$	21,944,901	\$	22,603,740	90241
	Federal	\$	21,848,555	\$	22,495,502	90242
	Office of Ohio Health Plans Total	\$	43,793,456	\$	45,099,242	90243
GRF 600-435	Unemployment Compensation Review Commission	\$	3,188,473	\$	3,188,473	90244
GRF 600-439	Commission to Reform Medicaid	\$	125,000	\$	125,000	90245
GRF 600-502	Child Support Match	\$	16,814,103	\$	16,814,103	90246
GRF 600-511	Disability Financial Assistance	\$	22,839,371	\$	22,839,371	90247
GRF 600-521	Family Stability Subsidy	\$	55,206,401	\$	55,206,401	90248
GRF 600-523	Children and Families Subsidy	\$	69,846,563	\$	69,846,563	90249
GRF 600-525	Health Care/Medicaid					90250
	State	\$	3,651,294,321	\$	3,842,465,911	90251
	Federal	\$	5,188,691,539	\$	5,463,149,039	90252
	Health Care Total	\$	8,839,985,860	\$	9,305,614,950	90253
GRF 600-528	Adoption Services					90254
	State	\$	33,395,955	\$	36,017,981	90255
	Federal	\$	37,368,248	\$	41,115,000	90256
	Adoption Services Total	\$	70,764,203	\$	77,132,981	90257
TOTAL GRF	General Revenue Fund					90258
	State	\$	4,428,706,900	\$	4,619,409,355	90259

	Federal		\$ 5,286,180,033	\$ 5,565,285,878	90260
	GRF Total		\$ 9,718,075,406	\$10,187,883,706	90261
General Services Fund Group					90262
4A8	600-658	Child Support	\$ 27,255,646	\$ 26,680,794	90263
		Collections			
4R4	600-665	BCII Services/Fees	\$ 136,974	\$ 136,974	90264
5C9	600-671	Medicaid Program	\$ 54,686,270	\$ 55,137,078	90265
		Support			
5N1	600-677	County Technologies	\$ 5,000,000	\$ 5,000,000	90266
613	600-645	Training Activities	\$ 135,000	\$ 135,000	90267
TOTAL GSF General Services					90268
Fund Group					90269
			\$ 87,213,890	\$ 87,089,846	
Federal Special Revenue Fund Group					90270
3A2	600-641	Emergency Food	\$ 2,083,500	\$ 2,187,675	90271
		Distribution			
3D3	600-648	Children's Trust Fund	\$ 2,040,524	\$ 2,040,524	90272
		Federal			
3F0	600-623	Health Care Federal	\$ 391,658,105	\$ 394,221,409	90273
3F0	600-650	Hospital Care	\$ 298,128,308	\$ 305,879,644	90274
		Assurance Match			
3G5	600-655	Interagency	\$ 1,180,523,642	\$ 1,245,244,536	90275
		Reimbursement			
3H7	600-617	Child Care Federal	\$ 224,539,425	\$ 235,045,596	90276
3N0	600-628	IV-E Foster Care	\$ 173,963,142	\$ 173,963,142	90277
		Maintenance			
3S5	600-622	Child Support Projects	\$ 534,050	\$ 534,050	90278
3V0	600-662	WIA Ohio Option #7	\$ 87,407,014	\$ 89,352,850	90279
3V0	600-688	Workforce Investment	\$ 93,636,390	\$ 94,932,750	90280
		Act			
3V4	600-678	Federal Unemployment	\$ 153,690,682	\$ 154,111,608	90281
		Programs			
3V4	600-679	Unemployment	\$ 3,097,320	\$ 2,860,297	90282

		Compensation Review					
		Commission - Federal					
3V6	600-689	TANF Block Grant	\$	786,095,609	\$	845,909,688	90283
3W3	600-659	TANF/Title XX	\$	88,994,049	\$	93,498,158	90284
316	600-602	State and Local	\$	11,212,594	\$	11,249,282	90285
		Training					
327	600-606	Child Welfare	\$	29,119,408	\$	28,665,728	90286
331	600-686	Federal Operating	\$	48,237,185	\$	47,340,081	90287
365	600-681	JOB Training Program	\$	5,000,000	\$	0	90288
384	600-610	Food Stamps and State	\$	134,560,572	\$	135,141,694	90289
		Administration					
385	600-614	Refugee Services	\$	5,793,656	\$	5,841,407	90290
395	600-616	Special	\$	3,975,821	\$	3,975,821	90291
		Activities/Child and					
		Family Services					
396	600-620	Social Services Block	\$	74,969,767	\$	74,986,134	90292
		Grant					
397	600-626	Child Support	\$	304,157,939	\$	307,468,576	90293
398	600-627	Adoption Maintenance/	\$	339,957,978	\$	340,104,370	90294
		Administration					
TOTAL FED		Federal Special Revenue					90295
Fund Group			\$	4,443,376,680	\$	4,594,555,020	90296
State Special Revenue		Fund Group					90297
198	600-647	Children's Trust Fund	\$	4,336,109	\$	4,336,109	90298
4A9	600-607	Unemployment	\$	8,001,000	\$	8,001,000	90299
		Compensation Admin					
		Fund					
4E3	600-605	Nursing Home	\$	4,759,913	\$	4,759,914	90300
		Assessments					
4E7	600-604	Child and Family	\$	300,000	\$	300,000	90301
		Services Collections					
4F1	600-609	Foundation	\$	119,310	\$	119,310	90302
		Grants/Child and					

		Family Services					
4J5	600-613	Nursing Facility Bed	\$	35,060,013	\$	35,064,238	90303
		Assessments					
4J5	600-618	Residential State	\$	15,700,000	\$	15,700,000	90304
		Supplement Payments					
4K1	600-621	ICF/MR Bed Assessments	\$	20,467,050	\$	20,428,726	90305
4R3	600-687	Banking Fees	\$	892,000	\$	892,000	90306
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	90307
5A5	600-685	Unemployment Benefit	\$	14,000,000	\$	0	90308
		Automation					
5P5	600-692	Health Care Services	\$	492,932,514	\$	515,947,439	90309
5Q9	600-619	Supplemental Inpatient	\$	30,797,539	\$	30,797,539	90310
		Hospital Payments					
5R2	600-608	Medicaid-Nursing	\$	113,754,184	\$	113,754,184	90311
		Facilities					
5S3	600-629	MR/DD Medicaid	\$	1,620,960	\$	1,620,960	90312
		Administration and					
		Oversight					
5T2	600-652	Child Support Special	\$	1,500,000	\$	750,000	90313
		Payment					
5U3	600-654	Health Care Services	\$	7,576,322	\$	6,119,127	90314
		Administration					
5U6	600-663	Children and Family	\$	4,929,718	\$	4,929,718	90315
		Support					
651	600-649	Hospital Care	\$	208,634,072	\$	214,058,558	90316
		Assurance Program Fund					
TOTAL SSR		State Special Revenue					90317
Fund Group			\$	975,380,704	\$	987,578,822	90318
Agency Fund Group							90319
192	600-646	Support Intercept -	\$	136,500,000	\$	136,500,000	90320
		Federal					
5B6	600-601	Food Stamp Intercept	\$	5,000,000	\$	5,000,000	90321
583	600-642	Support Intercept -	\$	20,565,582	\$	20,565,582	90322

State

TOTAL AGY Agency Fund Group	\$	162,065,582	\$	162,065,582	90323
Holding Account Redistribution Fund Group					90324
R12 600-643 Refunds and Audit	\$	5,343,906	\$	5,343,906	90325
Settlements					
R13 600-644 Forgery Collections		700,000		700,000	90326
TOTAL 090 Holding Account	\$	6,043,906	\$	6,043,906	90327
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$15,392,156,168		\$16,025,216,882		90328

**Section 59.01.** OHIO COMMISSION TO REFORM MEDICAID 90330

The foregoing appropriation item 600-439, Commission to 90331  
Reform Medicaid, shall be used to fund the Ohio Commission to 90332  
Reform Medicaid. 90333

HEALTH CARE/MEDICAID 90334

The foregoing appropriation item 600-525, Health 90335  
Care/Medicaid, shall not be limited by the provisions of section 90336  
131.33 of the Revised Code. 90337

**Section 59.02.** CHILD SUPPORT COLLECTIONS/TANF MOE 90338

The foregoing appropriation item 600-658, Child Support 90339  
Collections, shall be used by the Department of Job and Family 90340  
Services to meet the TANF maintenance of effort requirements of 90341  
Pub. L. No. 104-193. After the state has met the maintenance of 90342  
effort requirement, the Department of Job and Family Services may 90343  
use funds from appropriation item 600-658 to support public 90344  
assistance activities. 90345

**Section 59.03.** MEDICAID PROGRAM SUPPORT FUND - STATE 90346

The foregoing appropriation item 600-671, Medicaid Program 90347  
Support, shall be used by the Department of Job and Family 90348  
Services to pay for Medicaid services and contracts. The 90349

Department may also deposit to Fund 5C9 revenues received from 90350  
other state agencies for Medicaid services under the terms of 90351  
interagency agreements between the Department and other state 90352  
agencies. 90353

**Section 59.04. HEALTH CARE SERVICES ADMINISTRATION** 90354

The foregoing appropriation item 600-654, Health Care 90355  
Services Administration, shall be used by the Department of Job 90356  
and Family Services for costs associated with the administration 90357  
of the Medicaid program. 90358

**Section 59.05. HEALTH CARE SERVICES ADMINISTRATION FUND** 90359

Of the amount received by the Department of Job and Family 90360  
Services during fiscal year 2004 and fiscal year 2005 from the 90361  
first installment of assessments paid under section 5112.06 of the 90362  
Revised Code and intergovernmental transfers made under section 90363  
5112.07 of the Revised Code, the Director of Job and Family 90364  
Services shall deposit \$350,000 in each fiscal year into the state 90365  
treasury to the credit of the Health Care Services Administration 90366  
Fund (Fund 5U3). 90367

**HOSPITAL CARE ASSURANCE MATCH FUND** 90368

Appropriation item 600-650, Hospital Care Assurance Match, 90369  
shall be used by the Department of Job and Family Services in 90370  
accordance with division (B) of section 5112.18 of the Revised 90371  
Code. 90372

**Section 59.06. TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS** 90373

Upon the request of the Department of Job and Family 90374  
Services, the Director of Budget and Management may seek 90375  
Controlling Board approval to increase appropriations in 90376  
appropriation item 600-689, TANF Block Grant, provided sufficient 90377  
funds exist to do so without any corresponding decrease in other 90378

appropriation items. The Department of Job and Family Services 90379  
shall provide the Director of Budget and Management and the 90380  
Controlling Board with documentation to support the need for the 90381  
increased appropriation. 90382

All transfers of moneys from or charges against TANF Federal 90383  
Block Grant awards for use in the Social Services Block Grant or 90384  
the Child Care and Development Block Grant shall be done after the 90385  
Department of Job and Family Services gives written notice to the 90386  
Director of Budget and Management. The Department of Job and 90387  
Family Services shall first provide the Director of Budget and 90388  
Management with documentation to support the need for such 90389  
transfers or charges for use in the Social Services Block Grant or 90390  
in the Child Care and Development Block Grant. 90391

Before the thirtieth day of September of each fiscal year, 90392  
the Department of Job and Family Services shall file claims with 90393  
the United States Department of Health and Human Services for 90394  
reimbursement for all allowable expenditures for services provided 90395  
by the Department of Job and Family Services, or other agencies 90396  
that may qualify for Social Services Block Grant funding pursuant 90397  
to Title XX of the Social Security Act. 90398

On July 31, 2003, or as soon as possible thereafter, the 90399  
Director of Budget and Management shall transfer the cash balance 90400  
remaining in Fund 3G0, Jobs Administration, to Fund 3V6, TANF 90401  
Block Grant. Fund 3G0 shall be abolished once this transfer has 90402  
been completed. 90403

**Section 59.07a.** GOVERNOR'S OFFICE OF FAITH-BASED AND 90404  
COMMUNITY INITIATIVES 90405

Of the foregoing appropriation item 600-659, TANF/Title XX, 90406  
\$625,000 in the fiscal year 2004-2005 biennium shall be used to 90407  
support the activities of the Governor's Office of Faith-Based and 90408

Community Initiatives. 90409

OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS 90410

Of the foregoing appropriation item 600-659, TANF/Title XX 90411  
(Fund 3W3), up to \$4,500,000 in each fiscal year shall be used by 90412  
the Department of Job and Family Services to support expenditures 90413  
to the Ohio Association of Second Harvest Food Banks according to 90414  
the following criteria. 90415

As used in this section, "federal poverty guidelines" has the 90416  
same meaning as in section 5101.46 of the Revised Code. 90417

The Department of Job and Family Services shall provide an 90418  
annual grant of \$4,500,000 in each of the fiscal years 2004 and 90419  
2005 to the Ohio Association of Second Harvest Food Banks. In each 90420  
fiscal year, the Ohio Association of Second Harvest Food Banks 90421  
shall use \$2,500,000 for the purchase of food products for the 90422  
Ohio Food Program, of which up to \$105,000 may be used for food 90423  
storage and transport, and shall use \$2,000,000 for the 90424  
Agricultural Surplus Production Alliance Project. Funds provided 90425  
for the Ohio Food Program shall be used to purchase food products 90426  
and to distribute those food products to agencies participating in 90427  
the emergency food distribution program. No funds provided through 90428  
this grant may be used for administrative expenses other than 90429  
funds provided for food storage and transport. As soon as possible 90430  
after entering into a grant agreement at the beginning of each 90431  
fiscal year, the Department of Job and Family Services shall 90432  
distribute the grant funds in one single payment. The Ohio 90433  
Association of Second Harvest Food Banks shall develop a plan for 90434  
the distribution of the food products to local food distribution 90435  
agencies. Agencies receiving these food products shall ensure that 90436  
individuals and families who receive any of the food products 90437  
purchased with these funds have an income at or below 150 per cent 90438  
of the federal poverty guidelines. The Department of Job and 90439  
Family Services and the Ohio Association of Second Harvest Food 90440

Banks shall agree on reporting requirements to be incorporated 90441  
into the grant agreement. 90442

The Ohio Association of Second Harvest Food Banks shall 90443  
return any fiscal year 2004 funds from this grant remaining 90444  
unspent on June 30, 2004, to the Department of Job and Family 90445  
Services not later than November 1, 2004. The Ohio Association of 90446  
Second Harvest Food Banks shall return any fiscal year 2005 funds 90447  
from the grant remaining unspent on June 30, 2005, to the 90448  
Department of Job and Family Services no later than November 1, 90449  
2005. 90450

**Section 59.08.A.1. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS** 90451

Of the foregoing appropriation item 600-659, TANF/Title XX 90452  
(Fund 3W3), the Department of Job and Family Services shall use up 90453  
to \$600,000 in each fiscal year to support expenditures of the 90454  
Ohio Alliance of Boys and Girls Clubs to provide nutritional 90455  
meals, snacks, and educational and enrichment services to children 90456  
participating in programs and activities operated by eligible Boys 90457  
and Girls Clubs. 90458

The Department of Job and Family Services shall provide an 90459  
annual grant of \$600,000 in each fiscal year to the Ohio Alliance 90460  
of Boys and Girls Clubs. As soon as possible after entering into a 90461  
grant agreement at the beginning of each fiscal year, the 90462  
Department of Job and Family Services shall distribute the grant 90463  
funds in one single payment. The Department of Job and Family 90464  
Services and the Ohio Alliance of Boys and Girls Clubs shall agree 90465  
on reporting requirements to be incorporated into the grant 90466  
agreement. 90467

The Ohio Alliance of Boys and Girls Clubs shall return any 90468  
fiscal year 2004 funds from the grant remaining unspent on June 90469  
30, 2004, to the Ohio Department of Job and Family Services not 90470  
later than November 1, 2004. The Ohio Alliance of Boys and Girls 90471

Clubs shall return any fiscal year 2005 funds from this grant 90472  
remaining unspent on June 30, 2005, to the Ohio Department of Job 90473  
and Family Services not later than November 1, 2005. 90474

**Section 59.09b. ADULT PROTECTIVE SERVICES 90475**

Of the foregoing appropriation item 600-659, TANF/Title XX 90476  
(Fund 3W3), up to \$2,700,000 in each fiscal year shall be used by 90477  
the Department of Job and Family Services to reimburse county 90478  
departments of job and family services for all or part of the 90479  
costs they incur in providing adult protective services pursuant 90480  
to sections 5101.60 to 5101.71 of the Revised Code. 90481

**Section 59.10.** In order to assure that the Maintenance of 90482  
Effort funding for the TANF block grant is sufficient, the 90483  
Director of Job and Family Services may request that the Director 90484  
of Budget and Management transfer cash from Fund 5T2, Child 90485  
Support Special Payment, to Fund 4A8, Child Support Collections, 90486  
as needed. This additional funding is hereby appropriated. 90487

**Section 59.11. PRESCRIPTION DRUG REBATE FUND 90488**

The foregoing appropriation item 600-692, Health Care 90489  
Services, shall be used by the Department of Job and Family 90490  
Services in accordance with section 5111.081 of the Revised Code. 90491  
Moneys recovered by the Department pursuant to the Department's 90492  
rights of recovery under section 5101.58 of the Revised Code, that 90493  
are not directed to the Health Care Services Administration Fund 90494  
(Fund 5U3) pursuant to section 5111.94 of the Revised Code shall 90495  
also be deposited into Fund 5P5. 90496

**Section 59.12. ODJFS FUNDS 90497**

AGENCY FUND GROUP 90498

The Agency Fund Group shall be used to hold revenues until 90499

the appropriate fund is determined or until they are directed to 90500  
the appropriate governmental agency other than the Department of 90501  
Job and Family Services. If it is determined that additional 90502  
appropriation authority is necessary, such amounts are hereby 90503  
appropriated. 90504

HOLDING ACCOUNT REDISTRIBUTION GROUP 90505

The foregoing appropriation items 600-643, Refunds and Audit 90506  
Settlements, and 600-644, Forgery Collections, Holding Account 90507  
Redistribution Fund Group, shall be used to hold revenues until 90508  
they are directed to the appropriate accounts or until they are 90509  
refunded. If it is determined that additional appropriation 90510  
authority is necessary, such amounts are hereby appropriated. 90511

**Section 59.13.** CONSOLIDATED FUNDING ALLOCATION FOR COUNTY 90512  
DEPARTMENTS OF JOB AND FAMILY SERVICES 90513

Using the foregoing appropriation items 600-521, Family 90514  
Stability Subsidy; 600-659, TANF/Title XX; 600-610, Food Stamps 90515  
and State Administration; 600-410, TANF State; 600-689, TANF Block 90516  
Grant; 600-620, Social Services Block Grant; 600-523, Children and 90517  
Families Subsidy; 600-413, Child Care Match/Maintenance of Effort; 90518  
600-617, Child Care Federal; 600-623, Health Care Federal; and 90519  
600-614, Refugees Services, the Department of Job and Family 90520  
Services may establish a consolidated allocation for county 90521  
departments of job and family services to the extent authorized by 90522  
Sections 5101.21 and 5101.211 of the Revised Code and rules 90523  
adopted under Section 5101.21 of the Revised Code. The county 90524  
department is not required to use all the money from one or more 90525  
of the appropriation items listed in this paragraph for the 90526  
purpose for which the specific appropriation item is made so long 90527  
as the county department uses the money for a purpose for which at 90528  
least one of the other of those appropriation items is made. The 90529  
county department may not use the money in the consolidated 90530

allocation for a purpose other than a purpose any of those 90531  
appropriation items are made. The county department shall use the 90532  
money in the consolidated allocation in accordance with section 90533  
5101.21 of the Revised Code and rules adopted under that section. 90534

If the spending estimates used in establishing the single 90535  
allocation are not realized and the county department uses money 90536  
in one or more of those appropriation items in a manner for which 90537  
federal financial participation is not available, the department 90538  
shall use state funds available in one or more of those 90539  
appropriation items to ensure that the county department receives 90540  
the full amount of its allocation and complete a reconciliation at 90541  
the end of the fiscal year to appropriately align cash draws with 90542  
expenditures related to state and federal claims. 90543

To facilitate this reconciliation, before the thirty-first 90544  
day of May of the current fiscal year and after the conclusion of 90545  
the county reconciliation process for the previous fiscal year, 90546  
the Director of Job and Family Services may request that the 90547  
Director of Budget and Management transfer cash between the funds 90548  
that make-up the consolidated allocation to the county departments 90549  
of job and family services. The consolidated allocation is the 90550  
maximum amount the county department shall receive from those 90551  
appropriation items. 90552

A county department not receiving a consolidated allocation 90553  
shall comply with section 5101.213 of the Revised Code and the 90554  
rules adopted under that section. 90555

**Section 59.14. TRANSFER OF FUNDS** 90556

The Department of Job and Family Services shall transfer, 90557  
through intrastate transfer vouchers, cash from State Special 90558  
Revenue Fund 4K1, ICF/MR Bed Assessments, to fund 4K8, Home and 90559  
Community-Based Services, in the Ohio Department of Mental 90560

Retardation and Developmental Disabilities. The sum of the 90561  
transfers shall equal \$12,000,000 in fiscal year 2004 and 90562  
\$12,000,000 in fiscal year 2005. The transfer may occur on a 90563  
quarterly basis or on a schedule developed and agreed to by both 90564  
departments. 90565

The Department of Job and Family Services shall transfer, 90566  
through intrastate transfer vouchers, cash from the State Special 90567  
Revenue Fund 4J5, Home and Community-Based Services for the Aged, 90568  
to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the 90569  
transfers shall be \$33,268,052 in fiscal year 2004 and \$33,263,984 90570  
in fiscal year 2005. The transfer may occur on a quarterly basis 90571  
or on a schedule developed and agreed to by both departments. 90572

TRANSFERS OF IMD/DSH CASH 90573

The Department of Job and Family Services shall transfer, 90574  
through intrastate transfer voucher, cash from fund 5C9, Medicaid 90575  
Program Support, to the Department of Mental Health's Fund 4X5, 90576  
OhioCare, in accordance with an interagency agreement which 90577  
delegates authority from the Department of Job and Family Services 90578  
to the Department of Mental Health to administer specified 90579  
Medicaid services. 90580

**Section 59.15. EMPLOYER SURCHARGE** 90581

The surcharge and the interest on the surcharge amounts due 90582  
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 90583  
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 90584  
118th General Assembly, and section 4141.251 of the Revised Code 90585  
as it existed prior to Sub. H.B. 478 of the 122nd General 90586  
Assembly, again shall be assessed and collected by, accounted for, 90587  
and made available to the Department of Job and Family Services in 90588  
the same manner as set forth in section 4141.251 of the Revised 90589  
Code as it existed prior to Sub. H.B. 478 of the 122nd General 90590  
Assembly, notwithstanding the repeal of the surcharge for calendar 90591

years after 1990, pursuant to Sub. H.B. 478 of the 122nd General 90592  
Assembly, except that amounts received by the Director on or after 90593  
July 1, 2001, shall be deposited into the special administrative 90594  
fund established pursuant to section 4141.11 of the Revised Code. 90595

**Section 59.16. FUNDING FOR HABILITATIVE SERVICES** 90596

Notwithstanding any limitations contained in sections 5112.31 90597  
and 5112.37 of the Revised Code, in each fiscal year, cash from 90598  
State Special Revenue Fund 4K1, ICF/MR Bed Assessments, in excess 90599  
of the amounts needed for transfers to Fund 4K8 may be used by the 90600  
Department of Job and Family Services to cover costs of care 90601  
provided to participants in a waiver with an ICF/MR level of care 90602  
requirement administered by the Department of Job and Family 90603  
Services. 90604

**Section 59.17. FUNDING FOR INSTITUTIONAL FACILITY AUDITS AND 90605  
THE OHIO ACCESS SUCCESS PROJECT** 90606

Notwithstanding any limitations in sections 3721.51 and 90607  
3721.56 of the Revised Code, in each fiscal year, cash from the 90608  
State Special Revenue Fund 4J5, Home and Community-Based Services 90609  
for the Aged, in excess of the amounts needed for the transfers 90610  
may be used by the Department of Job and Family Services for the 90611  
following purposes: (A) up to \$1.0 million in each fiscal year to 90612  
fund the state share of audits of Medicaid cost reports filed with 90613  
the Department of Job and Family Services by nursing facilities 90614  
and intermediate care facilities for the mentally retarded; and 90615  
(B) up to \$350,000 in fiscal year 2004 and up to \$350,000 in 90616  
fiscal year 2005 to provide one-time transitional benefits under 90617  
the Ohio Access Success Project that the Director of Job and 90618  
Family Services may establish under section 5111.88 of the Revised 90619  
Code. 90620

**Section 59.18. REFUND OF SETS PENALTY** 90621

The Department of Job and Family Services shall deposit any 90622  
refunds for penalties that were paid directly or indirectly by the 90623  
state for the Support Enforcement Tracking System (SETS) to Fund 90624  
3V6, TANF Block Grant. 90625

**Section 59.19.** PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY 90626

The Director of Job and Family Services may submit to the 90627  
United States Secretary of Health and Human Services a request to 90628  
transfer the day-to-day administration of the Program of 90629  
All-Inclusive Care for the Elderly, known as PACE, in accordance 90630  
with 42 U.S.C. 1396u-4, to the Department of Aging. If the United 90631  
States Secretary approves the transfer, the Directors of Job and 90632  
Family Services and Aging may enter into an interagency agreement 90633  
under section 5111.86 of the Revised Code to transfer 90634  
responsibility for the day-to-day administration of PACE from the 90635  
Department of Job and Family Services to the Department of Aging. 90636  
The interagency agreement is subject to the approval of the 90637  
Director of Budget and Management and shall include an estimated 90638  
cost of services to be provided under PACE and an estimated cost 90639  
for the administrative duties assigned by the agreement to the 90640  
Department of Aging. 90641

If the Directors of Job and Family Services and Aging enter 90642  
into the interagency agreement, the Director of Budget and 90643  
Management shall reduce the amount in appropriation item 600-525, 90644  
Health Care/Medicaid, by the estimated costs of PACE. If the 90645  
Director of Budget and Management makes the reduction, the state 90646  
and federal share of the estimated costs of PACE services and 90647  
administration is hereby appropriated to the Department of Aging. 90648  
The Director of Budget and Management shall establish a new 90649  
appropriation item for the appropriation. 90650

**Section 59.20.** APPROPRIATIONS FROM FUND 3V0 90651

Upon the request of the Department of Job and Family Services, the Director of Budget and Management may increase appropriations in either appropriation item 600-662, WIA Ohio Option #7, Fund 3V0 or in appropriation item 600-688, Workforce Investment Act, Fund 3V0, with a corresponding decrease in the other appropriation item supported by Fund 3V0 to allow counties that administer the Workforce Investment Act as a conventional county to administer the Act as an Ohio Option county or to allow counties that administer the Workforce Investment Act as an Ohio Option county to administer the Act as a conventional county.

JOBS FOR OHIO GRADUATES PROGRAM

Pursuant to an interagency agreement entered into between the Department of Job and Family Services and the Department of Education, \$3,500,000 from Workforce Investment Act funds (Fund 3V0), reserved for statewide workforce investment activities, in fiscal year 2004 and fiscal year 2005, shall be used to support the Jobs for Ohio Graduates programs administered by the Department of Education.

WORKFORCE DEVELOPMENT GRANT AGREEMENT

The Department of Job and Family Services may use appropriations from appropriation item 600-662, WIA Ohio Option #7, or from appropriation item 600-688, Workforce Investment Act, to provide financial assistance for workforce development activities included in a grant agreement entered into by the department in accordance with section 5101.20 of the Revised Code.

**Section 59.21. FEDERAL UNEMPLOYMENT PROGRAMS**

There is hereby appropriated out of funds made available to the state under section 903(d) of the Social Security Act, as amended, \$53,700,000 for fiscal year 2004 and \$47,300,000 for fiscal year 2005. Upon the request of the Director of Job and

Family Services, the Director of Budget and Management shall 90682  
increase the appropriation for fiscal year 2004 by the amount 90683  
remaining unspent from the fiscal year 2003 appropriation and 90684  
shall increase the appropriation for fiscal year 2005 by the 90685  
amount remaining unspent from the fiscal year 2004 appropriation. 90686  
The appropriation is to be used under the direction of the 90687  
Department of Job and Family Services to pay for administrative 90688  
activities for the Unemployment Insurance Program, employment 90689  
services, and other allowable expenditures under section 903(d) of 90690  
the Social Security Act, as amended. 90691

The amounts obligated pursuant to this section shall not 90692  
exceed at any time the amount by which the aggregate of the 90693  
amounts transferred to the account of the state pursuant to 90694  
section 903(d) of the Social Security Act, as amended, exceeds the 90695  
aggregate of the amounts obligated for administration and paid out 90696  
for benefits and required by law to be charged against the amounts 90697  
transferred to the account of the state. 90698

Of the appropriation item 600-678, Federal Unemployment 90699  
Programs, in Section 63 of Am. Sub. H.B. 94 of the 124th General 90700  
Assembly, as amended, up to \$18,000,000 in fiscal year 2004 and up 90701  
to \$18,000,000 in fiscal year 2005 shall be used by the Department 90702  
of Job and Family Services to reimburse the General Revenue Fund, 90703  
through state intrastate transfer vouchers, for expenses incurred 90704  
on or after the effective date of this section from the General 90705  
Revenue Fund for the aforementioned programs as reported to the 90706  
federal government as allowable expenditures. 90707

**Section 59.22. MEDICAID PAYMENT TO CHILDREN'S HOSPITALS** 90708

As used in this section, "children's hospital" has the same 90709  
meaning as in section 3702.51 of the Revised Code. 90710

For fiscal years 2004 and 2005, the Medicaid payment to 90711  
children's hospitals shall include the adjustment for inflation 90712

provided for by paragraph (G) of rule 5101:3-2-074 of the 90713  
Administrative Code as that paragraph existed on December 30, 90714  
2002. 90715

The Department of Job and Family Services shall pay to each 90716  
children's hospital participating in the Medicaid program an 90717  
amount equal to the difference between (1) the amount the hospital 90718  
would have been paid under rule 5101:3-2-074 of the Administrative 90719  
Code for the period beginning January 1, 2003, and ending May 31, 90720  
2003, if the amendment to paragraph (G) of that rule that went 90721  
into effect on December 31, 2002, had not gone into effect and (2) 90722  
the amount that the hospital was paid under that rule for that 90723  
period. 90724

**Section 59.23. MEDICAID PAYMENTS FOR OUTPATIENT HOSPITAL 90725  
SERVICES 90726**

As used in this section, "hospital" does not include a 90727  
children's hospital as defined in the section of this act titled 90728  
MEDICAID PAYMENT TO CHILDREN'S HOSPITALS. 90729

The Department of Job and Family Services shall increase the 90730  
total amount the Department pays all hospitals under the Medicaid 90731  
Program for outpatient services provided during the period 90732  
beginning July 1, 2003, and ending June 30, 2004, to the maximum 90733  
extent possible using \$9,811,136 from the foregoing appropriation 90734  
item 600-525, Health Care/Medicaid. The Department of Job and 90735  
Family Services shall also increase the total amount the 90736  
Department pays all hospitals under the Medicaid Program for 90737  
outpatient services provided during the period beginning July 1, 90738  
2004, and ending June 30, 2005, to the maximum extent possible 90739  
using \$9,811,136 from the foregoing appropriation item 600-525, 90740  
Health Care/Medicaid. The Department shall make the increase in 90741  
accordance with an inflation adjustment factor for outpatient 90742  
hospital services established in rules the Director of Job and 90743

Family Services shall adopt in accordance with Chapter 119. of the Revised Code. 90744  
90745

**Section 59.24. CHILD CARE** 90746

(A) Notwithstanding any other provision of law, the Director of Job and Family Services shall not reduce the initial and continued eligibility level for publicly funded child care below one hundred fifty per cent of the federal poverty line during fiscal years 2004 and 2005. 90747  
90748  
90749  
90750  
90751

(B) Notwithstanding division (B) of section 5104.39 of the Revised Code, the Director of Job and Family Services shall not, during fiscal years 2004 and 2005, disenroll publicly funded child care program participants who have incomes at or below 165 per cent of the federal poverty line and do not otherwise cease to qualify for the program, if one of the following applies: 90752  
90753  
90754  
90755  
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90757

(1) The family enrolled in the program before June 9, 2003; 90758

(2) The family enrolled in the program when the family's income was at or below 150 per cent of the federal poverty line. 90759  
90760

**Section 59.25. MEDICAID COVERAGE OF DENTAL SERVICES** 90761

For fiscal years 2004 and 2005, the Medicaid program shall continue to cover dental services in at least the amount, duration, and scope that it does on the effective date of this section under rules governing Medicaid coverage of dental services adopted under section 5111.02 of the Revised Code. 90762  
90763  
90764  
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90766

**Section 59.26. MEDICAID COVERAGE OF VISION SERVICES** 90767

For fiscal years 2004 and 2005, the Medicaid program shall continue to cover vision care services in at least the amount, duration, and scope that it does on the effective date of this section under rules governing Medicaid coverage of vision care 90768  
90769  
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90771

services under section 5111.02 of the Revised Code. 90772

**Section 59.27. MEDICAID COVERAGE OF PODIATRIC SERVICES 90773**

For fiscal years 2004 and 2005, the Medicaid program shall 90774  
continue to cover podiatric services in at least the amount, 90775  
scope, and duration that it does on the effective date of this 90776  
section under rules governing Medicaid coverage of podiatric 90777  
services adopted under section 5111.02 of the Revised Code. 90778

**Section 59.28. WELFARE DIVERSION PROGRAMS 90779**

Of the foregoing appropriation item 600-521, Family Stability 90780  
Subsidy, prior to county distribution, \$1,250,000 in each fiscal 90781  
year shall be used to support specific welfare diversion programs. 90782  
In each fiscal year, Accountability and Credibility Together (ACT) 90783  
shall receive \$1,000,000 of the \$1,250,000 to continue its welfare 90784  
diversion program. In each fiscal year, \$250,000 of the \$1,250,000 90785  
shall be used to establish a welfare diversion demonstration 90786  
project in Butler County. The demonstration project shall be 90787  
administered by the Butler County United Way. 90788

**Section 59.29. OHIO COMMISSION TO REFORM MEDICAID 90789**

There is hereby established the Ohio Commission to Reform 90790  
Medicaid, which shall consist of nine members: three appointed by 90791  
the Governor, three by the Speaker of the House of 90792  
Representatives, and three by the President of the Senate. 90793  
Appointments shall be made not later than ninety days after the 90794  
effective date of this section. All members shall serve at the 90795  
pleasure of the appointing authority. Members shall serve without 90796  
compensation. Vacancies shall be filled in the manner of original 90797  
appointments. 90798

The Commission shall conduct a complete review of the state 90799  
Medicaid program and shall make recommendations for comprehensive 90800

reform and cost containment. The Commission shall submit a report 90801  
of its findings and recommendations to the Governor, Speaker, and 90802  
Senate President not later than January 1, 2005. 90803

The Commission may hire a staff director and additional 90804  
employees to provide technical support. 90805

The Director of Job and Family Services shall, on behalf of 90806  
the Commission, seek federal financial participation for the 90807  
administrative costs of the Commission. 90808

**Section 59.30.** (A) As used in this section, "intermediate 90809  
care facility for the mentally retarded" has the same meaning as 90810  
in section 5111.20 of the Revised Code. 90811

(B) Except as provided in divisions (C) and (D) of this 90812  
section and notwithstanding Chapter 5111. of the Revised Code, the 90813  
number of intermediate care facility for the mentally retarded 90814  
beds eligible for Medicaid payments during fiscal years 2004 and 90815  
2005 shall not be higher than the number of such beds eligible for 90816  
such payments on the effective date of this section. Not later 90817  
than July 15, 2003, the Department of Job and Family Services 90818  
shall inform the Office of Budget and Management how many 90819  
intermediate care facility for the mentally retarded beds are 90820  
eligible for Medicaid payments on the effective date of this 90821  
section. 90822

(C) The Department of Job and Family Services may issue one 90823  
or more waivers of division (B) of this section in the event that 90824  
an emergency, as determined by the Department, exists. In 90825  
determining whether to issue a waiver, the Department of Job and 90826  
Family Services shall consider the recommendation of the 90827  
Department of Mental Retardation and Developmental Disabilities. 90828

(D) A bed in an intermediate care facility for the mentally 90829  
retarded that obtains a residential facility license under section 90830

5123.19 of the Revised Code pursuant to section 5123.1910 of the Revised Code and is otherwise eligible to receive Medicaid payments may receive Medicaid payments during fiscal years 2004 and 2005 regardless of whether that will result in there being more beds eligible for Medicaid payments than is permitted by division (B) of this section.

**Section 59.31. DISABILITY ASSISTANCE TRANSITION**

(A) Subject to the provisions of Chapter 5115. of the Revised Code, as amended, enacted, and repealed by this act, the Disability Financial Assistance Program constitutes a continuation of the financial assistance component of the Disability Assistance Program established under Chapter 5115. of the Revised Code, as it existed prior to the effective date of this section, and the Disability Medical Assistance Program constitutes a continuation of the medical assistance component of the Disability Assistance Program.

Any business commenced but not completed on behalf of the Disability Assistance Program shall be completed in the same manner, and with the same effect, on behalf of the Disability Financial Assistance Program and the Disability Medical Assistance Program.

Except as provided in divisions (B) and (C) of this section, all rules, orders, and determinations regarding the Disability Assistance Program continue in effect as rules, orders, and determinations regarding the Disability Financial Assistance Program and the Disability Medical Assistance Program, until modified or rescinded.

Wherever the Disability Assistance Program is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Disability Financial Assistance Program or the Disability Medical Assistance Program, whichever is

appropriate. 90862

(B) Notwithstanding any determination through administrative 90863  
or judicial order or otherwise, a person who was receiving 90864  
financial assistance under the Disability Assistance Program prior 90865  
to the effective date of this section ceases to be eligible for 90866  
continued financial assistance under the Disability Financial 90867  
Assistance Program on the effective date of this section, unless 90868  
one of the following is the case: 90869

(1) The person was receiving the assistance on the basis of 90870  
being age 60 or older or on the basis of being unable to do any 90871  
substantial or gainful activity by reason of a medically 90872  
determinable physical or mental impairment that can be expected to 90873  
result in death or has lasted or can be expected to last for not 90874  
less than nine months. 90875

(2) The person was receiving the assistance by meeting other 90876  
eligibility requirements but applies for Disability Financial 90877  
Assistance pursuant to section 5115.05 of the Revised Code, as 90878  
amended by this act, and receives a determination of eligibility 90879  
by meeting the requirements specified in section 5115.01 of the 90880  
Revised Code, as amended by this act. 90881

(C) Notwithstanding the provisions of section 5115.10 of the 90882  
Revised Code, as amended by this act, that limit eligibility for 90883  
disability medical assistance to persons determined to be 90884  
medication dependent, both of the following apply: 90885

(1) The Director of Job and Family Services may adopt rules 90886  
in accordance with section 111.15 of the Revised Code providing 90887  
for and governing temporary provision of disability medical 90888  
assistance to persons who were recipients of medical assistance 90889  
under the Disability Assistance Program prior to the effective 90890  
date of this section. 90891

(2) A person's eligibility for disability medical assistance 90892

may continue pursuant to the rules adopted under division (C)(1) 90893  
of this section until the state or county department of job and 90894  
family services conducts a redetermination of the person's 90895  
eligibility in accordance with the requirement that recipients be 90896  
medication dependent, unless the person otherwise becomes 90897  
ineligible for disability medical assistance. 90898

**Section 59.32.** DISABILITY FINANCIAL ASSISTANCE FOR RESIDENTS 90899  
OF TREATMENT CENTERS 90900

Notwithstanding any other law to the contrary, up to 90901  
\$2,176,269 in appropriation item 600-511, Disability Financial 90902  
Assistance, shall be used in each fiscal year for services for 90903  
residents of residential treatment centers certified as an alcohol 90904  
or drug addiction program by the Department of Alcohol and Drug 90905  
Addiction Services under section 3793.06 of the Revised Code. 90906

**Section 59.33.** Of the foregoing appropriation item 600-689, 90907  
TANF Block Grant, \$57,170,000 in fiscal year 2004 shall be used 90908  
for the Head Start Program pursuant to an interagency agreement 90909  
entered into by Department of Job and Family Services and the 90910  
Department of Education under division (A)(2) of section 5101.801 90911  
of the Revised Code. Of that amount, \$5,000,000 shall be used to 90912  
provide Head Start slots in fiscal year 2004 that would otherwise 90913  
not be available. 90914

Of the foregoing appropriation item 600-689, TANF Block 90915  
Grant, \$108,184,000 in fiscal year 2005 shall be used for the Head 90916  
Start Plus Program pursuant to an interagency agreement entered 90917  
into by Department of Job and Family Services and the Department 90918  
of Education under division (A)(2) of section 5101.801 of the 90919  
Revised Code. Of that amount, \$5,000,000 shall be used to ensure 90920  
that Head Start Plus provider payments reflect service rendered in 90921  
fiscal year 2005. 90922

**Section 59.34.** STUDY OF MEDICAID COVERAGE FOR BREAST AND 90923  
CERVICAL CANCER TREATMENT 90924

(A) The Department of Job and Family Services shall conduct a 90925  
study of the feasibility of expanding the Medicaid coverage 90926  
provided under section 5111.0110 of the Revised Code pursuant to 90927  
the "Breast and Cervical Cancer Prevention and Treatment Act of 90928  
2000," 114 Stat. 1381, 42 U.S.C. 1396a, as amended. In particular, 90929  
the Department shall study the extension of coverage to women who 90930  
receive breast and cervical cancer screenings that are not 90931  
directly paid for with federal funds obtained under Title XV of 90932  
the "Public Health Service Act," 104 Stat. 409 (1990), 42 U.S.C., 90933  
as amended. The study of this extension shall include 90934  
consideration of both of the following options, as specified by 90935  
the federal Centers for Medicare and Medicaid Services: 90936

(1) Coverage of women who have been screened under a Title 90937  
XV-funded Centers for Disease Control and Prevention Breast and 90938  
Cervical Cancer Early Detection Program in which their particular 90939  
clinical services were not paid for with Title XV funds, but the 90940  
services were rendered by a provider or an entity funded at least 90941  
in part with Title XV funds, and the services were within the 90942  
scope of a grant, sub-grant, or contract under the breast and 90943  
cervical cancer early detection program and the Title XV grantee 90944  
has elected to include such screening activities by that provider 90945  
or entity as screening activities pursuant to Title XV; 90946

(2) Coverage of women who have been screened by any other 90947  
provider or entity and the Title XV grantee has elected to include 90948  
screening activities by that provider or entity as screening 90949  
activities pursuant to Title XV. 90950

(B) Not later than June 1, 2004, the Department shall 90951  
complete its study and prepare a report of its findings and 90952  
recommendations. The Department shall submit a copy of its report 90953

to the President of the Senate, Speaker of the House of 90954  
Representatives, and Director of Budget and Management. Copies of 90955  
the report shall be made available to the public on request. 90956

**Section 59.35.** Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the 90957  
Department of Job and Family Services shall request that the 90958  
United States Secretary of Agriculture waive the applicability of 90959  
the work requirement of 7 U.S.C. 2015(o)(2) during fiscal years 90960  
2004 and 2005 to food stamp benefit recipients who reside in a 90961  
county of this state that the Department determines has had an 90962  
unemployment rate of over 10 per cent for each of the four months 90963  
before the month in which the waiver is in effect for the county. 90964  
The Department shall make monthly determinations of which counties 90965  
the waiver shall be in effect in. No individual may be exempted 90966  
from the work requirements for more than a total of nine months 90967  
beginning July 1, 2003, and ending June 30, 2005. 90968

The Department shall report to the Speaker and Minority 90969  
Leader of the House of Representatives and President and Minority 90970  
Leader of the Senate on receipt or rejection of the waiver sought 90971  
under this section. 90972

**Section 59.36.** MEDICAID PER DIEM ADJUSTMENTS FOR ICFs/MR 90973

(A) As used in this section: 90974

(1) "Intermediate care facility for the mentally retarded" 90975  
has the same meaning as in section 5111.20 of the Revised Code. 90976

(2) "Medicaid days" means all days during which a resident 90977  
who is a Medicaid recipient occupies a bed in an intermediate care 90978  
facility for the mentally retarded that is included in the 90979  
facility's certified capacity under Title XIX of the "Social 90980  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 90981  
Therapeutic or hospital leave days for which payment is made under 90982  
section 5111.33 of the Revised Code are considered Medicaid days 90983

proportionate to the percentage of the intermediate care facility 90984  
for the mentally retarded's per resident per day rate paid for 90985  
those days. 90986

(3) "Per diem rate" means the per diem rate calculated 90987  
pursuant to Chapter 5111. of the Revised Code. 90988

(B) Notwithstanding Chapter 5111. of the Revised Code, rates 90989  
paid to intermediate care facilities for the mentally retarded 90990  
under the Medicaid program shall be subject to the following 90991  
limitations: 90992

(1) For fiscal year 2004, the mean total per diem rate for 90993  
all intermediate care facilities for the mentally retarded in the 90994  
state, weighted by May 2003 Medicaid days and calculated as of 90995  
July 1, 2003, shall not exceed \$221.43. 90996

(2) For fiscal year 2005, the mean total per diem rate for 90997  
all intermediate care facilities for the mentally retarded in the 90998  
state, weighted by May 2004 Medicaid days and calculated as of 90999  
July 1, 2004, shall not exceed \$225.86. 91000

(3) If the mean total per diem rate for all intermediate care 91001  
facilities for the mentally retarded in the state for fiscal year 91002  
2004 or 2005, weighted by Medicaid days as specified in division 91003  
(B)(1) or (2) of this section, as appropriate, and calculated as 91004  
of the first day of July of the calendar year in which the fiscal 91005  
year begins, exceeds the amount specified in division (B)(1) or 91006  
(2) of this section, as applicable, the Department of Job and 91007  
Family Services shall reduce the total per diem rate for each 91008  
intermediate care facility for the mentally retarded in the state 91009  
by a percentage that is equal to the percentage by which the mean 91010  
total per diem rate exceeds the amount specified in division 91011  
(B)(1) or (2) of this section for that fiscal year. 91012

(4) Subsequent to any reduction required by division (B)(3) 91013  
of this section, the rate of an intermediate care facility for the 91014

mentally retarded shall be subject to any adjustments required or 91015  
authorized by Chapter 5111. of the Revised Code during the 91016  
remainder of the year. 91017

**Section 59.37. MEDICAID PER DIEM ADJUSTMENTS FOR NURSING 91018**  
FACILITIES 91019

(A) As used in this section: 91020

(1) "Medicaid days" means all days during which a resident 91021  
who is a Medicaid recipient occupies a bed in a nursing facility 91022  
that is included in the facility's certified capacity under Title 91023  
XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 91024  
1396, as amended. Therapeutic or hospital leave days for which 91025  
payment is made under section 5111.33 of the Revised Code are 91026  
considered Medicaid days proportionate to the percentage of the 91027  
nursing facility's per resident per day rate paid for those days. 91028

(2) "Nursing facility" has the same meaning as in section 91029  
5111.20 of the Revised Code. 91030

(3) "Per diem rate" means the per diem rate calculated 91031  
pursuant to Chapter 5111. of the Revised Code and includes the 91032  
payments made to nursing facilities under division (B) of section 91033  
63.37 of Am. Sub. H.B. 94 of the 124th General Assembly, as most 91034  
recently amended by this act. 91035

(B) Notwithstanding Chapter 5111. of the Revised Code, rates 91036  
paid to nursing facilities under the Medicaid program shall be 91037  
subject to the following limitations: 91038

(1) For fiscal year 2004, the mean total per diem rate for 91039  
all nursing facilities in the state, weighted by May 2003 Medicaid 91040  
days and calculated as of July 1, 2003, shall not exceed \$156.68. 91041

(2) For fiscal year 2005, the mean total per diem rate for 91042  
all nursing facilities in the state, weighted by May 2004 Medicaid 91043  
days and calculated as of July 1, 2004, shall not exceed \$159.00, 91044

plus any difference between \$156.68 and the mean total per diem 91045  
rate for all nursing facilities in the state for fiscal year 2004, 91046  
weighted by Medicaid days and calculated as of July 1, 2003. 91047

(3) If the mean total per diem rate for all nursing 91048  
facilities in the state for fiscal year 2004 or 2005, weighted by 91049  
Medicaid days as specified in division (B)(1) or (2) of this 91050  
section, as appropriate, and calculated as of the first day of 91051  
July of the calendar year in which the fiscal year begins, exceeds 91052  
the amount specified for that fiscal year in division (B)(1) or 91053  
(2) of this section, the Department of Job and Family Services 91054  
shall reduce the total per diem rate for each nursing facility in 91055  
the state by a percentage that is equal to the percentage by which 91056  
the mean total per diem rate exceeds the amount specified in 91057  
division (B)(1) or (2) of this section for that fiscal year. 91058

(4) Subsequent to any reduction required by division (B)(3) 91059  
of this section, a nursing facility's rate shall be subject to any 91060  
adjustments required or authorized by Chapter 5111. of the Revised 91061  
Code during the remainder of the fiscal year. 91062

(C) Except as follows, the Department of Job and Family 91063  
Services shall continue to implement rules adopted under Chapter 91064  
5111. of the Revised Code regarding Medicaid payments to nursing 91065  
facilities that are in effect on the effective date of this 91066  
section: 91067

(1) The Department shall not continue to implement a rule 91068  
that is inconsistent with this act, but shall instead implement 91069  
this act. 91070

(2) The Department may adopt, amend, or rescind rules under 91071  
Chapter 5111. of the Revised Code as provided by those sections to 91072  
the extent those sections are consistent with this act. 91073

**Section 60.** JCO JUDICIAL CONFERENCE OF OHIO 91074

General Revenue Fund				91075
GRF 018-321 Operating Expenses	\$	962,000	\$ 957,000	91076
TOTAL GRF General Revenue Fund	\$	962,000	\$ 957,000	91077
General Services Fund Group				91078
403 018-601 Ohio Jury Instructions	\$	200,000	\$ 200,000	91079
TOTAL GSF General Services Fund	\$	200,000	\$ 200,000	91080
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,162,000	\$ 1,157,000	91081
STATE COUNCIL OF UNIFORM STATE LAWS				91082
Notwithstanding section 105.26 of the Revised Code, of the				91083
foregoing appropriation item 018-321, Operating Expenses, up to				91084
\$63,000 in fiscal year 2004 and up to \$66,000 in fiscal year 2005				91085
may be used to pay the expenses of the State Council of Uniform				91086
State Laws, including membership dues to the National Conference				91087
of Commissioners on Uniform State Laws.				91088
OHIO JURY INSTRUCTIONS FUND				91089
The Ohio Jury Instructions Fund (Fund 403) shall consist of				91090
grants, royalties, dues, conference fees, bequests, devises, and				91091
other gifts received for the purpose of supporting costs incurred				91092
by the Judicial Conference of Ohio in dispensing educational and				91093
informational data to the state's judicial system. Fund 403 shall				91094
be used by the Judicial Conference of Ohio to pay expenses				91095
incurred in dispensing educational and informational data to the				91096
state's judicial system. All moneys accruing to Fund 403 in excess				91097
of \$200,000 in fiscal year 2004 and in excess of \$200,000 in				91098
fiscal year 2005 are hereby appropriated for the purposes				91099
authorized.				91100
No money in the Ohio Jury Instructions Fund shall be				91101
transferred to any other fund by the Director of Budget and				91102
Management or the Controlling Board.				91103

<b>Section 61. JSC THE JUDICIARY/SUPREME COURT</b>			91104
General Revenue Fund			91105
GRF 005-321	Operating Expenses - Judiciary/Supreme Court	\$ 113,636,659 \$	118,401,294 91106
GRF 005-401	State Criminal Sentencing Council	\$ 346,194 \$	356,371 91107
GRF 005-406	Law-Related Education	\$ 209,836 \$	216,131 91108
TOTAL GRF General Revenue Fund			\$ 114,192,689 \$ 118,973,796 91109
General Services Fund Group			91110
672 005-601	Continuing Judicial Education	\$ 126,000 \$	120,000 91111
TOTAL GSF General Services Fund Group			\$ 126,000 \$ 120,000 91112
Federal Special Revenue Fund Group			91113
3J0 005-603	Federal Grants	\$ 1,030,061 \$	1,030,061 91114
TOTAL FED Federal Special Revenue Fund Group			\$ 1,030,061 \$ 1,030,061 91115
State Special Revenue Fund Group			91116
4C8 005-605	Attorney Registration	\$ 2,332,733 \$	2,495,171 91117
5T8 005-609	Grants and Awards	\$ 33,296 \$	33,296 91118
6A8 005-606	Supreme Court Admissions	\$ 1,230,514 \$	1,267,428 91119
643 005-607	Commission on Continuing Legal Education	\$ 568,788 \$	587,210 91120
TOTAL SSR State Special Revenue Fund Group			\$ 4,165,331 \$ 4,383,105 91121
TOTAL ALL BUDGET FUND GROUPS			\$ 119,514,081 \$ 124,506,962 91122
LAW-RELATED EDUCATION			91123

The foregoing appropriation item 005-406, Law-Related 91124  
Education, shall be distributed directly to the Ohio Center for 91125  
Law-Related Education for the purposes of providing continuing 91126  
citizenship education activities to primary and secondary 91127  
students, expanding delinquency prevention programs, increasing 91128  
activities for at-risk youth, and accessing additional public and 91129  
private money for new programs. 91130

CONTINUING JUDICIAL EDUCATION 91131

The Continuing Judicial Education Fund (Fund 672) shall 91132  
consist of fees paid by judges and court personnel for attending 91133  
continuing education courses and other gifts and grants received 91134  
for the purpose of continuing judicial education. The foregoing 91135  
appropriation item 005-601, Continuing Judicial Education, shall 91136  
be used to pay expenses for continuing education courses for 91137  
judges and court personnel. If it is determined by the 91138  
Administrative Director of the Supreme Court that additional 91139  
appropriations are necessary, the amounts are hereby appropriated. 91140

No money in the Continuing Judicial Education Fund shall be 91141  
transferred to any other fund by the Director of Budget and 91142  
Management or the Controlling Board. Interest earned on moneys in 91143  
the Continuing Judicial Education Fund shall be credited to the 91144  
fund. 91145

FEDERAL GRANTS 91146

The Federal Grants Fund (Fund 3J0) shall consist of grants 91147  
and other moneys awarded to the Supreme Court (The Judiciary) by 91148  
the United States Government or other entities that receive the 91149  
moneys directly from the United States Government and distribute 91150  
those moneys to the Supreme Court (The Judiciary). The foregoing 91151  
appropriation item 005-603, Federal Grants, shall be used in a 91152  
manner consistent with the purpose of the grant or award. If it is 91153  
determined by the Administrative Director of the Supreme Court 91154

that additional appropriations are necessary, the amounts are 91155  
hereby appropriated. 91156

No money in the Federal Grants Fund shall be transferred to 91157  
any other fund by the Director of Budget and Management or the 91158  
Controlling Board. However, interest earned on moneys in the 91159  
Federal Grants Fund shall be credited or transferred to the 91160  
General Revenue Fund. 91161

ATTORNEY REGISTRATION 91162

In addition to funding other activities considered 91163  
appropriate by the Supreme Court, the foregoing appropriation item 91164  
005-605, Attorney Registration, may be used to compensate 91165  
employees and fund the appropriate activities of the following 91166  
offices established by the Supreme Court pursuant to the Rules for 91167  
the Government of the Bar of Ohio: the Office of Disciplinary 91168  
Counsel, the Board of Commissioners on Grievances and Discipline, 91169  
the Clients' Security Fund, the Board of Commissioners on the 91170  
Unauthorized Practice of Law, and the Office of Attorney 91171  
Registration. If it is determined by the Administrative Director 91172  
of the Supreme Court that additional appropriations are necessary, 91173  
the amounts are hereby appropriated. 91174

No moneys in the Attorney Registration Fund shall be 91175  
transferred to any other fund by the Director of Budget and 91176  
Management or the Controlling Board. Interest earned on moneys in 91177  
the Attorney Registration Fund shall be credited to the fund. 91178

GRANTS AND AWARDS 91179

The Grants and Awards Fund (Fund 5T8) shall consist of grants 91180  
and other moneys awarded to the Supreme Court (The Judiciary) by 91181  
the State Justice Institute, the Office of Criminal Justice 91182  
Services, or other entities. The foregoing appropriation item 91183  
005-609, Grants and Awards, shall be used in a manner consistent 91184  
with the purpose of the grant or award. If it is determined by the 91185

Administrative Director of the Supreme Court that additional 91186  
appropriations are necessary, the amounts are hereby appropriated. 91187

No moneys in the Grants and Awards Fund shall be transferred 91188  
to any other fund by the Director of Budget and Management or the 91189  
Controlling Board. However, interest earned on moneys in the 91190  
Grants and Awards Fund shall be credited or transferred to the 91191  
General Revenue Fund. 91192

SUPREME COURT ADMISSIONS 91193

The foregoing appropriation item 005-606, Supreme Court 91194  
Admissions, shall be used to compensate Supreme Court employees 91195  
who are primarily responsible for administering the attorney 91196  
admissions program, pursuant to the Rules for the Government of 91197  
the Bar of Ohio, and to fund any other activities considered 91198  
appropriate by the court. Moneys shall be deposited into the 91199  
Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme 91200  
Court Rules for the Government of the Bar of Ohio. If it is 91201  
determined by the Administrative Director of the Supreme Court 91202  
that additional appropriations are necessary, the amounts are 91203  
hereby appropriated. 91204

No moneys in the Supreme Court Admissions Fund shall be 91205  
transferred to any other fund by the Director of Budget and 91206  
Management or the Controlling Board. Interest earned on moneys in 91207  
the Supreme Court Admissions Fund shall be credited to the fund. 91208

CONTINUING LEGAL EDUCATION 91209

The foregoing appropriation item 005-607, Commission on 91210  
Continuing Legal Education, shall be used to compensate employees 91211  
of the Commission on Continuing Legal Education, established 91212  
pursuant to the Supreme Court Rules for the Government of the Bar 91213  
of Ohio, and to fund other activities of the commission considered 91214  
appropriate by the court. If it is determined by the 91215  
Administrative Director of the Supreme Court that additional 91216

appropriations are necessary, the amounts are hereby appropriated. 91217

No moneys in the Continuing Legal Education Fund shall be 91218  
transferred to any other fund by the Director of Budget and 91219  
Management or the Controlling Board. Interest earned on moneys in 91220  
the Continuing Legal Education Fund shall be credited to the fund. 91221

**Section 62.** LEC LAKE ERIE COMMISSION 91222

State Special Revenue Fund Group 91223

4C0 780-601 Lake Erie Protection \$ 1,070,975 \$ 1,070,975 91224  
Fund

5D8 780-602 Lake Erie Resources \$ 689,004 \$ 689,004 91225  
Fund

TOTAL SSR State Special Revenue 91226

Fund Group \$ 1,759,979 \$ 1,759,979 91227

TOTAL ALL BUDGET FUND GROUPS \$ 1,759,979 \$ 1,759,979 91228

CASH TRANSFER 91229

Not later than the thirtieth day of November of each fiscal 91230  
year, the Executive Director of the Ohio Lake Erie Office, with 91231  
the approval of the Lake Erie Commission, shall certify to the 91232  
Director of Budget and Management the cash balance in the Lake 91233  
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 91234  
operating expenses of the Lake Erie Office. The Ohio Lake Erie 91235  
Office may request the Director of Budget and Management to 91236  
transfer up to the certified amount from the Lake Erie Resources 91237  
Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The 91238  
Director of Budget and Management may transfer the requested 91239  
amount, or the Director may transfer a different amount up to the 91240  
certified amount. Cash transferred shall be used for the purposes 91241  
described in division (A) of section 1506.23 of the Revised Code. 91242  
The amount transferred by the director is appropriated to the 91243  
foregoing appropriation item 780-601, Lake Erie Protection Fund, 91244  
which shall be increased by the amount transferred. 91245

<b>Section 63. LRS LEGAL RIGHTS SERVICE</b>				91246
General Revenue Fund				91247
GRF 054-100	Personal Services	\$ 193,514	\$ 193,514	91248
GRF 054-200	Maintenance	\$ 33,938	\$ 33,938	91249
GRF 054-300	Equipment	\$ 1,856	\$ 1,856	91250
GRF 054-401	Ombudsman	\$ 291,247	\$ 291,247	91251
TOTAL GRF	General Revenue Fund	\$ 520,555	\$ 520,555	91252
General Services Fund Group				91253
416 054-601	Gifts and Donations	\$ 1,352	\$ 1,352	91254
5M0 054-610	Settlements	\$ 75,000	\$ 75,000	91255
TOTAL GSF	General Services			91256
Fund Group		\$ 76,352	\$ 76,352	91257
Federal Special Revenue Fund Group				91258
3B8 054-603	Protection and Advocacy - Mentally Ill	\$ 1,018,279	\$ 1,018,279	91259
3N3 054-606	Protection and Advocacy - Individual Rights	\$ 507,648	\$ 507,648	91260
3N9 054-607	Assistive Technology	\$ 50,000	\$ 50,000	91261
3R9 054-604	Family Support Collaborative	\$ 242,500	\$ 242,500	91262
3T2 054-609	Client Assistance Program	\$ 404,807	\$ 404,807	91263
3X1 054-611	Protection and Advocacy for Beneficiaries of Social Security	\$ 187,784	\$ 187,784	91264
3Z6 054-612	Traumatic Brain Injury	\$ 50,000	\$ 50,000	91265
305 054-602	Protection and Advocacy -	\$ 1,280,363	\$ 1,280,363	91266

Developmentally Disabled			
TOTAL FED Federal Special Revenue			91267
Fund Group	\$	3,741,381	\$ 3,741,381 91268
TOTAL ALL BUDGET FUND GROUPS	\$	4,338,288	\$ 4,338,288 91269

**Section 64.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 91271

General Revenue Fund			91272
GRF 028-321 Legislative Ethics Committee	\$	550,000	\$ 550,000 91273
TOTAL GRF General Revenue Fund	\$	550,000	\$ 550,000 91274
TOTAL ALL BUDGET FUND GROUPS	\$	550,000	\$ 550,000 91275

TRANSFER OF FUNDS TO GRF 91276

On July 1, 2003, or as soon thereafter as possible, the 91277  
 Director of Budget and Management shall transfer 50 per cent of 91278  
 the cash balance in the Joint Legislative Ethics Committee Fund 91279  
 (Fund 4G7) to the General Revenue Fund. On July 1, 2004, or as 91280  
 soon thereafter as possible, the Director of Budget and Management 91281  
 shall transfer all of the remaining cash balance in the Joint 91282  
 Legislative Ethics Committee Fund (Fund 4G7) to the General 91283  
 Revenue Fund. 91284

**Section 65.** LSC LEGISLATIVE SERVICE COMMISSION 91285

General Revenue Fund			91286
GRF 035-321 Operating Expenses	\$	14,065,000	\$ 14,770,000 91287
GRF 035-402 Legislative Interns	\$	975,000	\$ 990,000 91288
GRF 035-404 Legislative Office of Education Oversight	\$	1,205,000	\$ 1,256,427 91289
GRF 035-405 Correctional Institution Inspection Committee	\$	200,000	\$ 300,000 91290
GRF 035-406 ATMS Replacement	\$	20,000	\$ 20,000 91291

	Project				
GRF 035-407	Legislative Task Force	\$	100,000	\$	0 91292
	on Redistricting				
GRF 035-409	National Associations	\$	430,000	\$	441,000 91293
GRF 035-410	Legislative	\$	3,624,200	\$	3,624,200 91294
	Information Systems				
TOTAL GRF	General Revenue Fund	\$	20,619,200	\$	21,401,627 91295
	General Services Fund Group				91296
4F6 035-603	Legislative Budget	\$	149,350	\$	152,337 91297
	Services				
410 035-601	Sale of Publications	\$	25,000	\$	25,000 91298
TOTAL GSF	General Services				91299
Fund Group		\$	174,350	\$	177,337 91300
TOTAL ALL BUDGET FUND GROUPS		\$	20,793,550	\$	21,578,964 91301
	ATMS REPLACEMENT PROJECT				91302
	Of the foregoing appropriation item 035-406, ATMS Replacement				91303
	Project, any amounts not used for the ATMS project may be used to				91304
	pay the operating expenses of the Legislative Service Commission.				91305
	<b>Section 66. LIB STATE LIBRARY BOARD</b>				91306
	General Revenue Fund				91307
GRF 350-321	Operating Expenses	\$	6,700,721	\$	6,700,721 91308
GRF 350-400	Ohio Public Library	\$	0	\$	5,000,000 91309
	Information Network				
GRF 350-401	Ohioana Rental	\$	124,816	\$	124,816 91310
	Payments				
GRF 350-501	Cincinnati Public	\$	584,414	\$	569,803 91311
	Library				
GRF 350-502	Regional Library	\$	1,194,374	\$	1,194,374 91312
	Systems				
GRF 350-503	Cleveland Public	\$	879,042	\$	857,066 91313
	Library				

TOTAL GRF General Revenue Fund	\$	9,483,367	\$	14,446,780	91314
General Services Fund Group					91315
139 350-602 Intra-Agency Service	\$	9,000	\$	9,000	91316
Charges					
4S4 350-604 OPLIN Technology	\$	6,450,000	\$	1,000,000	91317
459 350-602 Interlibrary Service	\$	2,759,661	\$	2,809,661	91318
Charges					
TOTAL GSF General Services					91319
Fund Group	\$	9,218,661	\$	3,818,661	91320
Federal Special Revenue Fund Group					91321
313 350-601 LSTA Federal	\$	5,541,647	\$	5,541,647	91322
TOTAL FED Federal Special Revenue					91323
Fund Group	\$	5,541,647	\$	5,541,647	91324
TOTAL ALL BUDGET FUND GROUPS	\$	24,243,675	\$	23,807,088	91325
OHIOANA RENTAL PAYMENTS					91326
The foregoing appropriation item 350-401, Ohioana Rental					91327
Payments, shall be used to pay the rental expenses of the Martha					91328
Kinney Cooper Ohioana Library Association pursuant to section					91329
3375.61 of the Revised Code.					91330
CINCINNATI PUBLIC LIBRARY					91331
The foregoing appropriation item 350-501, Cincinnati Public					91332
Library, shall be used for the Talking Book program, which assists					91333
the blind and disabled.					91334
REGIONAL LIBRARY SYSTEMS					91335
The foregoing appropriation item 350-502, Regional Library					91336
Systems, shall be used to support regional library systems					91337
eligible for funding under section 3375.90 of the Revised Code.					91338
CLEVELAND PUBLIC LIBRARY					91339
The foregoing appropriation item 350-503, Cleveland Public					91340
Library, shall be used for the Talking Book program, which assists					91341

the blind and disabled. 91342

OHIO PUBLIC LIBRARY INFORMATION NETWORK 91343

The foregoing appropriation items 350-604, OPLIN Technology, 91344  
and, in fiscal year 2005, 350-400, Ohio Public Library Information 91345  
Network, shall be used for an information telecommunications 91346  
network linking public libraries in the state and such others as 91347  
may be certified as participants by the Ohio Public Library 91348  
Information Network Board. 91349

The Ohio Public Library Information Network Board shall 91350  
consist of eleven members appointed by the State Library Board 91351  
from among the staff of public libraries and past and present 91352  
members of boards of trustees of public libraries, based on the 91353  
recommendations of the Ohio library community. The Ohio Public 91354  
Library Information Network Board, in consultation with the State 91355  
Library, shall develop a plan of operations for the network. The 91356  
board may make decisions regarding use of the foregoing OPLIN 91357  
appropriation items 350-604 and may receive and expend grants to 91358  
carry out the operations of the network in accordance with state 91359  
law and the authority to appoint and fix the compensation of a 91360  
director and necessary staff. The State Library shall be the 91361  
fiscal agent for the network and shall have fiscal accountability 91362  
for the expenditure of funds. The Ohio Public Library Information 91363  
Network Board members shall be reimbursed for actual travel and 91364  
necessary expenses incurred in carrying out their 91365  
responsibilities. 91366

In order to limit access to obscene and illegal materials 91367  
through internet use at Ohio Public Library Information Network 91368  
(OPLIN) terminals, local libraries with OPLIN computer terminals 91369  
shall adopt policies that control access to obscene and illegal 91370  
materials. These policies may include use of technological systems 91371  
to select or block certain internet access. The OPLIN shall 91372  
condition provision of its funds, goods, and services on 91373

compliance with these policies. The OPLIN Board shall also adopt 91374  
and communicate specific recommendations to local libraries on 91375  
methods to control such improper usage. These methods may include 91376  
each library implementing a written policy controlling such 91377  
improper use of library terminals and requirements for parental 91378  
involvement or written authorization for juvenile internet usage. 91379

The OPLIN Board shall research and assist or advise local 91380  
libraries with regard to emerging technologies and methods that 91381  
may be effective means to control access to obscene and illegal 91382  
materials. The OPLIN Executive Director shall biannually provide 91383  
written reports to the Governor, the Speaker and Minority Leader 91384  
of the House of Representatives, and the President and Minority 91385  
Leader of the Senate on any steps being taken by OPLIN and public 91386  
libraries in the state to limit and control such improper usage as 91387  
well as information on technological, legal, and law enforcement 91388  
trends nationally and internationally affecting this area of 91389  
public access and service. 91390

The Ohio Public Library Information Network, InfOhio, and 91391  
OhioLink shall, to the extent feasible, coordinate and cooperate 91392  
in their purchase or other acquisition of the use of electronic 91393  
databases for their respective users and shall contribute funds in 91394  
an equitable manner to such effort. 91395

**TRANSFER TO OPLIN TECHNOLOGY FUND 91396**

Notwithstanding sections 5747.03 and 5747.47 of the Revised 91397  
Code and any other provision of law to the contrary, in accordance 91398  
with a schedule established by the Director of Budget and 91399  
Management, the Director of Budget and Management shall transfer 91400  
up to \$5,000,000 in fiscal year 2004 from the Library and Local 91401  
Government Support Fund (Fund 065) to the OPLIN Technology Fund 91402  
(Fund 4S4). 91403

**Section 67. LCO LIQUOR CONTROL COMMISSION 91404**

Liquor Control Fund Group				91405
043 970-321 Operating Expenses	\$	779,886	\$ 794,387	91406
TOTAL LCF Liquor Control Fund Group	\$	779,886	\$ 794,387	91407
TOTAL ALL BUDGET FUND GROUPS	\$	779,886	\$ 794,387	91408

COMPUTER EQUIPMENT 91409

Of the foregoing appropriation item 970-321, Operating 91410  
Expenses, \$27,700 in fiscal year 2004 and \$4,500 in fiscal year 91411  
2005 shall be used for computer equipment. 91412

**Section 68.** LOT STATE LOTTERY COMMISSION 91413

State Lottery Fund Group 91414

044 950-100 Personal Services	\$	25,114,200	\$ 25,133,314	91415
044 950-200 Maintenance	\$	20,100,168	\$ 20,120,268	91416
044 950-300 Equipment	\$	3,067,250	\$ 3,113,259	91417
044 950-402 Game and Advertising	\$	68,683,000	\$ 68,683,000	91418

Contracts

044 950-500 Problem Gambling	\$	335,000	\$ 335,000	91419
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Subsidy

044 950-601 Prizes, Bonuses, and	\$	166,173,455	\$ 166,173,455	91420
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Commissions

871 950-602 Annuity Prizes	\$	162,228,451	\$ 162,185,260	91421
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TOTAL SLF State Lottery Fund 91422

Group	\$	445,701,524	\$ 445,743,556	91423
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TOTAL ALL BUDGET FUND GROUPS	\$	445,701,524	\$ 445,743,556	91424
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OPERATING EXPENSES 91425

The Controlling Board may, at the request of the State 91426  
Lottery Commission, authorize additional appropriations for 91427  
operating expenses of the State Lottery Commission from the State 91428  
Lottery Fund up to a maximum of 15 per cent of anticipated total 91429  
revenue accruing from the sale of lottery tickets. 91430

PRIZES, BONUSSES, AND COMMISSIONS 91431

Any amounts, in addition to the amounts appropriated in 91432  
appropriation item 950-601, Prizes, Bonuses, and Commissions, that 91433  
are determined by the Director of the State Lottery Commission to 91434  
be necessary to fund prizes, bonuses, and commissions are hereby 91435  
appropriated. 91436

ANNUITY PRIZES 91437

With the approval of the Office of Budget and Management, the 91438  
State Lottery Commission shall transfer cash from the State 91439  
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 91440  
(Fund 871) in an amount sufficient to fund deferred prizes. The 91441  
Treasurer of State, from time to time, shall credit the Deferred 91442  
Prizes Trust Fund (Fund 871) the pro rata share of interest earned 91443  
by the Treasurer of State on invested balances. 91444

Any amounts, in addition to the amounts appropriated in 91445  
appropriation item 950-602, Annuity Prizes, that are determined by 91446  
the Director of the State Lottery Commission to be necessary to 91447  
fund deferred prizes and interest earnings are hereby 91448  
appropriated. 91449

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 91450

The Ohio Lottery Commission shall transfer an amount greater 91451  
than or equal to \$637,900,000 in fiscal year 2004 and \$637,900,000 91452  
in fiscal year 2005 to the Lottery Profits Education Fund. 91453  
Transfers from the Commission to the Lottery Profits Education 91454  
Fund shall represent the estimated net income from operations for 91455  
the Commission in fiscal year 2004 or fiscal year 2005. Transfers 91456  
by the Commission to the Lottery Profits Education Fund shall be 91457  
administered in accordance with and pursuant to the Revised Code. 91458

TRANSFERS OF UNCLAIMED PRIZE FUNDS 91459

On July 31, 2003, or as soon thereafter as possible, the 91460  
Director of Budget and Management shall transfer up to \$7,500,000 91461  
in cash from the Unclaimed Prize Fund (Fund 872) to the Lottery 91462

Profits Education Reserve Fund (Fund 018). The remaining 91463  
unencumbered and unallotted balances as of July 31, 2003, in the 91464  
Unclaimed Prize Fund (Fund 872) are hereby transferred to the 91465  
State Lottery Fund Group (Fund 044). 91466

**Section 69. MED STATE MEDICAL BOARD 91467**

General Services Fund Group 91468  
5C6 883-609 State Medical Board \$ 7,098,956 \$ 7,199,935 91469  
Operating  
TOTAL GSF General Services 91470  
Fund Group \$ 7,098,956 \$ 7,199,935 91471  
TOTAL ALL BUDGET FUND GROUPS \$ 7,098,956 \$ 7,199,935 91472

**Section 70. DMH DEPARTMENT OF MENTAL HEALTH 91474**

Division of General Administration Intragovernmental Service Fund 91475  
Group 91476  
151 235-601 General Administration \$ 85,181,973 \$ 85,181,973 91477  
TOTAL ISF Intragovernmental 91478  
Service Fund Group \$ 85,181,973 \$ 85,181,973 91479  
Division of Mental Health-- 91480  
Psychiatric Services to Correctional Facilities 91481  
General Revenue Fund 91482  
GRF 332-401 Forensic Services \$ 4,338,858 \$ 4,338,858 91483  
TOTAL GRF General Revenue Fund \$ 4,338,858 \$ 4,338,858 91484  
TOTAL ALL BUDGET FUND GROUPS \$ 89,520,831 \$ 89,520,831 91485

**FORENSIC SERVICES 91486**

The foregoing appropriation item 322-401, Forensic Services, 91487  
shall be used to provide psychiatric services to courts of common 91488  
pleas. The appropriation shall be allocated through community 91489  
mental health boards to certified community agencies and shall be 91490  
distributed according to the criteria delineated in rule 91491  
5122:4-1-01 of the Administrative Code. These community forensic 91492

funds may also be used to provide forensic training to community 91493  
 mental health boards and to forensic psychiatry residency programs 91494  
 in hospitals operated by the Department of Mental Health and to 91495  
 provide evaluations of patients of forensic status in facilities 91496  
 operated by the Department of Mental Health prior to conditional 91497  
 release to the community. 91498

In addition, appropriation item 332-401, Forensic Services, 91499  
 may be used to support projects involving mental health, substance 91500  
 abuse, courts, and law enforcement to identify and develop 91501  
 appropriate alternative services to institutionalization for 91502  
 nonviolent mentally ill offenders, and to provide linkage to 91503  
 community services for severely mentally disabled offenders 91504  
 released from institutions operated by the Department of 91505  
 Rehabilitation and Correction. Funds may also be utilized to 91506  
 provide forensic monitoring and tracking in addition to community 91507  
 programs serving persons of forensic status on conditional release 91508  
 or probation. 91509

Division of Mental Health-- 91510

Administration and Statewide Programs 91511

General Revenue Fund 91512

GRF 333-321 Central Administration \$ 22,808,798 \$ 24,178,778 91513

GRF 333-402 Resident Trainees \$ 1,364,919 \$ 1,364,919 91514

GRF 333-403 Pre-Admission \$ 650,135 \$ 650,135 91515

Screening Expenses

GRF 333-415 Lease-Rental Payments \$ 25,935,650 \$ 23,206,750 91516

GRF 333-416 Research Program \$ 1,001,551 \$ 1,001,551 91517

Evaluation

TOTAL GRF General Revenue Fund \$ 51,761,053 \$ 50,402,133 91518

General Services Fund Group 91519

149 333-609 Central Office Rotary \$ 1,087,454 \$ 1,103,578 91520

- Operating

TOTAL General Services Fund Group \$ 1,087,454 \$ 1,103,578 91521

Federal Special Revenue Fund Group					91522
3A7 333-612 Social Services Block	\$	25,000	\$	0	91523
Grant					
3A8 333-613 Federal Grant -	\$	57,470	\$	57,984	91524
Administration					
3A9 333-614 Mental Health Block	\$	827,363	\$	835,636	91525
Grant					
3B1 333-635 Community Medicaid	\$	4,126,430	\$	4,145,222	91526
Expansion					
324 333-605 Medicaid/Medicare	\$	523,761	\$	514,923	91527
TOTAL Federal Special Revenue					91528
Fund Group	\$	5,560,024	\$	5,553,765	91529
State Special Revenue Fund Group					91530
4X5 333-607 Behavioral Health	\$	2,913,327	\$	3,000,634	91531
Medicaid Services					
485 333-632 Mental Health	\$	134,233	\$	134,233	91532
Operating					
5M2 333-602 PWLC Campus	\$	200,000	\$	200,000	91533
Improvement					
TOTAL State Special Revenue					91534
Fund Group	\$	3,247,560	\$	3,334,867	91535
TOTAL ALL BUDGET FUND GROUPS	\$	61,656,091	\$	60,394,343	91536

RESIDENCY TRAINEESHIP PROGRAMS 91537

The foregoing appropriation item 333-402, Resident Trainees, 91538  
shall be used to fund training agreements entered into by the 91539  
Department of Mental Health for the development of curricula and 91540  
the provision of training programs to support public mental health 91541  
services. 91542

PRE-ADMISSION SCREENING EXPENSES 91543

The foregoing appropriation item 333-403, Pre-Admission 91544  
Screening Expenses, shall be used to pay for costs to ensure that 91545

uniform statewide methods for pre-admission screening are in place 91546  
to perform assessments for persons in need of mental health 91547  
services or for whom institutional placement in a hospital or in 91548  
another inpatient facility is sought. Pre-admission screening 91549  
includes the following activities: pre-admission assessment, 91550  
consideration of continued stay requests, discharge planning and 91551  
referral, and adjudication of appeals and grievance procedures. 91552

LEASE-RENTAL PAYMENTS 91553

The foregoing appropriation item 333-415, Lease-Rental 91554  
Payments, shall be used to meet all payments at the times they are 91555  
required to be made during the period from July 1, 2003, to June 91556  
30, 2005, by the Department of Mental Health pursuant to leases 91557  
and agreements made under section 154.20 of the Revised Code, but 91558  
limited to the aggregate amount of \$49,142,400. Nothing in this 91559  
act shall be deemed to contravene the obligation of the state to 91560  
pay, without necessity for further appropriation, from the sources 91561  
pledged thereto, the bond service charges on obligations issued 91562  
pursuant to section 154.20 of the Revised Code. 91563

**Section 70.01. DIVISION OF MENTAL HEALTH - HOSPITALS** 91564

General Revenue Fund 91565

GRF 334-408 Community and Hospital \$ 380,249,629 \$ 390,506,082 91566

Mental Health Services

GRF 334-506 Court Costs \$ 976,652 \$ 976,652 91567

TOTAL GRF General Revenue Fund \$ 381,226,281 \$ 391,482,734 91568

General Services Fund Group 91569

149 334-609 Hospital Rotary - \$ 22,908,053 \$ 24,408,053 91570

Operating Expenses

150 334-620 Special Education \$ 120,930 \$ 120,930 91571

TOTAL GSF General Services 91572

Fund Group \$ 23,028,983 \$ 24,528,983 91573

Federal Special Revenue Fund Group				91574
3B0 334-617 Elementary and Secondary Education Act	\$	248,644	\$ 251,866	91575
3B1 334-635 Hospital Medicaid Expansion	\$	2,000,000	\$ 2,000,000	91576
324 334-605 Medicaid/Medicare	\$	10,484,944	\$ 10,916,925	91577
TOTAL FED Federal Special Revenue Fund Group	\$	12,733,588	\$ 13,168,791	91578 91579
State Special Revenue Fund Group				91580
485 334-632 Mental Health Operating	\$	2,387,253	\$ 2,476,297	91581
5L2 334-619 Health Foundation/Greater Cincinnati	\$	26,000	\$ 0	91582
692 334-636 Community Mental Health Board Risk Fund	\$	100,000	\$ 100,000	91583
TOTAL SSR State Special Revenue Fund Group	\$	2,513,253	\$ 2,576,297	91584 91585
TOTAL ALL BUDGET FUND GROUPS	\$	419,502,105	\$ 431,756,805	91586
COMMUNITY MENTAL HEALTH BOARD RISK FUND				91587
The foregoing appropriation item 334-636, Community Mental Health Board Risk Fund, shall be used to make payments pursuant to section 5119.62 of the Revised Code.				91588 91589 91590
<b>Section 70.02. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT SERVICES</b>				91591 91592
General Revenue Fund				91593
GRF 335-419 Community Medication Subsidy	\$	7,711,092	\$ 7,959,798	91594
GRF 335-505 Local MH Systems of	\$	89,687,868	\$ 89,687,868	91595

Care					
TOTAL GRF General Revenue Fund	\$	97,398,960	\$	97,647,666	91596
General Services Fund Group					91597
4P9 335-604 Community Mental	\$	200,000	\$	200,000	91598
Health Projects					
TOTAL GSF General Services					91599
Fund Group	\$	200,000	\$	200,000	91600
Federal Special Revenue Fund Group					91601
3A7 335-612 Social Services Block	\$	9,314,108	\$	9,314,108	91602
Grant					
3A8 335-613 Federal Grant -	\$	1,717,040	\$	1,717,040	91603
Community Mental					
Health Board Subsidy					
3A9 335-614 Mental Health Block	\$	16,887,218	\$	17,056,090	91604
Grant					
3B1 335-635 Community Medicaid	\$	220,472,136	\$	237,766,721	91605
Expansion					
TOTAL FED Federal Special Revenue	\$	248,390,502	\$	265,853,959	91606
Fund Group					
State Special Revenue Fund Group					91607
632 335-616 Community Capital	\$	250,000	\$	250,000	91608
Replacement					
TOTAL SSR State Special Revenue	\$	250,000	\$	250,000	91609
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	346,239,462	\$	363,951,625	91610
DEPARTMENT TOTAL					91611
GENERAL REVENUE FUND	\$	534,725,152	\$	543,871,391	91612
DEPARTMENT TOTAL					91613
GENERAL SERVICES FUND GROUP	\$	24,316,437	\$	25,832,561	91614
DEPARTMENT TOTAL					91615
FEDERAL SPECIAL REVENUE					91616
FUND GROUP	\$	266,684,114	\$	284,576,515	91617

DEPARTMENT TOTAL				91618	
STATE SPECIAL REVENUE FUND GROUP	\$	6,010,813	\$	6,161,164	91619
DEPARTMENT TOTAL				91620	
INTRAGOVERNMENTAL FUND GROUP	\$	85,181,973	\$	85,181,973	91621
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	916,918,489	\$	945,623,604	91622

**Section 70.03.** COMMUNITY MEDICATION SUBSIDY 91624

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs. 91625  
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LOCAL MENTAL HEALTH SYSTEMS OF CARE 91630

The foregoing appropriation item 335-505, Local Mental Health Systems of Care, shall be used for mental health services provided by community mental health boards in accordance with a community mental health plan submitted pursuant to section 340.03 of the Revised Code and as approved by the Department of Mental Health. 91631  
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Of the foregoing appropriation, not less than \$34,818,917 in fiscal year 2004 and not less than \$34,818,917 in fiscal year 2005 shall be distributed by the Department of Mental Health on a per capita basis to community mental health boards. 91636  
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91638  
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Of the foregoing appropriation, \$100,000 in each fiscal year shall be used to fund family and consumer education and support. 91640  
91641

BEHAVIORAL HEALTH MEDICAID SERVICES 91642

The Department of Mental Health shall administer specified Medicaid Services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 333-607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the 91643  
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Department of Job and Family Services.				91649
<b>Section 71.</b> DMR DEPARTMENT OF MENTAL RETARDATION AND				91650
DEVELOPMENTAL DISABILITIES				91651
<b>Section 71.01.</b> GENERAL ADMINISTRATION AND STATEWIDE SERVICES				91652
General Revenue Fund				91653
GRF 320-321 Central Administration	\$ 9,174,390	\$ 9,357,878		91654
GRF 320-412 Protective Services	\$ 1,911,471	\$ 2,008,330		91655
GRF 320-415 Lease-Rental Payments	\$ 25,935,650	\$ 23,206,750		91656
TOTAL GRF General Revenue Fund	\$ 37,021,511	\$ 34,572,958		91657
General Services Fund Group				91658
4B5 320-640 Conference/Training	\$ 400,000	\$ 400,000		91659
TOTAL GSF General Services				91660
Fund Group	\$ 400,000	\$ 400,000		91661
Federal Special Revenue Fund Group				91662
3A4 320-605 Administrative Support	\$ 12,492,892	\$ 12,492,892		91663
3A5 320-613 DD Council Operating	\$ 861,000	\$ 861,000		91664
Expenses				91665
325 320-634 Protective Services	\$ 100,000	\$ 100,000		91666
TOTAL FED Federal Special Revenue				91667
Fund Group	\$ 13,453,892	\$ 13,453,892		91668
State Special Revenue Fund Group				91669
5S2 590-622 Medicaid	\$ 2,969,552	\$ 2,969,552		91670
Administration &				
Oversight				
TOTAL SSR State Special Revenue				91671
Fund Group	\$ 2,969,552	\$ 2,969,552		91672
TOTAL ALL GENERAL ADMINISTRATION				91673
AND STATEWIDE SERVICES				91674
BUDGET FUND GROUPS	\$ 53,844,955	\$ 51,396,402		91675
LEASE-RENTAL PAYMENTS				91676

The foregoing appropriation item 320-415, Lease-Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2003, to June 30, 2005, by the Department of Mental Retardation and Developmental Disabilities pursuant to leases and agreements made under section 154.20 of the Revised Code, but limited to the aggregate amount of \$49,142,400. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.20 of the Revised Code.

**Section 71.02. COMMUNITY SERVICES**

General Revenue Fund				91689
GRF 322-405 State Use Program	\$	268,792	\$ 273,510	91690
GRF 322-413 Residential and Support Services	\$	8,439,337	\$ 8,450,787	91691
GRF 322-416 Waiver State Match	\$	95,695,198	\$ 100,019,747	91692
GRF 322-417 Supported Living	\$	43,179,715	\$ 43,179,715	91693
GRF 322-451 Family Support Services	\$	6,975,870	\$ 6,975,870	91694
GRF 322-452 Service and Support Administration	\$	8,849,724	\$ 8,849,724	91695
GRF 322-501 County Boards Subsidies	\$	31,795,691	\$ 31,795,691	91696
GRF 322-503 Tax Equity	\$	14,000,000	\$ 15,000,000	91697
TOTAL GRF General Revenue Fund	\$	209,204,327	\$ 214,545,044	91698
General Services Fund Group				91699
4J6 322-645 Intersystem Services for Children	\$	3,300,000	\$ 3,300,000	91700
4U4 322-606 Community MR and DD Trust	\$	300,000	\$ 300,000	91701

4V1	322-611	Program Support	\$	610,000	\$	625,000	91702
488	322-603	Residential Services	\$	1,000,000	\$	1,000,000	91703
		Refund					
		TOTAL GSF General Services					91704
		Fund Group	\$	5,210,000	\$	5,225,000	91705
		Federal Special Revenue Fund Group					91706
3A4	322-605	Community Program	\$	1,000,000	\$	1,000,000	91707
		Support					
3A4	322-610	Community Residential	\$	500,000	\$	500,000	91708
		Support					
3A5	322-613	DD Council Grants	\$	3,130,000	\$	3,130,000	91709
3G6	322-639	Medicaid Waiver	\$	344,068,714	\$	373,772,814	91710
3M7	322-650	CAFS Medicaid	\$	254,739,737	\$	267,668,087	91711
325	322-608	Federal Grants -	\$	2,023,587	\$	1,833,815	91712
		Operating Expenses					91713
325	322-612	Social Service Block	\$	10,319,346	\$	10,330,830	91714
		Grant					91715
325	322-617	Education Grants -	\$	75,500	\$	75,500	91716
		Operating					91717
		TOTAL FED Federal Special Revenue					91718
		Fund Group	\$	615,856,884	\$	658,311,046	91719
		State Special Revenue Fund Group					91720
4K8	322-604	Waiver - Match	\$	12,000,000	\$	12,000,000	91721
5H0	322-619	Medicaid Repayment	\$	25,000	\$	25,000	91722
		TOTAL SSR State Special Revenue					91723
		Fund Group	\$	12,025,000	\$	12,025,000	91724
		TOTAL ALL COMMUNITY SERVICES					91725
		BUDGET FUND GROUPS	\$	842,296,211	\$	890,106,090	91726
		RESIDENTIAL AND SUPPORT SERVICES					91727
		The Department of Mental Retardation and Developmental					91728
		Disabilities may designate a portion of appropriation item					91729
		322-413, Residential and Support Services, for the following:					91730

(A) Sermak Class Services used to implement the requirements 91731  
of the agreement settling the consent decree in *Sermak v. Manuel*, 91732  
Case No. c-2-80-220, United States District Court for the Southern 91733  
District of Ohio, Eastern Division; 91734

(B) Medicaid-reimbursed programs other than home and 91735  
community-based waiver services, in an amount not to exceed 91736  
\$1,000,000 in each fiscal year, that enable persons with mental 91737  
retardation and developmental disabilities to live in the 91738  
community. 91739

WAIVER STATE MATCH 91740

The purposes for which the foregoing appropriation item 91741  
322-416, Waiver State Match, shall be used include the following: 91742

(A) Home and community-based waiver services pursuant to 91743  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 91744  
U.S.C. 301, as amended. 91745

(B) Services contracted by county boards of mental 91746  
retardation and developmental disabilities. 91747

(C) To pay the nonfederal share of the cost of one or more 91748  
new intermediate care facility for the mentally retarded certified 91749  
beds in a county where the county board of mental retardation and 91750  
developmental disabilities does not initiate or support the 91751  
development or certification of such beds, if the director of 91752  
mental retardation and developmental disabilities is required by 91753  
this act to transfer to the director of job and family services 91754  
funds to pay such nonfederal share. 91755

The Department of Mental Retardation and Developmental 91756  
Disabilities may designate a portion of appropriation item 91757  
322-416, Waiver State Match, to county boards of mental 91758  
retardation and developmental disabilities that have greater need 91759  
for various residential and support services due to a low 91760  
percentage of residential and support services development in 91761

comparison to the number of individuals with mental retardation or 91762  
developmental disabilities in the county. 91763

Of the foregoing appropriation item 322-416, Waiver State 91764  
Match, \$9,850,000 in each year of the biennium shall be 91765  
distributed by the Department to county boards of mental 91766  
retardation and developmental disabilities to support existing 91767  
residential facilities waiver and individual options waiver 91768  
related to Medicaid activities provided for in the component of a 91769  
county board's plan developed under division (A)(2) of section 91770  
5126.054 of the Revised Code and approved under section 5123.046 91771  
of the Revised Code. Up to \$3,000,000 of these funds in each 91772  
fiscal year may be used to implement day-to-day program management 91773  
services under division (A)(2) of section 5126.054 of the Revised 91774  
Code. Up to \$4,200,000 in each fiscal year may be used to 91775  
implement the program and health and welfare requirements of 91776  
division (A)(2) of section 5126.054 of the Revised Code. 91777

In fiscal years 2004 and 2005 not less than \$2,650,000 of 91778  
these funds shall be used to recruit and retain, under division 91779  
(A)(2) of section 5126.054 of the Revised Code, the direct care 91780  
staff necessary to implement the services included in an 91781  
individualized service plan in a manner that ensures the health 91782  
and welfare of the individuals being served. 91783

The methodology utilized by the department to determine each 91784  
residential facilities waiver and individual options provider's 91785  
allocation of such funds in fiscal year 2003 shall be used for 91786  
allocation purposes to such providers in fiscal years 2004 and 91787  
2005, respectively. 91788

SUPPORTED LIVING 91789

The purposes for which the foregoing appropriation item 91790  
322-417, Supported Living, shall be used include supported living 91791  
services contracted by county boards of mental retardation and 91792

developmental disabilities in accordance with sections 5126.40 to 91793  
5126.47 of the Revised Code and to pay the nonfederal share of the 91794  
cost of one or more new intermediate care facility for the 91795  
mentally retarded certified beds in a county where the county 91796  
board of mental retardation and developmental disabilities does 91797  
not initiate or support the development or certification of such 91798  
beds, if the director of mental retardation and developmental 91799  
disabilities is required by this act to transfer to the director 91800  
of job and family services funds to pay such nonfederal share. 91801

OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS 91802

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 91803  
the Department of Mental Retardation and Developmental 91804  
Disabilities may develop residential and support service programs 91805  
funded by appropriation item 322-413, Residential and Support 91806  
Services, appropriation item 322-416, Waiver State Match, or 91807  
appropriation item 322-417, Supported Living, that enable persons 91808  
with mental retardation and developmental disabilities to live in 91809  
the community. Notwithstanding Chapter 5121. and section 5123.122 91810  
of the Revised Code, the department may waive the support 91811  
collection requirements of those statutes for persons in community 91812  
programs developed by the department under this section. The 91813  
department shall adopt rules under Chapter 119. of the Revised 91814  
Code or may use existing rules for the implementation of these 91815  
programs. 91816

FAMILY SUPPORT SERVICES 91817

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 91818  
5126.11 of the Revised Code, the Department of Mental Retardation 91819  
and Developmental Disabilities may implement programs funded by 91820  
appropriation item 322-451, Family Support Services, to provide 91821  
assistance to persons with mental retardation or developmental 91822  
disabilities and their families who are living in the community. 91823  
The department shall adopt rules to implement these programs. The 91824

department may also use the foregoing appropriation item 322-451, 91825  
Family Support Services, to pay the nonfederal share of the cost 91826  
of one or more new intermediate care facility for the mentally 91827  
retarded certified beds in a county where the county board of 91828  
mental retardation and developmental disabilities initiates or 91829  
supports the development or certification of such beds, if the 91830  
director of mental retardation and developmental disabilities is 91831  
required by this act to transfer to the director of job and family 91832  
services funds to pay such nonfederal share. 91833

SERVICE AND SUPPORT ADMINISTRATION 91834

The foregoing appropriation item 322-452, Service and Support 91835  
Administration, shall be allocated to county boards of mental 91836  
retardation and developmental disabilities for the purpose of 91837  
providing service and support administration services and to 91838  
assist in bringing state funding for all department-approved 91839  
service and support administrators within county boards of mental 91840  
retardation and developmental disabilities to the level authorized 91841  
in division (C) of section 5126.15 of the Revised Code. The 91842  
department may request approval from the Controlling Board to 91843  
transfer any unobligated appropriation authority from other state 91844  
General Revenue Fund appropriation items within the department's 91845  
budget to appropriation item 322-452, Service and Support 91846  
Administration, to be used to meet the statutory funding level in 91847  
division (C) of section 5126.15 of the Revised Code. 91848

Notwithstanding division (C) of section 5126.15 of the 91849  
Revised Code and subject to funding in appropriation item 322-452, 91850  
Service and Support Administration, no county may receive less 91851  
than its allocation in fiscal year 1995. Wherever case management 91852  
services are referred to in any law, contract, or other document, 91853  
the reference shall be deemed to refer to service and support 91854  
administration. No action or proceeding pending on the effective 91855  
date of this section is affected by the renaming of case 91856

management services as service and support administration. 91857

The Department of Mental Retardation and Developmental 91858  
Disabilities shall adopt, amend, and rescind rules as necessary to 91859  
reflect the renaming of case management services as service and 91860  
support administration. All boards of mental retardation and 91861  
developmental disabilities and the entities with which they 91862  
contract for services shall rename the titles of their employees 91863  
who provide service and support administration. All boards and 91864  
contracting entities shall make corresponding changes to all 91865  
employment contracts. 91866

The department may also use the foregoing appropriation item 91867  
322-452, Service and Support Administration, to pay the nonfederal 91868  
share of the cost of one or more new intermediate care facility 91869  
for the mentally retarded certified beds in a county where the 91870  
county board of mental retardation and developmental disabilities 91871  
initiates or supports the development or certification of such 91872  
beds, if the director of mental retardation and developmental 91873  
disabilities is required by this act to transfer to the director 91874  
of job and family services funds to pay such nonfederal share. 91875

STATE SUBSIDIES TO MR/DD BOARDS 91876

The foregoing appropriation item 322-501, County Boards 91877  
Subsidies, shall be distributed to county boards of mental 91878  
retardation and developmental disabilities pursuant to section 91879  
5126.12 of the Revised Code to the limit of the lesser of the 91880  
amount required by that section or the appropriation in 91881  
appropriation item 322-501 prorated to all county boards of mental 91882  
retardation and developmental disabilities. 91883

The department may also use the foregoing appropriation item 91884  
322-501, County Boards Subsidies, to pay the nonfederal share of 91885  
the cost of one or more new intermediate care facility for the 91886  
mentally retarded certified beds in a county where the county 91887

board of mental retardation and developmental disabilities 91888  
initiates or supports the development or certification of such 91889  
beds, if the director of mental retardation and developmental 91890  
disabilities is required by this act to transfer to the director 91891  
of job and family services funds to pay such nonfederal share. 91892

TAX EQUITY 91893

The foregoing appropriation item 322-503, Tax Equity, shall 91894  
be used to fund the tax equalization program created under section 91895  
5126.18 of the Revised Code for county boards of mental 91896  
retardation and developmental disabilities. 91897

INTERSYSTEM SERVICES FOR CHILDREN 91898

The foregoing appropriation item 322-645, Intersystem 91899  
Services for Children, shall be used to support direct grants to 91900  
county family and children first councils created under section 91901  
121.37 of the Revised Code. The funds shall be used as partial 91902  
support payment and reimbursement for locally coordinated 91903  
treatment plans for multi-needs children that come to the 91904  
attention of the Family and Children First Cabinet Council 91905  
pursuant to section 121.37 of the Revised Code. The Department of 91906  
Mental Retardation and Developmental Disabilities may use up to 91907  
five per cent of this amount for administrative expenses 91908  
associated with the distribution of funds to the county councils. 91909

WAIVER - MATCH 91910

The foregoing appropriation item 322-604, Waiver-Match (Fund 91911  
4K8), shall be used as state matching funds for the home and 91912  
community-based waivers. 91913

**Section 71.03.** DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A 91914  
MODEL BILLING FOR SERVICES RENDERED 91915

Developmental centers of the Department of Mental Retardation 91916  
and Developmental Disabilities may provide services to persons 91917

with mental retardation or developmental disabilities living in 91918  
the community or to providers of services to these persons. The 91919  
department may develop a methodology for recovery of all costs 91920  
associated with the provisions of these services. 91921

**Section 71.04.** TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 91922  
PHARMACY PROGRAMS 91923

Beginning July 1, 2003, the Department of Mental Retardation 91924  
and Developmental Disabilities shall pay the Department of Job and 91925  
Family Services quarterly, through intrastate transfer voucher, 91926  
the nonfederal share of Medicaid prescription drug claim costs for 91927  
all developmental centers paid by the Department of Job and Family 91928  
Services. 91929

**Section 71.05.** RESIDENTIAL FACILITIES 91930

General Revenue Fund 91931

GRF 323-321 Residential Facilities \$ 105,701,254 \$ 107,252,799 91932  
Operations 91933

TOTAL GRF General Revenue Fund \$ 105,701,254 \$ 107,252,799 91934

General Services Fund Group 91935

152 323-609 Residential Facilities \$ 912,177 \$ 912,177 91936  
Support 91937

TOTAL GSF General Services 91938

Fund Group \$ 912,177 \$ 912,177 91939

Federal Special Revenue Fund Group 91940

3A4 323-605 Residential Facilities \$ 128,736,729 \$ 128,831,708 91941  
Reimbursement 91942

325 323-608 Federal Grants - \$ 571,381 \$ 582,809 91943  
Subsidies 91944

325 323-617 Education Grants - \$ 425,000 \$ 425,000 91945  
Residential Facilities 91946

TOTAL FED Federal Special Revenue 91947

Fund Group	\$	129,733,110	\$	129,839,517	91948
State Special Revenue Fund Group					91949
489 323-632 Operating Expense	\$	12,125,628	\$	12,125,628	91950
TOTAL SSR State Special Revenue					91951
Fund Group	\$	12,125,628	\$	12,125,628	91952
TOTAL ALL RESIDENTIAL FACILITIES					91953
BUDGET FUND GROUPS	\$	248,472,169	\$	250,130,121	91954
DEPARTMENT TOTAL					91955
GENERAL REVENUE FUND	\$	351,927,092	\$	356,370,801	91956
DEPARTMENT TOTAL					91957
GENERAL SERVICES FUND GROUP	\$	6,522,177	\$	6,537,177	91958
DEPARTMENT TOTAL					91959
FEDERAL SPECIAL REVENUE FUND GROUP	\$	759,043,886	\$	801,604,455	91960
DEPARTMENT TOTAL					91961
STATE SPECIAL REVENUE FUND GROUP	\$	27,120,180	\$	27,120,180	91962
TOTAL DEPARTMENT OF MENTAL					91963
RETARDATION AND DEVELOPMENTAL					91964
DISABILITIES	\$	1,144,613,335	\$	1,191,632,613	91965
(A) The Executive Branch Committee on Medicaid Redesign and					91966
Expansion of MRDD Services, as established by Am. Sub. H.B. 94 of					91967
the 124th General Assembly, shall continue and consist of all of					91968
the following individuals:					91969
(1) One representative of the Governor appointed by the					91970
Governor;					91971
(2) Two representatives of the Department of Mental					91972
Retardation and Developmental Disabilities appointed by the					91973
Director of Mental Retardation and Developmental Disabilities;					91974
(3) Two representatives of the Department of Job and Family					91975
Services appointed by the Director of Job and Family Services;					91976
(4) One representative of the Office of Budget and Management					91977
appointed by the Director of Budget and Management;					91978

(5) One representative of The Arc of Ohio appointed by the organization's board of trustees;	91979 91980
(6) One representative of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities appointed by the association's board of trustees;	91981 91982 91983
(7) One representative of the Ohio Superintendents of County Boards of Mental Retardation and Developmental Disabilities appointed by the organization's board of trustees;	91984 91985 91986
(8) One representative of the Ohio Provider Resource Association appointed by the association's board of trustees;	91987 91988
(9) One representative of the Ohio Health Care Association appointed by the association's board of trustees;	91989 91990
(10) One representative of individuals with mental retardation or other developmental disability appointed by the Director of Mental Retardation and Developmental Disabilities.	91991 91992 91993
(B) The Governor shall appoint the chairperson of the committee. Members of the committee shall serve without compensation or reimbursement, except to the extent that serving on the committee is considered a part of their regular employment duties.	91994 91995 91996 91997 91998
(C) The committee shall meet at times determined by the chairperson to do all of the following:	91999 92000
(1) Review the effect that the provisions of this act regarding Medicaid funding for services to individuals with mental retardation or other developmental disability have on the funding and provision of services to such individuals;	92001 92002 92003 92004
(2) Identify issues related to, and barriers to, the effective implementation of those provisions of this act with the goal of meeting the needs of individuals with mental retardation or other developmental disability;	92005 92006 92007 92008

(3) Establish effective means for resolving the issues and barriers, including advocating changes to state law, rules, or both. 92009  
92010  
92011

(D) The committee shall submit a final report to the Governor and Directors of Mental Retardation and Developmental Disabilities and Job and Family Services and shall cease to exist on submission of the final report unless the Governor issues an executive order providing for the committee to continue. 92012  
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92014  
92015  
92016

**Section 71.06.** (A) As used in this section: 92017

(1) "Family support services," "home and community-based services," "service and support administration," and "supported living" have the same meaning as in section 5126.01 of the Revised Code. 92018  
92019  
92020  
92021

(2) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code. 92022  
92023

(B) If one or more new beds obtain certification as an intermediate care facility for the mentally retarded bed on or after the effective date of this section, the Director of Mental Retardation and Developmental Disabilities shall transfer funds to the Department of Job and Family Services to pay the nonfederal share of the cost under the Medicaid Program for those beds. The Director shall use only the following funds for the transfer: 92024  
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(1) If the beds are located in a county served by a county board of mental retardation and developmental disabilities that does not initiate or support the beds' certification, funds appropriated to the Department of Mental Retardation and Developmental Disabilities for home and community-based services and supported living for which the Director is authorized to make allocations to county boards; 92031  
92032  
92033  
92034  
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(2) If the beds are located in a county served by a county 92038

board that initiates or supports the beds' certification, funds 92039  
 appropriated to the Department for family support services, 92040  
 service and support administration, and other services for which 92041  
 the Director is authorized to make allocations to counties. 92042

(C) The funds that the Director transfers under division 92043  
 (B)(2) of this section shall be funds that the Director has 92044  
 allocated to the county board serving the county in which the beds 92045  
 are located unless the amount of the allocation is insufficient to 92046  
 pay the entire nonfederal share of the cost under the Medicaid 92047  
 Program for those beds. If the allocation is insufficient, the 92048  
 Director shall use as much of such funds allocated to other 92049  
 counties as is needed to make up the difference. 92050

**Section 72. MIH COMMISSION ON MINORITY HEALTH** 92051

General Revenue Fund 92052

GRF 149-321 Operating Expenses \$ 539,318 \$ 539,318 92053

GRF 149-501 Minority Health Grants \$ 751,478 \$ 751,478 92054

GRF 149-502 Lupus Program \$ 141,556 \$ 141,556 92055

TOTAL GRF General Revenue Fund \$ 1,432,352 \$ 1,432,352 92056

Federal Special Revenue Fund Group 92057

3J9 149-602 Federal Grants \$ 150,000 \$ 150,000 92058

TOTAL FED Federal Special Revenue 92059

Fund Group \$ 150,000 \$ 150,000 92060

State Special Revenue Fund Group 92061

4C2 149-601 Minority Health \$ 150,000 \$ 150,000 92062

Conference

TOTAL SSR State Special Revenue 92063

Fund Group \$ 150,000 \$ 150,000 92064

TOTAL ALL BUDGET FUND GROUPS \$ 1,732,352 \$ 1,732,352 92065

LUPUS PROGRAM 92066

The foregoing appropriation item 149-502, Lupus Program, 92067

shall be used to provide grants for programs in patient, public, 92068  
and professional education on the subject of systemic lupus 92069  
erythematosus; to encourage and develop local centers on lupus 92070  
information gathering and screening; and to provide outreach to 92071  
minority women. 92072

<b>Section 73. CRB MOTOR VEHICLE COLLISION REPAIR REGISTRATION</b>				92073
BOARD				92074
General Service Fund Group				92075
5H9 865-609 Operating Expenses	\$	285,497	\$ 314,422	92076
TOTAL GSF General Services				92077
Fund Group	\$	285,497	\$ 314,422	92078
TOTAL ALL BUDGET FUND GROUPS	\$	285,497	\$ 314,422	92079

<b>Section 74. DNR DEPARTMENT OF NATURAL RESOURCES</b>				92081
General Revenue Fund				92082
GRF 725-404 Fountain Square Rental	\$	1,093,300	\$ 1,094,800	92083
Payments - OBA				
GRF 725-407 Conservation Reserve	\$	1,218,750	\$ 1,218,750	92084
Enhancement Program				
GRF 725-412 Reclamation Commission	\$	57,934	\$ 57,934	92085
GRF 725-413 OPFC Lease Rental	\$	15,066,500	\$ 17,709,500	92086
Payments				
GRF 725-423 Stream and Ground	\$	331,819	\$ 331,819	92087
Water Gauging				
GRF 725-425 Wildlife License	\$	816,319	\$ 816,319	92088
Reimbursement				
GRF 725-456 Canal Lands	\$	332,859	\$ 332,859	92089
GRF 725-502 Soil and Water	\$	11,182,024	\$ 11,475,507	92090
Districts				
GRF 725-903 Natural Resources	\$	23,808,300	\$ 26,914,300	92091
General Obligation				

		Debt Service					
GRF	727-321	Division of Forestry	\$	9,068,735	\$	9,068,735	92092
GRF	728-321	Division of Geological Survey	\$	1,731,456	\$	1,731,456	92093
GRF	729-321	Office of Information Technology	\$	440,895	\$	440,895	92094
GRF	730-321	Division of Parks and Recreation	\$	34,232,205	\$	37,061,493	92095
GRF	731-321	Office of Coastal Management	\$	248,679	\$	259,707	92096
GRF	733-321	Division of Water	\$	3,355,830	\$	3,237,619	92097
GRF	736-321	Division of Engineering	\$	3,410,852	\$	3,436,918	92098
GRF	737-321	Division of Soil and Water	\$	4,215,288	\$	4,234,788	92099
GRF	738-321	Division of Real Estate and Land Management	\$	2,322,031	\$	2,331,781	92100
GRF	741-321	Division of Natural Areas and Preserves	\$	3,104,405	\$	3,104,405	92101
GRF	744-321	Division of Mineral Resources Management	\$	3,439,744	\$	3,495,967	92102
TOTAL GRF		General Revenue Fund	\$	119,477,925	\$	128,355,552	92103
		General Services Fund Group					92104
155	725-601	Departmental Projects	\$	2,645,479	\$	2,831,337	92105
157	725-651	Central Support Indirect	\$	8,272,102	\$	8,423,094	92106
161	725-635	Parks Facilities Maintenance	\$	2,063,124	\$	2,576,240	92107
204	725-687	Information Services	\$	3,384,275	\$	3,476,627	92108
206	725-689	REALM Support Services	\$	475,000	\$	475,000	92109
207	725-690	Real Estate Services	\$	54,000	\$	54,000	92110
223	725-665	Law Enforcement	\$	969,825	\$	976,225	92111

		Administration					
4D5	725-618	Recycled Materials	\$	50,000	\$	50,000	92112
4S9	725-622	NatureWorks Personnel	\$	908,516	\$	983,103	92113
4X8	725-662	Water Resources	\$	282,524	\$	282,524	92114
		Council					
430	725-671	Canal Lands	\$	1,119,834	\$	1,059,056	92115
508	725-684	Natural Resources	\$	209,364	\$	215,626	92116
		Publications					
510	725-631	Maintenance -	\$	255,905	\$	260,849	92117
		state-owned residences					
516	725-620	Water Management	\$	3,663,849	\$	2,342,814	92118
635	725-664	Fountain Square	\$	3,104,199	\$	3,104,199	92119
		Facilities Management					
697	725-670	Submerged Lands	\$	507,099	\$	542,011	92120
		TOTAL GSF General Services					92121
		Fund Group	\$	27,965,095	\$	27,652,705	92122
		Federal Special Revenue Fund Group					92123
3B3	725-640	Federal Forest	\$	140,000	\$	150,000	92124
		Pass-Thru					
3B4	725-641	Federal Flood	\$	280,000	\$	285,000	92125
		Pass-Thru					
3B5	725-645	Federal Abandoned Mine	\$	11,922,845	\$	11,843,866	92126
		Lands					
3B6	725-653	Federal Land and Water	\$	4,900,000	\$	5,000,000	92127
		Conservation Grants					
3B7	725-654	Reclamation -	\$	2,179,870	\$	2,168,413	92128
		Regulatory					
3P0	725-630	Natural Areas and	\$	718,876	\$	552,480	92129
		Preserves - Federal					
3P1	725-632	Geological Survey -	\$	470,780	\$	479,653	92130
		Federal					
3P2	725-642	Oil and Gas-Federal	\$	224,537	\$	232,964	92131
3P3	725-650	Real Estate and Land	\$	2,357,000	\$	2,357,000	92132

		Management - Federal					
3P4	725-660	Water - Federal	\$	300,000	\$	242,000	92133
3R5	725-673	Acid Mine Drainage	\$	792,028	\$	837,223	92134
		Abatement/Treatment					
3Z5	725-657	REALM-Federal	\$	1,578,871	\$	1,578,871	92135
328	725-603	Forestry Federal	\$	1,530,561	\$	1,484,531	92136
332	725-669	Federal Mine Safety	\$	247,364	\$	258,103	92137
		Grant					
		TOTAL FED Federal Special Revenue					92138
		Fund Group	\$	27,642,732	\$	27,470,104	92139
		State Special Revenue Fund Group					92140
4J2	725-628	Injection Well Review	\$	98,468	\$	81,188	92141
4M7	725-631	Wildfire Suppression	\$	100,000	\$	100,000	92142
4U6	725-668	Scenic Rivers	\$	561,000	\$	617,100	92143
		Protection					
5B3	725-674	Mining Regulation	\$	35,000	\$	35,000	92144
5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000	92145
5P2	725-634	Wildlife Boater Angler	\$	1,500,000	\$	1,500,000	92146
		Administration					
509	725-602	State Forest	\$	982,970	\$	1,127,117	92147
511	725-646	Ohio Geologic Mapping	\$	983,274	\$	985,940	92148
512	725-605	State Parks Operations	\$	29,915,146	\$	29,915,146	92149
514	725-606	Lake Erie Shoreline	\$	1,027,093	\$	936,254	92150
518	725-643	Oil and Gas Permit	\$	2,205,651	\$	2,399,580	92151
		Fees					
518	725-677	Oil and Gas Well	\$	1,000,000	\$	1,000,000	92152
		Plugging					
521	725-627	Off-Road Vehicle	\$	118,490	\$	123,490	92153
		Trails					
522	725-656	Natural Areas Checkoff	\$	2,046,737	\$	1,550,670	92154
		Funds					
526	725-610	Strip Mining	\$	1,449,459	\$	1,449,459	92155
		Administration Fees					

527	725-637	Surface Mining Administration	\$	2,793,938	\$	2,693,938	92156
529	725-639	Unreclaimed Land Fund	\$	1,841,589	\$	1,971,037	92157
531	725-648	Reclamation Forfeiture	\$	2,393,762	\$	2,374,087	92158
532	725-644	Litter Control and Recycling	\$	12,544,686	\$	12,544,686	92159
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	92160
615	725-661	Dam Safety	\$	286,045	\$	408,223	92161
TOTAL SSR State Special Revenue							92162
Fund Group			\$	63,283,308	\$	63,212,915	92163
Clean Ohio Fund Group							92164
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	92165
TOTAL CLR Clean Ohio Fund Group			\$	155,000	\$	155,000	92166
Wildlife Fund Group							92167
015	740-401	Division of Wildlife Conservation	\$	46,427,945	\$	46,814,691	92168
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449	92169
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	92170
817	725-655	Wildlife Conservation Checkoff Fund	\$	5,000,000	\$	5,000,000	92171
818	725-629	Cooperative Fisheries Research	\$	988,582	\$	988,582	92172
819	725-685	Ohio River Management	\$	128,584	\$	128,584	92173
TOTAL WLF Wildlife Fund Group			\$	53,632,445	\$	54,019,191	92174
Waterways Safety Fund Group							92175
086	725-414	Waterways Improvement	\$	3,813,051	\$	4,140,186	92176
086	725-418	Buoy Placement	\$	42,182	\$	42,182	92177
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	92178
086	725-506	Watercraft Marine Patrol	\$	576,153	\$	576,153	92179
086	725-513	Watercraft Educational	\$	366,643	\$	366,643	92180

Grants

086 739-401 Division of Watercraft	\$	19,420,712	\$	18,718,847	92181
TOTAL WSF Waterways Safety Fund					92182
Group	\$	24,356,608	\$	23,981,878	92183
Holding Account Redistribution Fund Group					92184
R17 725-659 Performance Cash Bond	\$	226,500	\$	226,500	92185
Refunds					
R43 725-624 Forestry	\$	800,000	\$	800,000	92186
TOTAL 090 Holding Account					92187
Redistribution Fund Group	\$	1,026,500	\$	1,026,500	92188
Accrued Leave Liability Fund Group					92189
4M8 725-675 FOP Contract	\$	20,844	\$	20,844	92190
TOTAL ALF Accrued Leave					92191
Liability Fund Group	\$	20,844	\$	20,844	92192
TOTAL ALL BUDGET FUND GROUPS	\$	317,560,457	\$	325,894,689	92193

**Section 74.01. FOUNTAIN SQUARE** 92195

The foregoing appropriation item 725-404, Fountain Square 92196  
Rental Payments - OBA, shall be used by the Department of Natural 92197  
Resources to meet all payments required to be made to the Ohio 92198  
Building Authority during the period from July 1, 2003, to June 92199  
30, 2005, pursuant to leases and agreements with the Ohio Building 92200  
Authority under section 152.241 of the Revised Code, but limited 92201  
to the aggregate amount of \$2,188,100. 92202

The Director of Natural Resources, using intrastate transfer 92203  
vouchers, shall make payments to the General Revenue Fund from 92204  
funds other than the General Revenue Fund to reimburse the General 92205  
Revenue Fund for the other funds' shares of the lease rental 92206  
payments to the Ohio Building Authority. The transfers from the 92207  
non-General Revenue funds shall be made within 10 days of the 92208  
payment to the Ohio Building Authority for the actual amounts 92209  
necessary to fulfill the leases and agreements pursuant to section 92210

152.241 of the Revised Code. 92211

The foregoing appropriation item 725-664, Fountain Square 92212  
Facilities Management (Fund 635), shall be used for payment of 92213  
repairs, renovation, utilities, property management, and building 92214  
maintenance expenses for the Fountain Square Complex. Cash 92215  
transferred by intrastate transfer vouchers from various 92216  
department funds and rental income received by the Department of 92217  
Natural Resources shall be deposited into the Fountain Square 92218  
Facilities Management Fund (Fund 635). 92219

LEASE RENTAL PAYMENTS 92220

The foregoing appropriation item 725-413, OPFC Lease Rental 92221  
Payments, shall be used to meet all payments at the times they are 92222  
required to be made during the period from July 1, 2003, to June 92223  
30, 2005, by the Department of Natural Resources pursuant to 92224  
leases and agreements made under section 154.22 of the Revised 92225  
Code, but limited to the aggregate amount of \$32,776,000. Nothing 92226  
in this act shall be deemed to contravene the obligation of the 92227  
state to pay, without necessity for further appropriation, from 92228  
the sources pledged thereto, the bond service charges on 92229  
obligations issued pursuant to section 154.22 of the Revised Code. 92230

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 92231

The foregoing appropriation item 725-903, Natural Resources 92232  
General Obligation Debt Service, shall be used to pay all debt 92233  
service and related financing costs at the times they are required 92234  
to be made pursuant to sections 151.01 and 151.05 of the Revised 92235  
Code during the period from July 1, 2003, to June 30, 2005. The 92236  
Office of the Sinking Fund or the Director of Budget and 92237  
Management shall effectuate the required payments by an intrastate 92238  
transfer voucher. 92239

**Section 74.02. WILDLIFE LICENSE REIMBURSEMENT** 92240

Notwithstanding the limits of the transfer from the General Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 of the Revised Code, up to the amount available in appropriation item 725-425, Wildlife License Reimbursement, may be transferred from the General Revenue Fund to the Wildlife Fund (Fund 015). Pursuant to the certification of the Director of Budget and Management of the amount of foregone revenue in accordance with section 1533.15 of the Revised Code, the foregoing appropriation item in the General Revenue Fund, appropriation item 725-425, Wildlife License Reimbursement, shall be used to reimburse the Wildlife Fund (Fund 015) for the cost of hunting and fishing licenses and permits issued after June 30, 1990, to individuals who are exempted under the Revised Code from license, permit, and stamp fees.

CANAL LANDS

The foregoing appropriation item 725-456, Canal Lands, shall be used to transfer funds to the Canal Lands Fund (Fund 430) to provide operating expenses for the State Canal Lands Program. The transfer shall be made using an intrastate transfer voucher and shall be subject to the approval of the Director of Budget and Management.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may pay to any soil and water conservation district, from authority in appropriation item 725-502, Soil and Water Districts, an annual amount not to exceed \$30,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys

received by each district shall be expended for the purposes of 92273  
the district. 92274

Of the foregoing appropriation item 725-502, Soil and Water 92275  
Districts, \$120,000 shall be earmarked in fiscal year 2004 for the 92276  
Franklin County Soil and Water District. 92277

Of the foregoing appropriation item 725-502, Soil and Water 92278  
Districts, \$175,000 shall be earmarked in fiscal year 2004 for the 92279  
Indian Lake Watershed. 92280

Of the foregoing appropriation item 725-502, Soil and Water 92281  
Districts, \$50,000 shall be earmarked for the Rush Creek Watershed 92282  
in each fiscal year. 92283

Of the foregoing appropriation item 725-502, Soil and Water 92284  
Districts, \$28,000 shall be earmarked for the Conservation Action 92285  
Program in each fiscal year. 92286

Of the foregoing appropriation item 725-502, Soil and Water 92287  
Districts, \$150,000 each fiscal year shall be earmarked for the 92288  
Muskingum Conservancy District. 92289

Of the foregoing appropriation item 725-502, Soil and Water 92290  
Districts, \$120,000 in fiscal year 2004 shall be earmarked for the 92291  
relocation of Route 30. 92292

FUND CONSOLIDATION 92293

On July 15, 2003, or as soon thereafter as possible, the 92294  
Director of Budget and Management shall transfer the cash balance 92295  
as certified by the Director of Natural Resources from the Real 92296  
Estate and Land Management-Federal Fund (Fund 3P3) to the 92297  
REALM-Federal Fund (Fund 3Z5). The Director shall cancel any 92298  
remaining outstanding encumbrances against appropriation item 92299  
725-650, Real Estate and Land Management-Federal, that are 92300  
associated with the REALM federal programs and reestablish them 92301  
against appropriation item 725-657, REALM-Federal. The amounts of 92302

any encumbrances canceled and reestablished are hereby 92303  
appropriated. 92304

LAW ENFORCEMENT ADMINISTRATION 92305

On or after July 1, 2003, but not later than July 15, 2003, 92306  
the Director of Budget and Management shall transfer \$969,825 from 92307  
the Central Support Indirect Fund (Fund 157) to the Law 92308  
Enforcement Administration Fund (Fund 223). On or after July 1, 92309  
2004, but not later than July 15, 2004, the Director of Budget and 92310  
Management shall transfer \$976,225 from the Central Support 92311  
Indirect Fund (Fund 157) to the Law Enforcement Administration 92312  
Fund (Fund 223). 92313

OIL AND GAS WELL PLUGGING 92314

The foregoing appropriation item 725-677, Oil and Gas Well 92315  
Plugging, shall be used exclusively for the purposes of plugging 92316  
wells and to properly restore the land surface of idle and orphan 92317  
oil and gas wells pursuant to section 1509.071 of the Revised 92318  
Code. No funds from the appropriation item shall be used for 92319  
salaries, maintenance, equipment, or other administrative 92320  
purposes, except for those costs directly attributed to the 92321  
plugging of an idle or orphan well. Appropriation authority from 92322  
this appropriation item shall not be transferred to any other fund 92323  
or line item. 92324

CLEAN OHIO OPERATING EXPENSES 92325

The foregoing appropriation item 725-405, Clean Ohio 92326  
Operating, shall be used by the Department of Natural Resources in 92327  
administering section 1519.05 of the Revised Code. 92328

DIVISION OF SOIL AND WATER 92329

Of the foregoing appropriation item 737-321, Division of Soil 92330  
and Water, \$220,000 in each fiscal year shall be earmarked for the 92331  
Water Quality Laboratory located at Heidelberg College. 92332

WATERCRAFT MARINE PATROL 92333

Of the foregoing appropriation item 739-401, Division of 92334  
Watercraft, not more than \$200,000 in each fiscal year shall be 92335  
expended for the purchase of equipment for marine patrols 92336  
qualifying for funding from the Department of Natural Resources 92337  
pursuant to section 1547.67 of the Revised Code. Proposals for 92338  
equipment shall accompany the submission of documentation for 92339  
receipt of a marine patrol subsidy pursuant to section 1547.67 of 92340  
the Revised Code and shall be loaned to eligible marine patrols 92341  
pursuant to a cooperative agreement between the Department of 92342  
Natural Resources and the eligible marine patrol. 92343

ELIMINATION OF CIVILIAN CONSERVATION CORPS 92344

Upon the closure of the Division of Civilian Conservation, 92345  
the Director of Natural Resources, not later than June 30, 2004, 92346  
shall distribute, allocate, salvage, or transfer all assets, 92347  
equipment, supplies, and cash balances of the Division of Civilian 92348  
Conservation to other operating divisions of the Department of 92349  
Natural Resources as determined by the director. The director 92350  
shall maintain a record of such disposition of all assets. 92351

The director shall maintain balances within the Civilian 92352  
Conservation Corps Fund to pay all outstanding obligations, 92353  
including unemployment and other costs associated with the orderly 92354  
closure of the Division of Civilian Conservation. All amounts 92355  
necessary for the orderly closure are hereby appropriated. 92356

PROHIBITION AGAINST ENTRANCE FEES FOR STATE PARKS AND NATURE 92357  
PRESERVES 92358

During the biennium that includes fiscal years 2004 and 2005, 92359  
the Department of Natural Resources shall not charge a fee for the 92360  
privilege of entering a state park or a nature preserve, as 92361  
"nature preserve" is defined in section 1517.01 of the Revised 92362  
Code. 92363

<b>Section 75. NUR STATE BOARD OF NURSING</b>				92364
General Services Fund Group				92365
4K9 884-609 Operating Expenses	\$	5,232,776	\$ 5,257,576	92366
5P8 884-601 Nursing Special Issues	\$	5,000	\$ 5,000	92367
TOTAL GSF General Services				92368
Fund Group	\$	5,237,776	\$ 5,262,576	92369
TOTAL ALL BUDGET FUND GROUPS	\$	5,237,776	\$ 5,262,576	92370
 NURSING SPECIAL ISSUES				92371
 The foregoing appropriation item 884-601, Nursing Special				92372
Issues (Fund 5P8), shall be used to pay the costs the Board of				92373
Nursing incurs in implementing section 4723.062 of the Revised				92374
Code.				92375
 <b>Section 76. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND</b>				92376
<b>ATHLETIC TRAINERS BOARD</b>				92377
General Services Fund Group				92378
4K9 890-609 Operating Expenses	\$	771,391	\$ 801,480	92379
TOTAL GSF General Services Fund	\$	771,391	\$ 801,480	92380
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	771,391	\$ 801,480	92381
 <b>Section 77. OLA OHIOANA LIBRARY ASSOCIATION</b>				92383
General Revenue Fund				92384
GRF 355-501 Library Subsidy	\$	215,036	\$ 215,036	92385
TOTAL GRF General Revenue Fund	\$	215,036	\$ 215,036	92386
TOTAL ALL BUDGET FUND GROUPS	\$	215,036	\$ 215,036	92387
 <b>Section 78. ODB OHIO OPTICAL DISPENSERS BOARD</b>				92389
General Services Fund Group				92390
4K9 894-609 Operating Expenses	\$	307,096	\$ 312,656	92391

TOTAL GSF General Services				92392
Fund Group	\$	307,096	\$ 312,656	92393
TOTAL ALL BUDGET FUND GROUPS	\$	307,096	\$ 312,656	92394

**Section 79. OPT STATE BOARD OF OPTOMETRY** 92396

General Services Fund Group				92397
4K9 885-609 Operating Expenses	\$	306,140	\$ 324,391	92398
TOTAL GSF General Services				92399
Fund Group	\$	306,140	\$ 324,391	92400
TOTAL ALL BUDGET FUND GROUPS	\$	306,140	\$ 324,391	92401

**Section 80. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND** 92403

PEDORTHICS				92404
General Services Fund Group				92405
4K9 973-609 Operating Expenses	\$	100,206	\$ 102,395	92406
TOTAL GSF General Services				92407
Fund Group	\$	100,206	\$ 102,395	92408
TOTAL ALL BUDGET FUND GROUPS	\$	100,206	\$ 102,395	92409

**Section 81. PBR STATE PERSONNEL BOARD OF REVIEW** 92410

General Revenue Fund				92411
GRF 124-321 Operating	\$	1,029,430	\$ 1,077,170	92412
TOTAL GRF General Revenue Fund	\$	1,029,430	\$ 1,077,170	92413
General Services Fund Group				92414
636 124-601 Transcript and Other	\$	25,000	\$ 25,000	92415
TOTAL GSF General Services				92416
Fund Group	\$	25,000	\$ 25,000	92417
TOTAL ALL BUDGET FUND GROUPS	\$	1,054,430	\$ 1,102,170	92418

**TRANSCRIPT AND OTHER** 92419

The foregoing appropriation item 124-601, Transcript and 92420  
Other, may be used to defray the costs of producing an 92421  
administrative record. 92422

<b>Section 82. PRX STATE BOARD OF PHARMACY</b>				92423
General Services Fund Group				92424
4A5 887-605 Drug Law Enforcement	\$	72,900	\$ 75,550	92425
4K9 887-609 Operating Expenses	\$	4,733,987	\$ 4,914,594	92426
TOTAL GSF General Services				92427
Fund Group	\$	4,806,887	\$ 4,990,144	92428
TOTAL ALL BUDGET FUND GROUPS	\$	4,806,887	\$ 4,990,144	92429
 <b>Section 83. PSY STATE BOARD OF PSYCHOLOGY</b>				92431
General Services Fund Group				92432
4K9 882-609 Operating Expenses	\$	564,544	\$ 561,525	92433
TOTAL GSF General Services				92434
Fund Group	\$	564,544	\$ 561,525	92435
TOTAL ALL BUDGET FUND GROUPS	\$	564,544	\$ 561,525	92436
 <b>Section 84. PUB OHIO PUBLIC DEFENDER COMMISSION</b>				92438
General Revenue Fund				92439
GRF 019-321 Public Defender	\$	1,430,057	\$ 1,351,494	92440
Administration				
GRF 019-401 State Legal Defense	\$	5,974,780	\$ 5,943,572	92441
Services				
GRF 019-403 Multi-County: State	\$	917,668	\$ 930,894	92442
Share				
GRF 019-404 Trumbull County -	\$	299,546	\$ 308,450	92443
State Share				
GRF 019-405 Training Account	\$	33,323	\$ 33,323	92444
GRF 019-501 County Reimbursement -	\$	30,567,240	\$ 32,630,070	92445
Non-Capital Cases				
GRF 019-503 County Reimbursement -	\$	693,000	\$ 726,000	92446
Capital Cases				
TOTAL GRF General Revenue Fund	\$	39,915,614	\$ 41,923,803	92447

General Services Fund Group				92448
101 019-602 Inmate Legal	\$	52,698	\$ 53,086	92449
Assistance				
406 019-603 Training and	\$	16,000	\$ 16,000	92450
Publications				
407 019-604 County Representation	\$	255,789	\$ 259,139	92451
408 019-605 Client Payments	\$	285,533	\$ 285,533	92452
TOTAL GSF General Services				92453
Fund Group	\$	610,020	\$ 613,758	92454
Federal Special Revenue Fund Group				92455
3S8 019-608 Federal Representation	\$	351,428	\$ 355,950	92456
TOTAL FED Federal Special Revenue				92457
Fund Group	\$	351,428	\$ 355,950	92458
State Special Revenue Fund Group				92459
4C7 019-601 Multi-County: County	\$	1,923,780	\$ 1,991,506	92460
Share				
4X7 019-610 Trumbull County -	\$	624,841	\$ 658,764	92461
County Share				
574 019-606 Legal Services	\$	14,305,700	\$ 14,305,800	92462
Corporation				
TOTAL SSR State Special Revenue				92463
Fund Group	\$	16,854,321	\$ 16,956,070	92464
TOTAL ALL BUDGET FUND GROUPS	\$	57,731,383	\$ 59,849,581	92465
JUVENILE REPRESENTATION				92466
Of the foregoing appropriation item 019-401, State Legal				92467
Defense Services, at least \$250,000 in each fiscal year shall be				92468
used to provide legal services and assistance to juveniles.				92469
INDIGENT DEFENSE OFFICE				92470
The foregoing appropriation items 019-404, Trumbull County -				92471
State Share, and 019-610, Trumbull County - County Share, shall be				92472
used to support an indigent defense office for Trumbull County.				92473

MULTI-COUNTY OFFICE	92474
The foregoing appropriation items 019-403, Multi-County:	92475
State Share, and 019-601, Multi-County: County Share, shall be	92476
used to support the Office of the Ohio Public Defender's	92477
Multi-County Branch Office Program.	92478
TRAINING ACCOUNT	92479
The foregoing appropriation item 019-405, Training Account,	92480
shall be used by the Ohio Public Defender to provide legal	92481
training programs at no cost for private appointed counsel who	92482
represent at least one indigent defendant at no cost and for state	92483
and county public defenders and attorneys who contract with the	92484
Ohio Public Defender to provide indigent defense services.	92485
FEDERAL REPRESENTATION	92486
The foregoing appropriation item 019-608, Federal	92487
Representation, shall be used to receive reimbursements from the	92488
federal courts when the Ohio Public Defender provides	92489
representation in federal court cases and to support	92490
representation in such cases.	92491
APPOINTED COUNSEL REIMBURSEMENT RATE FREEZE	92492
In establishing maximum amounts that the state will reimburse	92493
counties for legal services pursuant to divisions (B) (8) and (9)	92494
of section 120.04 of the Revised Code for the period from July 1,	92495
2003, through June 30, 2005, the state public defender shall not	92496
establish maximum amounts that exceed the maximum amounts in	92497
effect on March 1, 2003.	92498
<b>Section 85. DHS DEPARTMENT OF PUBLIC SAFETY</b>	92499
General Revenue Fund	92500
GRF 763-403 Operating Expenses - \$ 4,058,188 \$ 4,058,188	92501

GRF 763-507 Individual and	\$	48,750	\$	48,750	92502
Households Grants					
GRF 769-321 Food Stamp Trafficking	\$	800,000	\$	800,000	92503
Enforcement Operations					
TOTAL GRF General Revenue Fund	\$	4,906,938	\$	4,906,938	92504
TOTAL ALL BUDGET FUND GROUPS	\$	4,906,938	\$	4,906,938	92505
OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT					92506
Of the foregoing appropriation item 763-403, Operating					92507
Expenses - EMA, \$200,000 in each fiscal year shall be used to fund					92508
the Ohio Task Force One - Urban Search and Rescue Unit and other					92509
urban search and rescue programs around the state to create a					92510
stronger search and rescue capability statewide.					92511
INDIVIDUAL AND HOUSEHOLDS GRANTS STATE MATCH					92512
The foregoing appropriation item 763-507, Individual and					92513
Households Grants, shall be used to fund the state share of costs					92514
to provide grants to individuals and households in cases of					92515
disaster.					92516
<b>Section 86. PUC PUBLIC UTILITIES COMMISSION OF OHIO</b>					92517
General Services Fund Group					92518
5F6 870-622 Utility and Railroad	\$	30,622,222	\$	30,622,222	92519
Regulation					
5F6 870-624 NARUC/NRRI Subsidy	\$	167,233	\$	167,233	92520
5F6 870-625 Motor Transportation	\$	5,361,239	\$	5,361,239	92521
Regulation					
558 870-602 Salvage and Exchange	\$	16,477	\$	4,000	92522
TOTAL GSF General Services					92523
Fund Group	\$	36,167,171	\$	36,154,694	92524
Federal Special Revenue Fund Group					92525
3V3 870-604 Commercial Vehicle	\$	870,000	\$	300,000	92526
Information					

Systems/Networks							
333	870-601	Gas Pipeline Safety	\$	597,957	\$	597,957	92527
350	870-608	Motor Carrier Safety	\$	7,027,712	\$	7,027,712	92528
TOTAL FED Federal Special Revenue							92529
Fund Group			\$	8,495,669	\$	7,925,669	92530
State Special Revenue Fund Group							92531
4A3	870-614	Grade Crossing	\$	1,349,757	\$	1,349,757	92532
Protection							
Devices-State							
4L8	870-617	Pipeline Safety-State	\$	187,621	\$	187,621	92533
4S6	870-618	Hazardous Material	\$	899,325	\$	614,325	92534
Registration							
4S6	870-621	Hazardous Materials	\$	373,346	\$	373,346	92535
Base State							
Registration							
4U8	870-620	Civil Forfeitures	\$	719,986	\$	434,986	92536
559	870-605	Public Utilities	\$	4,000	\$	4,000	92537
Territorial							
Administration							
560	870-607	Special Assessment	\$	100,000	\$	100,000	92538
561	870-606	Power Siting Board	\$	337,210	\$	337,210	92539
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	92540
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	92541
Transportation							
TOTAL SSR State Special Revenue							92542
Fund Group			\$	4,911,245	\$	4,341,245	92543
Agency Fund Group							92544
4G4	870-616	Base State	\$	6,500,000	\$	6,500,000	92545
Registration Program							
TOTAL AGY Agency Fund Group			\$	6,500,000	\$	6,500,000	92546
TOTAL ALL BUDGET FUND GROUPS			\$	56,074,085	\$	54,921,608	92547
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT							92548

The Commercial Vehicle Information Systems and Networks Fund 92549  
 is hereby created in the state treasury. The Commercial Vehicle 92550  
 Information Systems and Networks Fund shall receive funding from 92551  
 the United States Department of Transportation's Commercial 92552  
 Vehicle Intelligent Transportation System Infrastructure 92553  
 Deployment Program and shall be used to deploy the Ohio Commercial 92554  
 Vehicle Information Systems and Networks Project and to expedite 92555  
 and improve the safety of motor carrier operations through 92556  
 electronic exchange of data by means of on-highway electronic 92557  
 systems. 92558

Notwithstanding section 4905.80 of the Revised Code, up to 92559  
 \$435,000 in fiscal year 2004 and \$150,000 in fiscal year 2005 of 92560  
 the foregoing appropriation item 870-618, Hazardous Material 92561  
 Registration, may be used to pay the state share of the 92562  
 implementation of the Ohio Commercial Vehicle Information Systems 92563  
 and Networks Project. 92564

Notwithstanding section 4923.12 of the Revised Code, up to 92565  
 \$435,000 in fiscal year 2004 and \$150,000 in fiscal year 2005 of 92566  
 the foregoing appropriation item 870-620, Civil Forfeitures, may 92567  
 be used to pay the state share of the implementation of the Ohio 92568  
 Commercial Vehicle Information Systems and Networks Project. 92569

**Section 87. PWC PUBLIC WORKS COMMISSION** 92570

General Revenue Fund				92571
GRF 150-904 Conservation General	\$	9,743,500	\$ 11,235,700	92572
Obligation Debt				
Service				
GRF 150-907 State Capital	\$	156,974,400	\$ 152,069,700	92573
Improvements				
General Obligation				92574
Debt Service				
TOTAL GRF General Revenue Fund	\$	166,717,900	\$ 163,305,400	92575

Clean Ohio Fund Group				92576	
056 150-403 Clean Ohio Operating	\$	298,200	\$	304,400	92577
Expenses					
TOTAL 056 Clean Ohio Fund Group	\$	298,200	\$	304,400	92578
TOTAL ALL BUDGET FUND GROUPS	\$	167,016,100	\$	163,609,800	92579
CONSERVATION GENERAL OBLIGATION DEBT SERVICE				92580	
The foregoing appropriation item 150-904, Conservation				92581	
General Obligation Debt Service, shall be used to pay all debt				92582	
service and related financing costs at the times they are required				92583	
to be made pursuant to sections 151.01 and 151.09 of the Revised				92584	
Code during the period from July 1, 2003, to June 30, 2005. The				92585	
Office of the Sinking Fund or the Director of Budget and				92586	
Management shall effectuate the required payments by an intrastate				92587	
transfer voucher.				92588	
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE				92589	
The foregoing appropriation item 150-907, State Capital				92590	
Improvements General Obligation Debt Service, shall be used to pay				92591	
all debt service and related financing costs at the times they are				92592	
required to be made pursuant to sections 151.01 and 151.08 of the				92593	
Revised Code during the period from July 1, 2003, to June 30,				92594	
2005. The Office of the Sinking Fund or the Director of Budget and				92595	
Management shall effectuate the required payments by an intrastate				92596	
transfer voucher.				92597	
CLEAN OHIO OPERATING EXPENSES				92598	
The foregoing appropriation item 150-403, Clean Ohio				92599	
Operating Expenses, shall be used by the Ohio Public Works				92600	
Commission in administering sections 164.20 to 164.27 of the				92601	
Revised Code.				92602	
<b>Section 88.</b> RAC STATE RACING COMMISSION				92603	
State Special Revenue Fund Group				92604	

5C4	875-607	Simulcast Horse Racing	\$	19,730,799	\$	19,476,952	92605
		Purse					
562	875-601	Thoroughbred Race Fund	\$	4,642,378	\$	4,642,378	92606
563	875-602	Standardbred	\$	2,908,841	\$	3,161,675	92607
		Development Fund					
564	875-603	Quarterhorse	\$	1,000	\$	2,000	92608
		Development Fund					
565	875-604	Racing Commission	\$	4,485,777	\$	4,759,834	92609
		Operating					
TOTAL SSR State Special Revenue							92610
Fund Group			\$	31,768,795	\$	32,042,839	92611
Holding Account Redistribution Fund Group							92612
R21	875-605	Bond Reimbursements	\$	212,900	\$	212,900	92613
TOTAL 090 Holding Account							92614
Redistribution							
Fund Group			\$	212,900	\$	212,900	92615
TOTAL ALL BUDGET FUND GROUPS			\$	31,981,695	\$	32,255,739	92616
 <b>Section 89. BOR BOARD OF REGENTS</b>							92618
General Revenue Fund							92619
GRF	235-321	Operating Expenses	\$	3,336,284	\$	2,767,219	92620
GRF	235-401	Lease Rental Payments	\$	246,500,700	\$	216,836,400	92621
GRF	235-402	Sea Grants	\$	274,895	\$	274,895	92622
GRF	235-403	Math/Science Teaching	\$	1,757,614	\$	1,757,614	92623
		Improvement					
GRF	235-404	College Readiness	\$	3,152,603	\$	3,401,759	92624
		Initiatives					
GRF	235-406	Articulation and	\$	733,200	\$	733,200	92625
		Transfer					
GRF	235-408	Midwest Higher	\$	82,500	\$	82,500	92626
		Education Compact					
GRF	235-409	Information System	\$	1,185,879	\$	1,154,671	92627

GRF 235-414	State Grants and Scholarship Administration	\$ 1,219,719	\$ 1,211,373	92628
GRF 235-415	Jobs Challenge	\$ 9,348,300	\$ 9,348,300	92629
GRF 235-417	Ohio Learning Network	\$ 3,413,046	\$ 3,327,720	92630
GRF 235-418	Access Challenge	\$ 67,568,622	\$ 67,568,622	92631
GRF 235-420	Success Challenge	\$ 51,113,077	\$ 56,113,077	92632
GRF 235-428	Appalachian New Economy Partnership	\$ 1,179,893	\$ 1,147,895	92633
GRF 235-451	Eminent Scholars	\$ 0	\$ 1,462,500	92634
GRF 235-454	Research Challenge	\$ 18,330,000	\$ 18,330,000	92635
GRF 235-455	EnterpriseOhio Network	\$ 1,505,262	\$ 1,465,650	92636
GRF 235-474	Area Health Education Centers Program Support	\$ 1,722,226	\$ 1,676,670	92637
GRF 235-477	Access Improvement Projects	\$ 1,048,664	\$ 1,080,124	92638
GRF 235-501	State Share of Instruction	\$ 1,534,189,277	\$ 1,559,096,031	92639
GRF 235-502	Student Support Services	\$ 870,675	\$ 848,908	92640
GRF 235-503	Ohio Instructional Grants	\$ 111,966,343	\$ 115,325,333	92641
GRF 235-504	War Orphans Scholarships	\$ 4,672,321	\$ 4,672,321	92642
GRF 235-507	OhioLINK	\$ 7,028,392	\$ 7,028,392	92643
GRF 235-508	Air Force Institute of Technology	\$ 2,096,523	\$ 2,053,860	92644
GRF 235-509	Displaced Homemakers	\$ 204,865	\$ 199,743	92645
GRF 235-510	Ohio Supercomputer Center	\$ 4,208,472	\$ 4,103,260	92646
GRF 235-511	Cooperative Extension Service	\$ 25,644,863	\$ 25,644,863	92647

GRF 235-513	Ohio University Voinovich Center	\$	311,977	\$	305,178	92648
GRF 235-514	Central State Supplement	\$	11,039,203	\$	11,039,203	92649
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,303,612	\$	3,212,271	92650
GRF 235-518	Capitol Scholarship Programs	\$	245,000	\$	245,000	92651
GRF 235-519	Family Practice	\$	5,529,432	\$	5,391,196	92652
GRF 235-520	Shawnee State Supplement	\$	2,082,289	\$	2,082,289	92653
GRF 235-521	The Ohio State University Glenn Institute	\$	311,977	\$	305,178	92654
GRF 235-524	Police and Fire Protection	\$	209,046	\$	203,819	92655
GRF 235-525	Geriatric Medicine	\$	820,696	\$	800,179	92656
GRF 235-526	Primary Care Residencies	\$	2,730,013	\$	2,661,762	92657
GRF 235-527	Ohio Aerospace Institute	\$	1,933,607	\$	1,882,767	92658
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	92659
GRF 235-531	Student Choice Grants	\$	52,139,646	\$	52,139,646	92660
GRF 235-534	Student Workforce Development Grants	\$	2,437,500	\$	2,437,500	92661
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,830,188	\$	35,830,188	92662
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	92663
GRF 235-537	University of	\$	11,157,756	\$	11,157,756	92664

	Cincinnati Clinical Teaching					
GRF 235-538	Medical College of Ohio at Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	92665
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	92666
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	92667
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	92668
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	424,033	\$	424,033	92669
GRF 235-547	School of International Business	\$	1,264,611	\$	1,232,996	92670
GRF 235-549	Part-time Student Instructional Grants	\$	14,036,622	\$	14,457,721	92671
GRF 235-552	Capital Component	\$	18,711,936	\$	18,711,936	92672
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,074,550	\$	2,993,937	92673
GRF 235-554	Computer Science Graduate Education	\$	2,577,209	\$	2,512,779	92674
GRF 235-555	Library Depositories	\$	1,775,467	\$	1,731,080	92675
GRF 235-556	Ohio Academic Resources Network	\$	3,657,009	\$	3,803,289	92676
GRF 235-558	Long-term Care Research	\$	230,906	\$	225,134	92677
GRF 235-561	Bowling Green State University Canadian	\$	121,586	\$	118,546	92678

	Studies Center					
GRF 235-572	The Ohio State University Clinic Support	\$	1,400,394	\$	1,362,259	92679
GRF 235-583	Urban University Programs	\$	5,692,236	\$	5,553,506	92680
GRF 235-585	Ohio University Innovation Center	\$	41,596	\$	40,556	92681
GRF 235-587	Rural University Projects	\$	1,224,510	\$	1,224,510	92682
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$	853,262	\$	853,262	92683
GRF 235-595	International Center for Water Resources Development	\$	137,352	\$	133,918	92684
GRF 235-596	Hazardous Materials Program	\$	339,647	\$	331,156	92685
GRF 235-599	National Guard Scholarship Program	\$	13,252,916	\$	14,578,208	92686
GRF 235-909	Higher Education General Obligation Debt Service	\$	97,668,000	\$	130,967,600	92687
TOTAL GRF	General Revenue Fund	\$	2,443,493,342	\$	2,482,236,601	92688
	General Services Fund Group					92689
220 235-614	Program Approval and Reauthorization	\$	400,000	\$	400,000	92690
456 235-603	Sales and Services	\$	500,002	\$	500,003	92691
TOTAL GSF	General Services Fund Group	\$	900,002	\$	900,003	92693
	Federal Special Revenue Fund Group					92694
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000	92695

3N6	235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680	92696
3T0	235-610	National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$	150,001	92697
312	235-609	Tech Prep	\$	183,850	\$	183,850	92698
312	235-611	Gear-up Grant	\$	1,478,245	\$	1,370,691	92699
312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	92700
312	235-615	Professional Development	\$	523,129	\$	523,129	92701
312	235-616	Workforce Investment Act Administration	\$	850,000	\$	850,000	92702
312	235-631	Federal Grants	\$	3,444,949	\$	3,150,590	92703
TOTAL FED Federal Special Revenue							92704
Fund Group			\$	10,439,814	\$	10,037,901	92705
State Special Revenue Fund Group							92706
4E8	235-602	Higher Educational Facility Commission Administration	\$	20,000	\$	20,000	92707
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	92708
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	92709
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	92710
TOTAL SSR State Special Revenue							92711
Fund Group			\$	2,149,870	\$	2,149,870	92712
TOTAL ALL BUDGET FUND GROUPS			\$	2,456,983,028	\$	2,495,324,375	92713
<b>Section 89.01. OPERATING EXPENSES</b>							92715

Of the foregoing appropriation item 235-321, Operating 92716  
Expenses, up to \$500,000 shall be used in fiscal year 2004 to 92717  
support the activities of the Commission on Higher Education and 92718  
the Economy. The Commission shall recommend a strategy to improve 92719  
the quality and efficiency of Ohio's higher education system to 92720  
increase effectiveness, eliminate unnecessary duplication, broaden 92721  
the use of technology, and determine how higher education can most 92722  
effectively support the state's economy, best prepare Ohio 92723  
students for Third Frontier jobs, and add to the quality of life 92724  
for Ohio's citizens. The Commission shall also study the ten year 92725  
plan for higher education in the context of curricula, the number 92726  
of higher education institutions, and the number and types of 92727  
higher education degrees in relation to the needs created through 92728  
the Third Frontier and other high technology economic initiatives. 92729  
The Director of Budget and Management may transfer any 92730  
unencumbered fiscal year 2004 balance to fiscal year 2005 to 92731  
support the activities of the Commission. 92732

Of the foregoing appropriation item 235-321, Operating 92733  
Expenses, \$50,000 in each fiscal year shall be distributed to the 92734  
Don't Laugh at Me Program, which shall use the funds to 92735  
disseminate educational resources designed to establish a climate 92736  
that reduces the emotional and physical harm caused by ridicule, 92737  
bullying, and violence. 92738

LEASE RENTAL PAYMENTS 92739

The foregoing appropriation item 235-401, Lease Rental 92740  
Payments, shall be used to meet all payments at the times they are 92741  
required to be made during the period from July 1, 2003, to June 92742  
30, 2005, by the Board of Regents pursuant to leases and 92743  
agreements made under section 154.21 of the Revised Code, but 92744  
limited to the aggregate amount of \$463,377,100. Nothing in this 92745  
act shall be deemed to contravene the obligation of the state to 92746  
pay, without necessity for further appropriation, from the sources 92747

pledged thereto, the bond service charges on obligations issued 92748  
pursuant to section 154.21 of the Revised Code. 92749

SEA GRANTS 92750

The foregoing appropriation item 235-402, Sea Grants, shall 92751  
be disbursed to the Ohio State University and shall be used to 92752  
conduct research on fish in Lake Erie. 92753

MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT 92754

Appropriation item 235-403, Math/Science Teaching 92755  
Improvement, shall be used by the Board of Regents to support 92756  
programs such as OSI - Discovery designed to raise the quality of 92757  
mathematics and science teaching in primary and secondary 92758  
education. 92759

Of the foregoing appropriation item 235-403, Math/Science 92760  
Teaching Improvement, \$217,669 in each fiscal year shall be 92761  
distributed to the Mathematics and Science Center in Lake County. 92762

Of the foregoing appropriation item 235-403, Math/Science 92763  
Teaching Improvement, \$87,068 in fiscal year 2004 and \$87,067 in 92764  
fiscal year 2005 shall be distributed to the Ohio Mathematics and 92765  
Science Coalition. 92766

COLLEGE READINESS INITIATIVES 92767

Appropriation item 235-404, College Readiness Initiatives, 92768  
shall be used by the Board of Regents to support programs designed 92769  
to improve the academic preparation and increase the number of 92770  
students that enroll and succeed in higher education. 92771

MIDWEST HIGHER EDUCATION COMPACT 92772

The foregoing appropriation item 235-408, Midwest Higher 92773  
Education Compact, shall be distributed by the Board of Regents 92774  
pursuant to section 3333.40 of the Revised Code. 92775

INFORMATION SYSTEM 92776

The foregoing appropriation item 235-409, Information System, 92777  
shall be used by the Board of Regents to operate the higher 92778  
education information data system known as the Higher Education 92779  
Information System. 92780

**Section 89.02. JOBS CHALLENGE** 92781

Funds appropriated to appropriation item 235-415, Jobs 92782  
Challenge, shall be distributed to state-assisted community and 92783  
technical colleges, regional campuses of state-assisted 92784  
universities, and other organizationally distinct and identifiable 92785  
member campuses of the EnterpriseOhio Network in support of 92786  
noncredit job-related training. In each fiscal year, \$2,770,773 92787  
shall be distributed as performance grants to EnterpriseOhio 92788  
Network campuses based upon each campus's documented performance 92789  
according to criteria established by the Board of Regents for 92790  
increasing training and related services to businesses, 92791  
industries, and public sector organizations. 92792

Of the foregoing appropriation item 235-415, Jobs Challenge, 92793  
\$2,819,345 in each fiscal year shall be allocated to the Targeted 92794  
Industries Training Grant Program to attract, develop, and retain 92795  
business and industry strategically important to the state's 92796  
economy. 92797

Also, in each fiscal year, \$3,758,182 shall be allocated to 92798  
the Higher Skills Incentives Program to promote and deliver 92799  
coordinated, comprehensive training to local employers and to 92800  
reward EnterpriseOhio Network campuses for increasing the amount 92801  
of non-credit skill upgrading services provided to Ohio employers 92802  
and employees. The funds shall be distributed to campuses in 92803  
proportion to each campus's share of noncredit job-related 92804  
training revenues received by all campuses for the previous fiscal 92805  
year. It is the intent of the General Assembly that this Higher 92806  
Skills Incentives component of the Jobs Challenge Program reward 92807

campus noncredit job-related training efforts in the same manner 92808  
that the Research Challenge Program rewards campuses for their 92809  
ability to obtain sponsored research revenues. 92810

OHIO LEARNING NETWORK 92811

Appropriation item 235-417, Ohio Learning Network, shall be 92812  
used by the Board of Regents to support the continued 92813  
implementation of the Ohio Learning Network, a statewide 92814  
electronic collaborative effort designed to promote degree 92815  
completion of students, workforce training of employees, and 92816  
professional development through the use of advanced 92817  
telecommunications and distance education initiatives. 92818

ACCESS CHALLENGE 92819

In each fiscal year, the foregoing appropriation item 92820  
235-418, Access Challenge, shall be distributed to Ohio's 92821  
state-assisted access colleges and universities. For the purposes 92822  
of this allocation, "access campuses" includes state-assisted 92823  
community colleges, state community colleges, technical colleges, 92824  
Shawnee State University, Central State University, Cleveland 92825  
State University, the regional campuses of state-assisted 92826  
universities, and, where they are organizationally distinct and 92827  
identifiable, the community-technical colleges located at the 92828  
University of Cincinnati, Youngstown State University, and the 92829  
University of Akron. 92830

The purpose of Access Challenge is to reduce the student 92831  
share of costs for resident undergraduates enrolled in lower 92832  
division undergraduate courses at Ohio's access campuses. The 92833  
long-term goal is to make the student share of costs for these 92834  
students equivalent to the student share of costs for resident 92835  
undergraduate students enrolled throughout Ohio's public colleges 92836  
and universities. Access Challenge appropriations shall be used in 92837  
both years of the biennium to sustain, as much as possible, the 92838

tuition restraint or tuition reduction that was achieved with 92839  
Access Challenge allocations in prior years. 92840

In fiscal year 2004, Access Challenge subsidies shall be 92841  
distributed by the Board of Regents to eligible access campuses on 92842  
the basis of the average of each campus's share of fiscal year 92843  
2001 and 2002 all-terms subsidy-eligible General Studies FTEs. In 92844  
fiscal year 2005, Access Challenge subsidies shall be distributed 92845  
by the Board of Regents to eligible access campuses on the basis 92846  
of the average of each campus's share of fiscal year 2002 and 2003 92847  
all-terms subsidy-eligible General Studies FTEs. 92848

For the purposes of this calculation, Cleveland State 92849  
University's enrollments shall be adjusted by the ratio of the sum 92850  
of subsidy-eligible lower-division FTE student enrollments 92851  
eligible for access funding to the sum of subsidy-eligible General 92852  
Studies FTE student enrollments at Central State University and 92853  
Shawnee State University, and for the following universities and 92854  
their regional campuses: the Ohio State University, Ohio 92855  
University, Kent State University, Bowling Green State University, 92856  
Miami University, the University of Cincinnati, the University of 92857  
Akron, and Wright State University. 92858

SUCCESS CHALLENGE 92859

The foregoing appropriation item 235-420, Success Challenge, 92860  
shall be used by the Board of Regents to promote degree completion 92861  
by students enrolled at a main campus of a state-assisted 92862  
university. 92863

Of the foregoing appropriation item 235-420, Success 92864  
Challenge, 71.77 per cent of the appropriation in fiscal year 2004 92865  
and 74.29 per cent of the appropriation in fiscal year 2005 shall 92866  
be distributed to state-assisted university main campuses in 92867  
proportion to each campus's share of the total statewide 92868  
bachelor's degrees granted by university main campuses to 92869

"at-risk" students. In fiscal years 2004 and 2005, an "at-risk" 92870  
student means any undergraduate student who was eligible to 92871  
receive an Ohio Instructional Grant during the past ten years. An 92872  
eligible institution shall not receive its share of this 92873  
distribution until it has submitted a plan that addresses how the 92874  
subsidy will be used to better serve at-risk students and increase 92875  
their likelihood of successful completion of a bachelor's degree 92876  
program. The Board of Regents shall disseminate to all 92877  
state-supported institutions of higher education all such plans 92878  
submitted by institutions that received Success Challenge funds. 92879

Of the foregoing appropriation item 235-420, Success 92880  
Challenge, 28.23 per cent of the appropriation in fiscal year 92881  
2004, and 25.71 per cent of the appropriation in fiscal year 2005 92882  
shall be distributed to university main campuses in proportion to 92883  
each campus's share of the total bachelor's degrees granted by 92884  
university main campuses to undergraduate students who completed 92885  
their bachelor's degrees in a "timely manner" in the previous 92886  
fiscal year. For the purposes of this section, "timely manner" 92887  
means the normal time it would take for a full-time degree-seeking 92888  
undergraduate student to complete the student's degree. Generally, 92889  
for such students pursuing a bachelor's degree, "timely manner" 92890  
means four years. Exceptions to this general rule shall be 92891  
permitted for students enrolled in programs specifically designed 92892  
to be completed in a longer time period. The Board of Regents 92893  
shall collect data to assess the timely completion statistics by 92894  
university main campuses. 92895

APPALACHIAN NEW ECONOMY PARTNERSHIP 92896

The foregoing appropriation item 235-428, Appalachian New 92897  
Economy Partnership, shall be distributed to Ohio University to 92898  
continue a multi-campus and multi-agency coordinated effort to 92899  
link Appalachia to the new economy. Ohio University shall use 92900  
these funds to provide leadership in the development and 92901

implementation of initiatives in the areas of entrepreneurship, 92902  
management, education, and technology. 92903

EMINENT SCHOLARS 92904

The foregoing appropriation item 235-451, Eminent Scholars, 92905  
shall be used by the Ohio Board of Regents to establish an Ohio 92906  
Eminent Scholars Program, the purpose of which is to invest 92907  
educational resources to address problems that are of vital 92908  
statewide significance while fostering the growth in eminence of 92909  
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 92910  
will allow Ohio universities to recruit senior faculty members 92911  
from outside Ohio who are nationally and internationally 92912  
recognized scholars in areas of science and technology that 92913  
provide the basic research platforms on which our technology and 92914  
commercialization efforts are built. Endowment grants of 92915  
approximately \$750,000 to state colleges and universities and 92916  
nonprofit Ohio institutions of higher education holding 92917  
certificates of authorization issued under section 1713.02 of the 92918  
Revised Code to match endowment gifts from nonstate sources may be 92919  
made in accordance with a plan established by the Ohio Board of 92920  
Regents. Matching nonstate gifts in science and technology 92921  
programs shall be \$750,000. The grants shall have as their purpose 92922  
attracting and sustaining in Ohio scholar-leaders of national or 92923  
international prominence; each will assist in accelerating state 92924  
economic growth through research that provides an essential basic 92925  
science platform for commercialization efforts. Such 92926  
scholar-leaders shall, among their duties, share broadly the 92927  
benefits and knowledge unique to their fields of scholarship to 92928  
the betterment of Ohio and its people and collaborate with other 92929  
state technology programs and program recipients. 92930

RESEARCH CHALLENGE 92931

The foregoing appropriation item 235-454, Research Challenge, 92932  
shall be used to enhance the basic research capabilities of public 92933

colleges and universities and accredited Ohio institutions of 92934  
higher education holding certificates of authorization issued 92935  
pursuant to section 1713.02 of the Revised Code, in order to 92936  
strengthen academic research for pursuing Ohio's economic 92937  
development goals. The Board of Regents, in consultation with the 92938  
colleges and universities, shall administer the Research Challenge 92939  
Program and utilize a means of matching, on a fractional basis, 92940  
external funds attracted in the previous year by institutions for 92941  
basic research. The program may include incentives for increasing 92942  
the amount of external research funds coming to eligible 92943  
institutions and for focusing research efforts upon critical state 92944  
needs. Colleges and universities shall submit for review and 92945  
approval to the Board of Regents plans for the institutional 92946  
allocation of state dollars received through the program. The 92947  
institutional plans shall provide the rationale for the allocation 92948  
in terms of the strategic targeting of funds for academic and 92949  
state purposes, for strengthening research programs, for 92950  
increasing the amount of external research funds, and shall 92951  
include an evaluation process to provide results of the increased 92952  
support. Each institutional plan for the investment of Research 92953  
Challenge moneys shall report on existing, planned, and/or 92954  
possible relationships with other State of Ohio science and 92955  
technology programs and funding recipients in order to further 92956  
ongoing statewide science and technology collaboration objectives. 92957  
The Board of Regents shall submit a biennial report of progress to 92958  
the General Assembly. 92959

ENTERPRISEOHIO NETWORK 92960

The foregoing appropriation item 235-455, EnterpriseOhio 92961  
Network, shall be allocated by the Board of Regents to continue 92962  
increasing the capabilities of the EnterpriseOhio Network to meet 92963  
the ongoing training needs of Ohio employers. Funds shall support 92964  
multicampus collaboration, best practice dissemination, and 92965

capacity building projects. The Regents Advisory Committee for 92966  
Workforce Development, in its advisory role, shall advise in the 92967  
development of plans and activities. 92968

Of the foregoing appropriation item 235-455, EnterpriseOhio 92969  
Network, \$181,101 in fiscal year 2004 and \$176,334 in fiscal year 92970  
2005 shall be used by the Dayton Business/Sinclair College Jobs 92971  
Profiling Program. 92972

**Section 89.03. AREA HEALTH EDUCATION CENTERS** 92973

The foregoing appropriation item 235-474, Area Health 92974  
Education Centers Program Support, shall be used by the Board of 92975  
Regents to support the medical school regional area health 92976  
education centers' educational programs for the continued support 92977  
of medical and other health professions education and for support 92978  
of the Area Health Education Center Program. 92979

Of the foregoing appropriation item 235-474, Area Health 92980  
Education Centers Program Support, \$174,135 in fiscal year 2004 92981  
and \$169,782 in fiscal year 2005 shall be disbursed to the Ohio 92982  
University College of Osteopathic Medicine to operate a mobile 92983  
health care unit to serve the southeastern area of the state. Of 92984  
the foregoing appropriation item 235-474, Area Health Education 92985  
Centers Program Support, \$130,601 in fiscal year 2004 and \$127,337 92986  
in fiscal year 2005 shall be used to support the Ohio Valley 92987  
Community Health Information Network (OVCHIN) project. 92988

**ACCESS IMPROVEMENT PROJECTS** 92989

The foregoing appropriation item 235-477, Access Improvement 92990  
Projects, shall be used by the Board of Regents to support 92991  
innovative statewide strategies to increase student access and 92992  
retention for specialized populations, and to provide for pilot 92993  
projects that will contribute to improving access to higher 92994  
education by specialized populations. The funds may be used for 92995

projects that improve access for nonpublic secondary students. 92996

Of the foregoing appropriation item 235-477, Access 92997  
Improvement Projects, \$798,684 in fiscal year 2004 and \$822,645 in 92998  
fiscal year 2005 shall be distributed to the Ohio Appalachian 92999  
Center for Higher Education at Shawnee State University. The board 93000  
of directors of the center shall consist of the presidents of 93001  
Shawnee State University, Ohio University, Belmont Technical 93002  
College, Hocking Technical College, Jefferson Community College, 93003  
Muskingum Area Technical College, Rio Grande Community College, 93004  
Southern State Community College, and Washington State Community 93005  
College; the dean of one of the Salem, Tuscarawas, and East 93006  
Liverpool regional campuses of Kent State University, as 93007  
designated by the president of Kent State University; and a 93008  
representative of the Board of Regents designated by the 93009  
Chancellor. 93010

Of the foregoing appropriation item 235-477, Access 93011  
Improvement Projects, \$169,553 in fiscal year 2004 and \$174,640 in 93012  
fiscal year 2005 shall be distributed to Miami University for the 93013  
Student Achievement in Research and Scholarship (STARS) Program. 93014

**Section 89.04. STATE SHARE OF INSTRUCTION** 93015

As soon as practicable during each fiscal year of the 93016  
2003-2005 biennium in accordance with instructions of the Board of 93017  
Regents, each state-assisted institution of higher education shall 93018  
report its actual enrollment to the Board of Regents. 93019

The Board of Regents shall establish procedures required by 93020  
the system of formulas set out below and for the assignment of 93021  
individual institutions to categories described in the formulas. 93022  
The system of formulas establishes the manner in which aggregate 93023  
expenditure requirements shall be determined for each of the three 93024  
components of institutional operations. In addition to other 93025  
adjustments and calculations described below, the subsidy 93026

entitlement of an institution shall be determined by subtracting 93027  
from the institution's aggregate expenditure requirements income 93028  
to be derived from the local contributions assumed in calculating 93029  
the subsidy entitlements. The local contributions for purposes of 93030  
determining subsidy support shall not limit the authority of the 93031  
individual boards of trustees to establish fee levels. 93032

The General Studies and Technical models shall be adjusted by 93033  
the Board of Regents so that the share of state subsidy earned by 93034  
those models is not altered by changes in the overall local share. 93035  
A lower-division fee differential shall be used to maintain the 93036  
relationship that would have occurred between these models and the 93037  
baccalaureate models had an assumed share of 37 per cent been 93038  
funded. 93039

In defining the number of full-time equivalent (FTE) students 93040  
for state subsidy purposes, the Board of Regents shall exclude all 93041  
undergraduate students who are not residents of Ohio, except those 93042  
charged in-state fees in accordance with reciprocity agreements 93043  
made pursuant to section 3333.17 of the Revised Code or employer 93044  
contracts entered into pursuant to section 3333.32 of the Revised 93045  
Code. 93046

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 93047

(1) INSTRUCTION AND SUPPORT SERVICES 93048

MODEL	FY 2004	FY 2005	
General Studies I	\$ 4,947	\$ 4,983	93049
General Studies II	\$ 5,323	\$ 5,336	93050
General Studies III	\$ 6,883	\$ 7,120	93051
Technical I	\$ 5,913	\$ 6,137	93052
Technical III	\$ 9,522	\$ 10,026	93053
Baccalaureate I	\$ 7,623	\$ 7,721	93054
Baccalaureate II	\$ 8,584	\$ 8,864	93055
Baccalaureate III	\$ 12,559	\$ 12,932	93056

Masters and Professional I	\$ 15,867	\$ 18,000	93058
Masters and Professional II	\$ 20,861	\$ 22,141	93059
Masters and Professional III	\$ 27,376	\$ 28,190	93060
Medical I	\$ 30,867	\$ 31,819	93061
Medical II	\$ 41,495	\$ 41,960	93062
MPD I	\$ 14,938	\$ 14,966	93063

(2) STUDENT SERVICES 93064

For this purpose, FTE counts shall be weighted to reflect 93065  
differences among institutions in the numbers of students enrolled 93066  
on a part-time basis. The student services subsidy per FTE shall 93067  
be \$822 in fiscal year 2004 and \$903 in fiscal year 2005 for all 93068  
models. 93069

(B) PLANT OPERATION AND MAINTENANCE (POM) 93070

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY 93071

Space undergoing renovation shall be funded at the rate 93072  
allowed for storage space. 93073

In the calculation of square footage for each campus, square 93074  
footage shall be weighted to reflect differences in space 93075  
utilization. 93076

The space inventories for each campus shall be those 93077  
determined in the fiscal year 2003 state share of instruction 93078  
calculation, adjusted for changes attributable to the construction 93079  
or renovation of facilities for which state appropriations were 93080  
made or local commitments were made prior to January 1, 1995. 93081

Only 50 per cent of the space permanently taken out of 93082  
operation in fiscal year 2004 or fiscal year 2005 that is not 93083  
otherwise replaced by a campus shall be deleted from the plant 93084  
operation and maintenance space inventory. 93085

The square-foot-based plant operation and maintenance subsidy 93086  
for each campus shall be determined as follows: 93087

(a) For each standard room type category shown below, the subsidy-eligible net assignable square feet (NASF) for each campus shall be multiplied by the following rates, and the amounts summed for each campus to determine the total gross square-foot-based POM expenditure requirement:

	FY 2004	FY 2005	
Classrooms	\$5.80	\$6.04	93094
Laboratories	\$7.22	\$7.53	93095
Offices	\$5.80	\$6.04	93096
Audio Visual Data Processing	\$7.22	\$7.53	93097
Storage	\$2.57	\$2.68	93098
Circulation	\$7.31	\$7.62	93099
Other	\$5.80	\$6.04	93100

(b) The total gross square-foot POM expenditure requirement shall be allocated to models in proportion to FTE enrollments as reported in enrollment data for all models except Doctoral I and Doctoral II.

(c) The amounts allocated to models in division (B)(1)(b) of this section shall be multiplied by the ratio of subsidy-eligible FTE students to total FTE students reported in each model, and the amounts summed for all models. To this total amount shall be added an amount to support roads and grounds expenditures to produce the total square-foot-based POM subsidy.

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY 93111

(a) The number of subsidy-eligible FTE students in each model shall be multiplied by the following rates for each campus for each fiscal year.

	FY 2004	FY 2005	
General Studies I	\$ 552	\$ 560	93116
General Studies II	\$ 696	\$ 705	93117
General Studies III	\$1,608	\$1,651	93118

Technical I	\$ 777	\$ 806	93119
Technical III	\$1,501	\$1,570	93120
Baccalaureate I	\$ 700	\$ 706	93121
Baccalaureate II	\$1,250	\$1,232	93122
Baccalaureate III	\$1,520	\$1,458	93123
Masters and Professional I	\$1,258	\$1,301	93124
Masters and Professional II	\$2,817	\$2,688	93125
Masters and Professional III	\$3,832	\$3,712	93126
Medical I	\$2,663	\$2,669	93127
Medical II	\$3,837	\$4,110	93128
MPD I	\$1,213	\$1,233	93129

(b) The sum of the products for each campus determined in 93130  
division (B)(2)(a) of this section for all models except Doctoral 93131  
I and Doctoral II for each fiscal year shall be weighted by a 93132  
factor to reflect sponsored research activity and job 93133  
training-related public services expenditures to determine the 93134  
total activity-based POM subsidy. 93135

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 93136

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 93137

The calculation of the core subsidy entitlement shall consist 93138  
of the following components: 93139

(a) For each campus and for each fiscal year, the core 93140  
subsidy entitlement shall be determined by multiplying the amounts 93141  
listed above in divisions (A)(1) and (2) and (B)(2) of this 93142  
section less assumed local contributions, by (i) average 93143  
subsidy-eligible FTEs for the two-year period ending in the prior 93144  
year for all models except Doctoral I and Doctoral II; and (ii) 93145  
average subsidy-eligible FTEs for the five-year period ending in 93146  
the prior year for all models except Doctoral I and Doctoral II. 93147

(b) In calculating the core subsidy entitlements for Medical 93148  
II models only, the Board of Regents shall use the following count 93149

of FTE students: 93150

(i) For those medical schools whose current year enrollment, 93151  
including students repeating terms, is below the base enrollment, 93152  
the Medical II FTE enrollment shall equal: 65 per cent of the base 93153  
enrollment plus 35 per cent of the current year enrollment 93154  
including students repeating terms, where the base enrollment is: 93155

The Ohio State University	1010	93156
University of Cincinnati	833	93157
Medical College of Ohio at Toledo	650	93158
Wright State University	433	93159
Ohio University	433	93160
Northeastern Ohio Universities College of Medicine	433	93161

(ii) For those medical schools whose current year enrollment, 93162  
excluding students repeating terms, is equal to or greater than 93163  
the base enrollment, the Medical II FTE enrollment shall equal the 93164  
base enrollment plus the FTE for repeating students. 93165

(iii) Students repeating terms may be no more than five per 93166  
cent of current year enrollment. 93167

(c) The Board of Regents shall compute the sum of the two 93168  
calculations listed in division (C)(1)(a) of this section and use 93169  
the greater sum as the core subsidy entitlement. 93170

The POM subsidy for each campus shall equal the greater of 93171  
the square-foot-based subsidy or the activity-based POM subsidy 93172  
component of the core subsidy entitlement. 93173

(d) The state share of instruction provided for doctoral 93174  
students shall be based on a fixed percentage of the total 93175  
appropriation. In each fiscal year of the biennium not more than 93176  
10.34 per cent of the total state share of instruction shall be 93177  
reserved to implement the recommendations of the Graduate Funding 93178  
Commission. It is the intent of the General Assembly that the 93179

doctoral reserve not exceed 10.34 per cent of the total state 93180  
share of instruction to implement the recommendations of the 93181  
Graduate Funding Commission. The Board of Regents may reallocate 93182  
up to two per cent in each fiscal year of the reserve among the 93183  
state-assisted universities on the basis of a quality review as 93184  
specified in the recommendations of the Graduate Funding 93185  
Commission. No such reallocation shall occur unless the Board of 93186  
Regents, in consultation with representatives of state-assisted 93187  
universities, determines that sufficient funds are available for 93188  
this purpose. 93189

The amount so reserved shall be allocated to universities in 93190  
proportion to their share of the total number of Doctoral I 93191  
equivalent FTEs as calculated on an institutional basis using the 93192  
greater of the two-year or five-year FTEs for the period fiscal 93193  
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 93194  
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 93195  
adjusted to reflect the effects of doctoral review and subsequent 93196  
changes in Doctoral I equivalent enrollments. For the purposes of 93197  
this calculation, Doctoral I equivalent FTEs shall equal the sum 93198  
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 93199

(2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 93200

In addition to and after the other adjustment noted above, in 93201  
fiscal year 2004, no campus shall receive a state share of 93202  
instruction allocation that is less than 100 per cent of the prior 93203  
year's state share of instruction amount. In fiscal year 2005, no 93204  
campus shall receive a state share of instruction allocation that 93205  
is less than 99 per cent of what that campus' state share of 93206  
instruction would have been had the allocation in fiscal year 2004 93207  
been not less than 99 per cent, rather than 100 per cent, of the 93208  
prior year's state share of instruction amount. 93209

(3) CAPITAL COMPONENT DEDUCTION 93210

After all other adjustments have been made, state share of 93211  
instruction earnings shall be reduced for each campus by the 93212  
amount, if any, by which debt service charged in Am. H.B. No. 748 93213  
of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd 93214  
General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, 93215  
and H.B. No. 675 of the 124th General Assembly for that campus 93216  
exceeds that campus's capital component earnings. The sum of the 93217  
amounts deducted shall be transferred to appropriation item 93218  
235-552, Capital Component, in each fiscal year. 93219

(D) REDUCTIONS IN EARNINGS 93220

If the total state share of instruction earnings in any 93221  
fiscal year exceed the total appropriations available for such 93222  
purposes, the Board of Regents shall proportionately reduce the 93223  
state share of instruction earnings for all campuses by a uniform 93224  
percentage so that the system wide sum equals available 93225  
appropriations. 93226

(E) EXCEPTIONAL CIRCUMSTANCES 93227

Adjustments may be made to the state share of instruction 93228  
payments and other subsidies distributed by the Board of Regents 93229  
to state-assisted colleges and universities for exceptional 93230  
circumstances. No adjustments for exceptional circumstances may be 93231  
made without the recommendation of the Chancellor and the approval 93232  
of the Controlling Board. 93233

(F) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 93234  
INSTRUCTION 93235

The standard provisions of the state share of instruction 93236  
calculation as described in the preceding sections of temporary 93237  
law shall apply to any reductions made to appropriation line item 93238  
235-501, State Share of Instruction, before the Board of Regents 93239  
has formally approved the final allocation of the state share of 93240  
instruction funds for any fiscal year. 93241

Any reductions made to appropriation line item 235-501, State 93242  
Share of Instruction, after the Board of Regents has formally 93243  
approved the final allocation of the state share of instruction 93244  
funds for any fiscal year, shall be uniformly applied to each 93245  
campus in proportion to its share of the final allocation. 93246

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 93247

The state share of instruction payments to the institutions 93248  
shall be in substantially equal monthly amounts during the fiscal 93249  
year, unless otherwise determined by the Director of Budget and 93250  
Management pursuant to section 126.09 of the Revised Code. 93251  
Payments during the first six months of the fiscal year shall be 93252  
based upon the state share of instruction appropriation estimates 93253  
made for the various institutions of higher education according to 93254  
Board of Regents enrollment estimates. Payments during the last 93255  
six months of the fiscal year shall be distributed after approval 93256  
of the Controlling Board upon the request of the Board of Regents. 93257

(H) LAW SCHOOL SUBSIDY 93258

The state share of instruction to state-supported 93259  
universities for students enrolled in law schools in fiscal year 93260  
2004 and fiscal year 2005 shall be calculated by using the number 93261  
of subsidy-eligible FTE law school students funded by state 93262  
subsidy in fiscal year 1995 or the actual number of 93263  
subsidy-eligible FTE law school students at the institution in the 93264  
fiscal year, whichever is less. 93265

**Section 89.05.** HIGHER EDUCATION - BOARD OF TRUSTEES 93266

Funds appropriated for instructional subsidies at colleges 93267  
and universities may be used to provide such branch or other 93268  
off-campus undergraduate courses of study and such master's degree 93269  
courses of study as may be approved by the Board of Regents. 93270

In providing instructional and other services to students, 93271

boards of trustees of state-assisted institutions of higher 93272  
education shall supplement state subsidies by income from charges 93273  
to students. Each board shall establish the fees to be charged to 93274  
all students, including an instructional fee for educational and 93275  
associated operational support of the institution and a general 93276  
fee for noninstructional services, including locally financed 93277  
student services facilities used for the benefit of enrolled 93278  
students. The instructional fee and the general fee shall 93279  
encompass all charges for services assessed uniformly to all 93280  
enrolled students. Each board may also establish special purpose 93281  
fees, service charges, and fines as required; such special purpose 93282  
fees and service charges shall be for services or benefits 93283  
furnished individual students or specific categories of students 93284  
and shall not be applied uniformly to all enrolled students. 93285  
Except for the board of trustees of Miami University, in 93286  
implementing the pilot tuition restructuring plan recognized by 93287  
this act, a tuition surcharge shall be paid by all students who 93288  
are not residents of Ohio. 93289

The boards of trustees of individual state-assisted 93290  
universities, university branch campuses, community colleges, 93291  
state community colleges, and technical colleges shall limit 93292  
in-state undergraduate instructional and general fee increases for 93293  
an academic year over the amounts charged in the prior academic 93294  
year to no more than six per cent. In addition to the six per cent 93295  
main campus in-state undergraduate instructional and general fee 93296  
increase limit established in this section, the Board of Trustees 93297  
of The Ohio State University may authorize an additional 93298  
university main campus in-state undergraduate instructional and 93299  
general fee increase of three per cent for academic years 93300  
2003-2004 and 2004-2005. Except for the board of trustees of the 93301  
Ohio State University, the boards of trustees of individual 93302  
state-assisted universities, university branch campuses, community 93303  
colleges, state community colleges, and technical colleges shall 93304

not authorize combined instructional and general fee increases of 93305  
more than six per cent in a single vote. The board of trustees of 93306  
The Ohio State University shall not authorize combined 93307  
instructional and general fee increases of more than nine per cent 93308  
in a single vote. The boards of trustees of individual 93309  
state-assisted universities, university branch campuses, community 93310  
colleges, state community colleges, and technical colleges may 93311  
authorize an additional 3.9 per cent increase in in-state 93312  
undergraduate instructional and general fees in a separate vote. 93313  
The additional increase shall only be used for providing 93314  
scholarships to low-income students, to be known as Access 93315  
Scholarship Grants, to provide additional or improved technology 93316  
services to students. These fee increase limitations apply even if 93317  
an institutional board of trustees has, prior to the effective 93318  
date of this section, voted to assess a higher fee for the 93319  
2003-2004 academic year. These limitations shall not apply to 93320  
increases required to comply with institutional covenants related 93321  
to their obligations or to meet unfunded legal mandates or legally 93322  
binding obligations incurred or commitments made prior to the 93323  
effective date of this act with respect to which the institution 93324  
had identified such fee increases as the source of funds. Any 93325  
increase required by such covenants and any such mandates, 93326  
obligations, or commitments shall be reported by the Board of 93327  
Regents to the Controlling Board. These limitations may also be 93328  
modified by the Board of Regents, with the approval of the 93329  
Controlling Board, to respond to exceptional circumstances as 93330  
identified by the Board of Regents. 93331

The board of trustees of a state-assisted institution of 93332  
higher education shall not authorize a waiver or nonpayment of 93333  
instructional fees or general fees for any particular student or 93334  
any class of students other than waivers specifically authorized 93335  
by law or approved by the Chancellor. This prohibition is not 93336  
intended to limit the authority of boards of trustees to provide 93337

for payments to students for services rendered the institution, 93338  
nor to prohibit the budgeting of income for staff benefits or for 93339  
student assistance in the form of payment of such instructional 93340  
and general fees. This prohibition is not intended to limit the 93341  
authority of the board of trustees of Miami University in 93342  
providing financial assistance to students in implementing the 93343  
pilot tuition restructuring plan recognized by this act. 93344

Except for Miami University, in implementing the pilot 93345  
tuition restructuring plan recognized by this act, each 93346  
state-assisted institution of higher education in its statement of 93347  
charges to students shall separately identify the instructional 93348  
fee, the general fee, the tuition charge, and the tuition 93349  
surcharge. Fee charges to students for instruction shall not be 93350  
considered to be a price of service but shall be considered to be 93351  
an integral part of the state government financing program in 93352  
support of higher educational opportunity for students. 93353

In providing the appropriations in support of instructional 93354  
services at state-assisted institutions of higher education and 93355  
the appropriations for other instruction it is the intent of the 93356  
General Assembly that faculty members shall devote a proper and 93357  
judicious part of their work week to the actual instruction of 93358  
students. Total class credit hours of production per quarter per 93359  
full-time faculty member is expected to meet the standards set 93360  
forth in the budget data submitted by the Board of Regents. 93361

The authority of government vested by law in the boards of 93362  
trustees of state-assisted institutions of higher education shall 93363  
in fact be exercised by those boards. Boards of trustees may 93364  
consult extensively with appropriate student and faculty groups. 93365  
Administrative decisions about the utilization of available 93366  
resources, about organizational structure, about disciplinary 93367  
procedure, about the operation and staffing of all auxiliary 93368  
facilities, and about administrative personnel shall be the 93369

exclusive prerogative of boards of trustees. Any delegation of 93370  
authority by a board of trustees in other areas of responsibility 93371  
shall be accompanied by appropriate standards of guidance 93372  
concerning expected objectives in the exercise of such delegated 93373  
authority and shall be accompanied by periodic review of the 93374  
exercise of this delegated authority to the end that the public 93375  
interest, in contrast to any institutional or special interest, 93376  
shall be served. 93377

The General Assembly recognizes the pilot tuition 93378  
restructuring plan of the board of trustees of Miami University 93379  
for undergraduate students enrolled at the Oxford campus. The 93380  
purpose of this plan is to make higher education more affordable 93381  
for moderate income Ohioans, encourage high-achieving Ohio 93382  
students to stay in Ohio rather than attending colleges in other 93383  
states, and provide incentives for Ohio students to major in areas 93384  
crucial to Ohio's priorities and future economic development. 93385

Notwithstanding any limit on in-state undergraduate 93386  
instructional and general fees imposed by this act, the General 93387  
Assembly recognizes that the plan will provide that all 93388  
undergraduate students enrolled at the Oxford campus will be 93389  
charged combined instructional and general fees in an amount equal 93390  
to the nonresident instructional and general fees and tuition 93391  
surcharge. For both resident student first enrolling on or after 93392  
the summer term of 2003 and resident students who enrolled prior 93393  
to this date, any increases in fees approved thereafter by the 93394  
board of trustees are subject to any instructional and general fee 93395  
caps imposed by the General Assembly. 93396

The General Assembly recognizes that the plan provides that 93397  
all students who are residents of Ohio will receive student 93398  
financial assistance in an amount to be determined by the 93399  
University. 93400

The General Assembly recognizes that the plan provides that, 93401

for any resident student who enrolls at the Miami University 93402  
Oxford campus prior to August 2004, the plan will have no direct 93403  
financial impact except for paper changes on invoices so that such 93404  
a student would only pay instructional and general fees in an 93405  
amount equivalent to what the student was charged in the preceding 93406  
year in addition to any increases in fees approved by the board of 93407  
trustees. 93408

**Section 89.06. STUDENT SUPPORT SERVICES** 93409

The foregoing appropriation item 235-502, Student Support 93410  
Services, shall be distributed by the Board of Regents to Ohio's 93411  
state-assisted colleges and universities that incur 93412  
disproportionate costs in the provision of support services to 93413  
disabled students. 93414

**OHIO INSTRUCTIONAL GRANTS** 93415

Notwithstanding section 3333.12 of the Revised Code, in lieu 93416  
of the tables in that section, instructional grants for all 93417  
full-time students shall be made for fiscal year 2004 using the 93418  
tables under this heading. 93419

The tables under this heading prescribe the maximum grant 93420  
amounts covering two semesters, three quarters, or a comparable 93421  
portion of one academic year. The grant amount for a full-time 93422  
student enrolled in an eligible institution for a semester or 93423  
quarter in addition to the portion of the academic year covered by 93424  
a grant determined under these tables shall be a percentage of the 93425  
maximum prescribed in the applicable table. The maximum grant for 93426  
a fourth quarter shall be one-third of the maximum amount 93427  
prescribed under the table. The maximum grant for a third semester 93428  
shall be one-half of the maximum amount prescribed under the 93429  
table. 93430

For a full-time student who is a dependent and enrolled in a 93431

nonprofit educational institution that is not a state-assisted 93432  
institution and that has a certificate of authorization issued 93433  
pursuant to Chapter 1713. of the Revised Code, the amount of the 93434  
instructional grant for two semesters, three quarters, or a 93435  
comparable portion of the academic year shall be determined in 93436  
accordance with the following table: 93437

Private Institution 93438

Table of Grants 93439

Gross Income	Maximum Grant \$5,466					93440
	Number of Dependents					
	1	2	3	4	5 or more	93442
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	93443
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	93444
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	93445
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	93446
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	93447
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	93448
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	93449
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	93450
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	93451
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	93452
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	93453
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	93454
\$34,001 - \$35,000	444	888	984	1,080	1,344	93455
\$35,001 - \$36,000	--	444	888	984	1,080	93456
\$36,001 - \$37,000	--	--	444	888	984	93457
\$37,001 - \$38,000	--	--	--	444	888	93458
\$38,001 - \$39,000	--	--	--	--	444	93459

For a full-time student who is financially independent and 93460  
enrolled in a nonprofit educational institution that is not a 93461  
state-assisted institution and that has a certificate of 93462  
authorization issued pursuant to Chapter 1713. of the Revised 93463

Code, the amount of the instructional grant for two semesters, 93464  
 three quarters, or a comparable portion of the academic year shall 93465  
 be determined in accordance with the following table: 93466

Private Institution 93467

Table of Grants 93468

Maximum Grant \$5,466 93469

Gross Income Number of Dependents 93470

	0	1	2	3	4	5 or more	
Under \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	93471
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	93472
\$5,301 - \$5,800	4,362	5,028	5,466	5,466	5,466	5,466	93473
\$5,801 - \$6,300	3,828	4,584	5,028	5,466	5,466	5,466	93474
\$6,301 - \$6,800	3,288	4,158	4,584	5,028	5,466	5,466	93475
\$6,801 - \$7,300	2,736	3,726	4,158	4,584	5,028	5,466	93476
\$7,301 - \$8,300	2,178	3,282	3,726	4,158	4,584	5,028	93477
\$8,301 - \$9,300	1,626	2,838	3,282	3,726	4,158	4,584	93478
\$9,301 - \$10,300	1,344	2,394	2,838	3,282	3,726	4,158	93479
\$10,301 - \$11,800	1,080	2,166	2,394	2,838	3,282	3,726	93480
\$11,801 - \$13,300	984	1,956	2,166	2,394	2,838	3,282	93481
\$13,301 - \$14,800	888	1,878	1,956	2,166	2,394	2,838	93482
\$14,801 - \$16,300	444	1,692	1,878	1,956	2,166	2,394	93483
\$16,301 - \$19,300	--	1,122	1,584	1,770	1,956	2,166	93484
\$19,301 - \$22,300	--	546	1,014	1,476	1,662	1,848	93485
\$22,301 - \$25,300	--	438	546	1,014	1,476	1,662	93486
\$25,301 - \$30,300	--	324	438	546	1,014	1,476	93487
\$30,301 - \$35,300	--	198	216	270	324	792	93488

For a full-time student who is a dependent and enrolled in an 93490  
 educational institution that holds a certificate of registration 93491  
 from the state board of career colleges and schools or a private 93492  
 institution exempt from regulation under Chapter 3332. of the 93493  
 Revised Code as prescribed in section 3333.046 of the Revised 93494  
 Code, the amount of the instructional grant for two semesters, 93495

three quarters, or a comparable portion of the academic year shall 93496  
 be determined in accordance with the following table: 93497

Career Institution 93498

Table of Grants 93499

Maximum Grant \$4,632 93500

Gross Income Number of Dependents 93501

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	93503
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	93504
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	93505
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	93506
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	93507
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	93508
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	93509
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	93510
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	93511
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	93512
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	93513
\$33,001 - \$34,000	750	852	906	1,134	1,416	93514
\$34,001 - \$35,000	372	750	852	906	1,134	93515
\$35,001 - \$36,000	--	372	750	852	906	93516
\$36,001 - \$37,000	--	--	372	750	852	93517
\$37,001 - \$38,000	--	--	--	372	750	93518
\$38,001 - \$39,000	--	--	--	--	372	93519

For a full-time student who is financially independent and 93520  
 enrolled in an educational institution that holds a certificate of 93521  
 registration from the state board of career colleges and schools 93522  
 or a private institution exempt from regulation under Chapter 93523  
 3332. of the Revised Code as prescribed in section 3333.046 of the 93524  
 Revised Code, the amount of the instructional grant for two 93525  
 semesters, three quarters, or a comparable portion of the academic 93526  
 year shall be determined in accordance with the following table: 93527

	Career Institution						93528
	Table of Grants						93529
	Maximum Grant \$4,632						93530
Gross Income	Number of Dependents						93531
	0	1	2	3	4	5 or more	93532
Under \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	93533
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	93534
\$5,301 - \$5,800	3,684	4,272	4,632	4,632	4,632	4,632	93535
\$5,801 - \$6,300	3,222	3,876	4,272	4,632	4,632	4,632	93536
\$6,301 - \$6,800	2,790	3,504	3,876	4,272	4,632	4,632	93537
\$6,801 - \$7,300	2,292	3,156	3,504	3,876	4,272	4,632	93538
\$7,301 - \$8,300	1,854	2,760	3,156	3,504	3,876	4,272	93539
\$8,301 - \$9,300	1,416	2,412	2,760	3,156	3,504	3,876	93540
\$9,301 - \$10,300	1,134	2,058	2,412	2,760	3,156	3,504	93541
\$10,301 - \$11,800	906	1,836	2,058	2,412	2,760	3,156	93542
\$11,801 - \$13,300	852	1,650	1,836	2,058	2,412	2,760	93543
\$13,301 - \$14,800	750	1,608	1,650	1,836	2,058	2,412	93544
\$14,801 - \$16,300	372	1,434	1,608	1,650	1,836	2,058	93545
\$16,301 - \$19,300	--	942	1,338	1,518	1,650	1,836	93546
\$19,301 - \$22,300	--	456	858	1,242	1,416	1,560	93547
\$22,301 - \$25,300	--	372	456	858	1,242	1,416	93548
\$25,301 - \$30,300	--	282	372	456	858	1,242	93549
\$30,301 - \$35,300	--	168	180	228	282	666	93550

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

	Public Institution						93556
	Table of Grants						93557
	Maximum Grant \$2,190						93558
Gross Income	Number of Dependents						93559

	1	2	3	4	5 or more	93560
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	93561
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	93562
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	93563
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	93564
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	93565
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	93566
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	93567
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	93568
\$28,001 - \$31,000	522	648	864	1,080	1,320	93569
\$31,001 - \$32,000	420	522	648	864	1,080	93570
\$32,001 - \$33,000	384	420	522	648	864	93571
\$33,001 - \$34,000	354	384	420	522	648	93572
\$34,001 - \$35,000	174	354	384	420	522	93573
\$35,001 - \$36,000	--	174	354	384	420	93574
\$36,001 - \$37,000	--	--	174	354	384	93575
\$37,001 - \$38,000	--	--	--	174	354	93576
\$38,001 - \$39,000	--	--	--	--	174	93577

For a full-time student who is financially independent and 93578  
enrolled in a state-assisted educational institution, the amount 93579  
of the instructional grant for two semesters, three quarters, or a 93580  
comparable portion of the academic year shall be determined in 93581  
accordance with the following table: 93582

Public Institution 93583

Table of Grants 93584

Maximum Grant \$2,190 93585

Gross Income Number of Dependents 93586

	0	1	2	3	4	5 or more	93587
Under \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	93588
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	93589
\$5,301 - \$5,800	1,740	2,016	2,190	2,190	2,190	2,190	93590

\$5,801 - \$6,300	1,542	1,830	2,016	2,190	2,190	2,190	93591
\$6,301 - \$6,800	1,320	1,674	1,830	2,016	2,190	2,190	93592
\$6,801 - \$7,300	1,080	1,494	1,674	1,830	2,016	2,190	93593
\$7,301 - \$8,300	864	1,302	1,494	1,674	1,830	2,016	93594
\$8,301 - \$9,300	648	1,128	1,302	1,494	1,674	1,830	93595
\$9,301 - \$10,300	522	954	1,128	1,302	1,494	1,674	93596
\$10,301 - \$11,800	420	858	954	1,128	1,302	1,494	93597
\$11,801 - \$13,300	384	774	858	954	1,128	1,302	93598
\$13,301 - \$14,800	354	744	774	858	954	1,128	93599
\$14,801 - \$16,300	174	678	744	774	858	954	93600
\$16,301 - \$19,300	--	450	630	702	774	858	93601
\$19,301 - \$22,300	--	216	402	594	654	732	93602
\$22,301 - \$25,300	--	174	216	402	594	654	93603
\$25,301 - \$30,300	--	132	174	216	402	594	93604
\$30,301 - \$35,300	--	78	84	102	132	312	93605

The foregoing appropriation item 235-503, Ohio Instructional Grants, shall be used to make the payments authorized by division (C) of section 3333.26 of the Revised Code to the institutions described in that division. In addition, this appropriation shall be used to reimburse the institutions described in division (B) of section 3333.26 of the Revised Code for the cost of the waivers required by that division.

The unencumbered balance of appropriation item 235-503, Ohio Instructional Grants, at the end of fiscal year 2004 shall be transferred to fiscal year 2005 for use under the same appropriation item. The amounts transferred are hereby appropriated.

**WAR ORPHANS SCHOLARSHIPS**

The foregoing appropriation item 235-504, War Orphans Scholarships, shall be used to reimburse state-assisted institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to

institutions that have received a certificate of authorization 93623  
from the Ohio Board of Regents under Chapter 1713. of the Revised 93624  
Code, in accordance with the provisions of section 5910.04 of the 93625  
Revised Code, and to fund additional scholarship benefits provided 93626  
by section 5910.032 of the Revised Code. 93627

**Section 89.07. AIR FORCE INSTITUTE OF TECHNOLOGY** 93628

The foregoing appropriation item 235-508, Air Force Institute 93629  
of Technology, shall be used to strengthen the research and 93630  
educational linkages between the Wright Patterson Air Force Base 93631  
and institutions of higher education in Ohio. Of the foregoing 93632  
appropriation item 235-508, Air Force Institute of Technology, 93633  
\$1,317,173 in fiscal year 2004 and \$1,315,929 in fiscal year 2005 93634  
shall be used for research projects that connect the Air Force 93635  
Research Laboratories with university partners. The institute 93636  
shall provide annual reports to the Third Frontier Commission, 93637  
that discuss existing, planned, or possible collaborations between 93638  
programs and funding recipients related to technology, research 93639  
development, commercialization, and support for Ohio's economic 93640  
development. 93641

Of the foregoing appropriation item 235-508, Air Force 93642  
Institute of Technology, \$477,237 in fiscal year 2004 and \$476,786 93643  
in fiscal year 2005 shall be used to match federal dollars to 93644  
support the Wright Brothers Institute. Funds shall be used by the 93645  
Wright Brothers Institute to create or expand Ohio-based 93646  
technology and commercial development collaborations between 93647  
industry, academia, and government in areas which include carbon 93648  
nano-tube materials technology, genome-based biotechnology, 93649  
knowledge-creation information technology, cognitive systems 93650  
modeling and engineering, or other related projects as deemed 93651  
appropriate by the institute. 93652

Of the foregoing appropriation item 235-508, Air Force 93653

Institute of Technology, \$302,113 in fiscal year 2004 and \$261,145 93654  
in fiscal year 2005 shall be used to directly support 93655  
collaborative research between academia, industry, and the Air 93656  
Force for Wright Brothers Institute Nanomaterials and Advanced 93657  
Data Management and Analysis. 93658

OHIO SUPERCOMPUTER CENTER 93659

The foregoing appropriation item 235-510, Ohio Supercomputer 93660  
Center, shall be used by the Board of Regents to support the 93661  
operation of the center, located at The Ohio State University, as 93662  
a statewide resource available to Ohio research universities both 93663  
public and private. It is also intended that the center be made 93664  
accessible to private industry as appropriate. Policies of the 93665  
center shall be established by a governance committee, 93666  
representative of Ohio's research universities and private 93667  
industry, to be appointed by the Chancellor of the Board of 93668  
Regents and established for this purpose. 93669

The Ohio Supercomputer Center shall report on expanding 93670  
solutions-oriented, computational science services to industrial 93671  
and other customers, including alignment programs and recipients, 93672  
and develop a plan for a computational science initiative in 93673  
collaboration with the Wright Centers of Innovation program and 93674  
the Computer Science Graduate Studies Program. 93675

COOPERATIVE EXTENSION SERVICE 93676

The foregoing appropriation item 235-511, Cooperative 93677  
Extension Service, shall be disbursed through the Board of Regents 93678  
to The Ohio State University in monthly payments, unless otherwise 93679  
determined by the Director of Budget and Management pursuant to 93680  
section 126.09 of the Revised Code. 93681

Of the foregoing appropriation item 235-511, Cooperative 93682  
Extension Service, \$182,842 in fiscal year 2004 and \$178,271 in 93683  
fiscal year 2005 shall be used for additional staffing for county 93684

agents for expanded 4-H activities. Of the foregoing appropriation 93685  
item 235-511, Cooperative Extension Service, \$182,842 in fiscal 93686  
year 2004 and \$178,271 in fiscal year 2005 shall be used by the 93687  
Cooperative Extension Service, through the Enterprise Center for 93688  
Economic Development in cooperation with other agencies, for a 93689  
public-private effort to create and operate a small business 93690  
economic development program to enhance the development of 93691  
alternatives to the growing of tobacco, and implement, through 93692  
applied research and demonstration, the production and marketing 93693  
of other high-value crops and value-added products. Of the 93694  
foregoing appropriation item 235-511, Cooperative Extension 93695  
Service, \$56,594 in fiscal year 2004 and \$55,179 in fiscal year 93696  
2005 shall be used for farm labor mediation and education 93697  
programs. Of the foregoing appropriation item 235-511, Cooperative 93698  
Extension Service, \$187,195 in fiscal year 2004 and \$182,515 in 93699  
fiscal year 2005 shall be used to support the Ohio State 93700  
University Marion Enterprise Center. 93701

Of the foregoing appropriation item 235-511, Cooperative 93702  
Extension Service, \$792,750 in fiscal year 2004 and \$772,931 in 93703  
fiscal year 2005 shall be used to support the Ohio Watersheds 93704  
Initiative. 93705

CENTRAL STATE SUPPLEMENT 93706

The foregoing appropriation item 235-514, Central State 93707  
Supplement, shall be used by Central State University to keep 93708  
undergraduate fees below the statewide average, consistent with 93709  
its mission of service to many first-generation college students 93710  
from groups historically underrepresented in higher education and 93711  
from families with limited incomes. 93712

PERFORMANCE STANDARDS FOR MEDICAL EDUCATION 93713

The Board of Regents, in consultation with the state-assisted 93714  
medical colleges, shall develop performance standards for medical 93715

education. Special emphasis in the standards shall be placed on 93716  
attempting to ensure that at least 50 per cent of the aggregate 93717  
number of students enrolled in state-assisted medical colleges 93718  
continue to enter residency as primary care physicians. Primary 93719  
care physicians are general family practice physicians, general 93720  
internal medicine practitioners, and general pediatric care 93721  
physicians. The Board of Regents shall monitor medical school 93722  
performance in relation to their plans for reaching the 50 per 93723  
cent systemwide standard for primary care physicians. 93724

**Section 89.08.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 93725  
MEDICINE 93726

The foregoing appropriation item 235-515, Case Western 93727  
Reserve University School of Medicine, shall be disbursed to Case 93728  
Western Reserve University through the Board of Regents in 93729  
accordance with agreements entered into as provided for by section 93730  
3333.10 of the Revised Code, provided that the state support per 93731  
full-time medical student shall not exceed that provided to 93732  
full-time medical students at state universities. 93733

FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE 93734  
RESIDENCIES 93735

The Board of Regents shall develop plans consistent with 93736  
existing criteria and guidelines as may be required for the 93737  
distribution of appropriation items 235-519, Family Practice, 93738  
235-525, Geriatric Medicine, and 235-526, Primary Care 93739  
Residencies. 93740

SHAWNEE STATE SUPPLEMENT 93741

The foregoing appropriation item 235-520, Shawnee State 93742  
Supplement, shall be used by Shawnee State University as detailed 93743  
by both of the following: 93744

(A) To allow Shawnee State University to keep its 93745

undergraduate fees below the statewide average, consistent with 93746  
its mission of service to an economically depressed Appalachian 93747  
region; 93748

(B) To allow Shawnee State University to employ new faculty 93749  
to develop and teach in new degree programs that meet the needs of 93750  
Appalachians. 93751

POLICE AND FIRE PROTECTION 93752

The foregoing appropriation item 235-524, Police and Fire 93753  
Protection, shall be used for police and fire services in the 93754  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 93755  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 93756  
and the City of Nelsonville that may be used to assist these local 93757  
governments in providing police and fire protection for the 93758  
central campus of the state-affiliated university located therein. 93759  
Each participating municipality and township shall receive at 93760  
least \$5,000 each year. Funds shall be distributed according to 93761  
the methodology employed by the Board of Regents in the previous 93762  
biennium. 93763

PRIMARY CARE RESIDENCIES 93764

The foregoing appropriation item 235-526, Primary Care 93765  
Residencies, shall be distributed in each fiscal year of the 93766  
biennium, based on whether or not the institution has submitted 93767  
and gained approval for a plan. If the institution does not have 93768  
an approved plan, it shall receive five per cent less funding per 93769  
student than it would have received from its annual allocation. 93770  
The remaining funding shall be distributed among those 93771  
institutions that meet or exceed their targets. 93772

OHIO AEROSPACE INSTITUTE 93773

The foregoing appropriation item 235-527, Ohio Aerospace 93774  
Institute, shall be distributed by the Board of Regents under 93775  
section 3333.042 of the Revised Code. 93776

ACADEMIC SCHOLARSHIPS 93777

The foregoing appropriation item 235-530, Academic Scholarships, shall be used to provide academic scholarships to students under section 3333.22 of the Revised Code. 93778  
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STUDENT CHOICE GRANTS 93781

The foregoing appropriation item 235-531, Student Choice Grants, shall be used to support the Student Choice Grant Program created by section 3333.27 of the Revised Code. The unencumbered balance of appropriation item 235-531, Student Choice Grants, at the end of fiscal year 2004 shall be transferred to fiscal year 2005 for use under the same appropriation item to maintain grant award amounts in fiscal year 2005 equal to the awards provided in fiscal year 2004. The amounts transferred are hereby appropriated. 93782  
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STUDENT WORKFORCE DEVELOPMENT GRANTS 93790

The foregoing appropriation item 235-534, Student Workforce Development Grants, shall be used to support the Student Workforce Development Grant Program. Of the appropriated funds available, the Board of Regents shall distribute grants to each eligible student in an academic year. The size of each grant award shall be determined by the Board of Regents based on the amount of funds available for the program. 93791  
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OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 93798

The foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, shall be disbursed through the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the 2003-2005 biennium for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any 93799  
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assessment on state appropriations to the center. The Ohio 93808  
Agricultural Research and Development Center, in conjunction with 93809  
the Third Frontier Commission, shall provide for an independently 93810  
evaluated self-study of research excellence and commercial 93811  
relevance in a manner to be prescribed by the Third Frontier 93812  
Commission. 93813

Of the foregoing appropriation item 235-535, Ohio 93814  
Agricultural Research and Development Center, \$470,164 in fiscal 93815  
year 2004 and \$458,410 in fiscal year 2005 shall be used to 93816  
purchase equipment. 93817

Of the foregoing appropriation item 235-535, Ohio 93818  
Agricultural Research and Development Center, \$827,141 in fiscal 93819  
year 2004 and \$806,463 in fiscal year 2005 shall be distributed to 93820  
the Piketon Agricultural Research and Extension Center. 93821

Of the foregoing appropriation item 235-535, Ohio 93822  
Agricultural Research and Development Center, \$217,669 in fiscal 93823  
year 2004 and \$212,227 in fiscal year 2005 shall be distributed to 93824  
the Raspberry/Strawberry-Ellagic Acid Research program at the Ohio 93825  
State University Medical College in cooperation with the Ohio 93826  
State University College of Agriculture. 93827

Of the foregoing appropriation item 235-535, Ohio 93828  
Agricultural Research and Development Center, \$43,534 in fiscal 93829  
year 2004 and \$42,445 in fiscal year 2005 shall be used to support 93830  
the Ohio Berry Administrator. 93831

Of the foregoing appropriation item 235-535, Ohio 93832  
Agricultural Research and Development Center, \$87,067 in fiscal 93833  
year 2004 and \$84,890 in fiscal year 2005 shall be used for the 93834  
development of agricultural crops and products not currently in 93835  
widespread production in Ohio, in order to increase the income and 93836  
viability of family farmers. 93837

STATE UNIVERSITY CLINICAL TEACHING 93838

The foregoing appropriation items 235-536, The Ohio State University Clinical Teaching; 235-537, University of Cincinnati Clinical Teaching; 235-538, Medical College of Ohio at Toledo Clinical Teaching; 235-539, Wright State University Clinical Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, Northeastern Ohio Universities College of Medicine Clinical Teaching, shall be distributed through the Board of Regents.

Of the foregoing appropriation item 235-539, Wright State University Clinical Teaching, \$124,644 in each fiscal year of the biennium shall be for the use of Wright State University's Ellis Institute for Clinical Teaching Studies to operate the clinical facility to serve the Greater Dayton area.

SCHOOL OF INTERNATIONAL BUSINESS

Of the foregoing appropriation item 235-547, School of International Business, \$901,975 in fiscal year 2004 and \$879,426 in fiscal year 2005 shall be used for the continued development and support of the School of International Business of the state universities of northeast Ohio. The money shall go to the University of Akron. These funds shall be used by the university to establish a School of International Business located at the University of Akron. It may confer with Kent State University, Youngstown State University, and Cleveland State University as to the curriculum and other matters regarding the school.

Of the foregoing appropriation item 235-547, School of International Business, \$181,318 in fiscal year 2004 and \$176,785 in fiscal year 2005 shall be used by the University of Toledo College of Business for expansion of its international business programs.

Of the foregoing appropriation item 235-547, School of International Business, \$181,318 in fiscal year 2004 and \$176,785 in fiscal year 2005 shall be used to support the Ohio State

University BioMEMS program.	93870
PART-TIME STUDENT INSTRUCTIONAL GRANTS	93871
The foregoing appropriation item 235-549, Part-time Student Instructional Grants, shall be used to support a grant program for part-time undergraduate students who are Ohio residents and who are enrolled in degree granting programs.	93872 93873 93874 93875
Eligibility for participation in the program shall include degree granting educational institutions that hold a certificate of registration from the State Board of Career Colleges and Schools, and nonprofit institutions that have a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, as well as state-assisted colleges and universities. Grants shall be given to students on the basis of need, as determined by the college, which, in making these determinations, shall give special consideration to single-parent heads-of-household and displaced homemakers who enroll in an educational degree program that prepares the individual for a career. In determining need, the college also shall consider the availability of educational assistance from a student's employer. It is the intent of the General Assembly that these grants not supplant such assistance.	93876 93877 93878 93879 93880 93881 93882 93883 93884 93885 93886 93887 93888 93889
<b>Section 89.09. CAPITAL COMPONENT</b>	93890
The foregoing appropriation item 235-552, Capital Component, shall be used by the Board of Regents to implement the capital funding policy for state-assisted colleges and universities established in Am. H.B. No. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to new qualifying capital projects is less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to new qualifying capital	93891 93892 93893 93894 93895 93896 93897 93898 93899 93900

projects from the campus's formula-determined capital component 93901  
allocation. Moneys distributed from this appropriation item shall 93902  
be restricted to capital-related purposes. 93903

Any campus for which the estimated campus debt service 93904  
attributable to qualifying capital projects is greater than the 93905  
campus's formula-determined capital component allocation shall 93906  
have the difference subtracted from its State Share of Instruction 93907  
allocation in each fiscal year. The sum of all such amounts shall 93908  
be transferred from appropriation item 235-501, State Share of 93909  
Instruction, to appropriation item 235-552, Capital Component. 93910

DAYTON AREA GRADUATE STUDIES INSTITUTE 93911

The foregoing appropriation item 235-553, Dayton Area 93912  
Graduate Studies Institute, shall be used by the Board of Regents 93913  
to support the Dayton Area Graduate Studies Institute, an 93914  
engineering graduate consortium of three universities in the 93915  
Dayton area: Wright State University, the University of Dayton, 93916  
and the Air Force Institute of Technology, with the participation 93917  
of the University of Cincinnati and The Ohio State University. 93918

Of the foregoing appropriation item 235-553, Dayton Area 93919  
Graduate Studies Institute, \$497,666 in fiscal year 2004 and 93920  
\$417,053 in fiscal year 2005 shall be used by the Miami Valley 93921  
Economic Development Research Corporation to support collaborative 93922  
research between academia, industry, and the Air Force for the 93923  
Wright Brothers Institute and related initiatives in nanomaterials 93924  
and advanced data management and analysis. 93925

COMPUTER SCIENCE GRADUATE EDUCATION 93926

The foregoing appropriation item 235-554, Computer Science 93927  
Graduate Education, shall be used by the Board of Regents to 93928  
support improvements in graduate programs in computer science at 93929  
state-assisted universities. Up to \$174,135 in fiscal year 2004, 93930  
and up to \$169,782 in fiscal year 2005, may be used to support 93931

collaborative efforts in graduate education in this program area. 93932  
The collaborative program shall be coordinated by the Ohio 93933  
Supercomputer Center. 93934

OHIO ACADEMIC RESOURCES NETWORK (OARNET) 93935

The foregoing appropriation item 235-556, Ohio Academic 93936  
Resources Network, shall be used to support the operations of the 93937  
Ohio Academic Resources Network, which shall include support for 93938  
Ohio's state-assisted colleges and universities in maintaining and 93939  
enhancing network connections. The network shall give priority to 93940  
supporting the Third Frontier Network and allocating bandwidth to 93941  
programs directly supporting Ohio's economic development. 93942

LONG-TERM CARE RESEARCH 93943

The foregoing appropriation item 235-558, Long-term Care 93944  
Research, shall be disbursed to Miami University for long-term 93945  
care research. 93946

BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER 93947

The foregoing appropriation item 235-561, Bowling Green State 93948  
University Canadian Studies Center, shall be used by the Canadian 93949  
Studies Center at Bowling Green State University to study 93950  
opportunities for Ohio and Ohio businesses to benefit from the 93951  
Free Trade Agreement between the United States and Canada. 93952

THE OHIO STATE UNIVERSITY CLINIC SUPPORT 93953

The foregoing appropriation item 235-572, The Ohio State 93954  
University Clinic Support, shall be distributed through the Board 93955  
of Regents to The Ohio State University for support of dental and 93956  
veterinary medicine clinics. 93957

**Section 89.10.** URBAN UNIVERSITY PROGRAMS 93958

Of the foregoing appropriation item 235-583, Urban University 93959  
Programs, universities receiving funds that are used to support an 93960

ongoing university unit shall certify periodically in a manner 93961  
approved by the Board of Regents that program funds are being 93962  
matched on a one-to-one basis with equivalent resources. Overhead 93963  
support may not be used to meet this requirement. Where Urban 93964  
University Program funds are being used to support an ongoing 93965  
university unit, matching funds shall come from continuing rather 93966  
than one-time sources. At each participating state-assisted 93967  
institution of higher education, matching funds shall be within 93968  
the substantial control of the individual designated by the 93969  
institution's president as the Urban University Program 93970  
representative. 93971

Of the foregoing appropriation item 235-583, Urban University 93972  
Programs, \$301,218 in fiscal year 2004 and \$293,300 in fiscal year 93973  
2005 shall be used to support a public communication outreach 93974  
program (WCPN). The primary purpose of the program shall be to 93975  
develop a relationship between Cleveland State University and 93976  
nonprofit communications entities. 93977

Of the foregoing appropriation item 235-583, Urban University 93978  
Programs, \$142,682 in fiscal year 2004 and \$138,932 in fiscal year 93979  
2005 shall be used to support the Center for the Interdisciplinary 93980  
Study of Education and the Urban Child at Cleveland State 93981  
University. These funds shall be distributed according to rules 93982  
adopted by the Board of Regents and shall be used by the center 93983  
for interdisciplinary activities targeted toward increasing the 93984  
chance of lifetime success of the urban child, including 93985  
interventions beginning with the prenatal period. The primary 93986  
purpose of the center is to study issues in urban education and to 93987  
systematically map directions for new approaches and new solutions 93988  
by bringing together a cadre of researchers, scholars, and 93989  
professionals representing the social, behavioral, education, and 93990  
health disciplines. 93991

Of the foregoing appropriation item 235-583, Urban University 93992

Programs, \$206,097 in fiscal year 2004 and \$200,679 in fiscal year 2005 shall be used to support the Kent State University Learning and Technology Project. This project is a kindergarten through university collaboration between schools surrounding Kent's eight campuses in northeast Ohio, and corporate partners who will assist in development and delivery.

The Kent State University Project shall provide a faculty member who has a full-time role in the development of collaborative activities and teacher instructional programming between Kent and the K-12th grade schools that surround its eight campuses; appropriate student support staff to facilitate these programs and joint activities; and hardware and software to schools that will make possible the delivery of instruction to pre-service and in-service teachers, and their students, in their own classrooms or school buildings. This shall involve the delivery of low-bandwidth streaming video and web-based technologies in a distributed instructional model.

Of the foregoing appropriation item 235-583, Urban University Programs, \$79,267 in fiscal year 2004 and \$77,184 in fiscal year 2005 shall be used to support the Ameritech Classroom/Center for Research at Kent State University.

Of the foregoing appropriation item 235-583, Urban University Programs, \$792,682 in fiscal year 2004 and \$771,843 in fiscal year 2005 shall be used to support the Polymer Distance Learning Project at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, \$39,634 in fiscal year 2004 and \$38,592 in fiscal year 2005 shall be distributed to the Kent State University/Cleveland Design Center program.

Of the foregoing appropriation item 235-583, Urban University Programs, \$ 198,170 in fiscal year 2004 and \$192,960 in fiscal

year 2005 shall be used to support the Bliss Institute of Applied 94024  
Politics at the University of Akron. 94025

Of the foregoing appropriation item 235-583, Urban University 94026  
Programs, \$11,892 in fiscal year 2004 and \$11,576 in fiscal year 94027  
2005 shall be used for the Advancing-Up Program at the University 94028  
of Akron. 94029

Of the foregoing appropriation item 235-583, Urban University 94030  
Programs, \$1,744,404 in fiscal year 2004 and \$1,698,546 in fiscal 94031  
year 2005 shall be distributed by the Board of Regents to 94032  
Cleveland State University in support of the Maxine Goodman Levin 94033  
College of Urban Affairs. 94034

Of the foregoing appropriation item 235-583, Urban University 94035  
Programs, \$1,744,404 in fiscal year 2004 and \$1,698,546 in fiscal 94036  
year 2005 shall be distributed to the Northeast Ohio Research 94037  
Consortium, the Urban Linkages Program, and the Urban Research 94038  
Technical Assistance Grant Program. The distribution among the 94039  
three programs shall be determined by the chair of the Urban 94040  
University Program. 94041

Of the foregoing appropriation item 235-583, Urban University 94042  
Programs, \$165,893 in fiscal year 2004 and \$165,674 in fiscal year 94043  
2005 shall be used to support the Strategic Economic Research 94044  
Collaborative at the University of Toledo Urban Affairs Center. 94045

Of the foregoing appropriation item 235-583, Urban University 94046  
Programs, \$165,893 in fiscal year 2004 and \$165,674 in fiscal year 94047  
2005 shall be used to support the Institute for Collaborative 94048  
Research and Public Humanities at The Ohio State University. 94049

Notwithstanding the other earmarks in this section, of the 94050  
foregoing appropriation item 235-583, Urban University Programs, 94051  
\$100,000 in each fiscal year shall be used to support the Medina 94052  
County University Center. The other earmarks of appropriation item 94053  
235-583, Urban University Programs, shall be proportionately 94054

reduced. 94055

Of the foregoing appropriation item 235-583, Urban University Programs, \$100,000 in each fiscal year shall be used to support the Medina Learning Center. 94056  
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RURAL UNIVERSITY PROJECTS 94059

Of the foregoing appropriation item 235-587, Rural University Projects, Bowling Green State University shall receive \$281,391 in fiscal year 2004 and \$281,391 in fiscal year 2005, Miami University shall receive \$261,694 in fiscal year 2004 and \$261,694 in fiscal year 2005, and Ohio University shall receive \$613,397 in fiscal year 2004 and \$613,397 in fiscal year 2005. These funds shall be used to support the Institute for Local Government Administration and Rural Development at Ohio University, the Center for Public Management and Regional Affairs at Miami University, and the Center for Policy Analysis and Public Service at Bowling Green State University. 94060  
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A small portion of the funds provided to Ohio University shall also be used for the Institute for Local Government Administration and Rural Development State and Rural Policy Partnership with the Governor's Office of Appalachia and the Appalachian delegation of the General Assembly. 94071  
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Of the foregoing appropriation item 235-587, Rural University Projects, \$17,007 in fiscal year 2004 and \$17,007 in fiscal year 2005 shall be used to support the Washington State Community College day care center. 94076  
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Of the foregoing appropriation item 235-587, Rural University Projects, \$51,021 in fiscal year 2004 and \$51,021 in fiscal year 2005 shall be used to support the COAD/ILGARD/GOA Appalachian Leadership Initiative. 94080  
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**Section 89.11.** OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, 94084

AND READING	94085
The foregoing appropriation item 235-588, Ohio Resource	94086
Center for Mathematics, Science, and Reading, shall be used to	94087
support a resource center for mathematics, science, and reading to	94088
be located at a state-assisted university for the purpose of	94089
identifying best educational practices in primary and secondary	94090
schools and establishing methods for communicating them to	94091
colleges of education and school districts. The Ohio Resource	94092
Center for Mathematics, Science, and Reading shall not make	94093
available resources that are inconsistent with the K-12 science	94094
standards and policies as adopted by the State Board of Education.	94095
INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT	94096
The foregoing appropriation item 235-595, International	94097
Center for Water Resources Development, shall be used to support	94098
the International Center for Water Resources Development at	94099
Central State University. The center shall develop methods to	94100
improve the management of water resources for Ohio and for	94101
emerging nations.	94102
HAZARDOUS MATERIALS PROGRAM	94103
The foregoing appropriation item 235-596, Hazardous Materials	94104
Program, shall be disbursed to Cleveland State University for the	94105
operation of a program to certify firefighters for the handling of	94106
hazardous materials. Training shall be available to all Ohio	94107
firefighters.	94108
Of the foregoing appropriation item 235-596, Hazardous	94109
Materials Program, \$130,601 in fiscal year 2004 and \$127,337 in	94110
fiscal year 2005 shall be used to support the Center for the	94111
Interdisciplinary Study of Education and Leadership in Public	94112
Service at Cleveland State University. These funds shall be	94113
distributed by the Board of Regents and shall be used by the	94114

center targeted toward increasing the role of special populations 94115  
in public service and not-for-profit organizations. The primary 94116  
purpose of the center is to study issues in public service and to 94117  
guide strategies for attracting new communities into public 94118  
service occupations by bringing together a cadre of researchers, 94119  
scholars and professionals representing the public administration, 94120  
social behavioral, and education disciplines. 94121

NATIONAL GUARD SCHOLARSHIP PROGRAM 94122

The Board of Regents shall disburse funds from appropriation 94123  
item 235-599, National Guard Scholarship Program, at the direction 94124  
of the Adjutant General. 94125

\* PLEDGE OF FEES 94126

Any new pledge of fees, or new agreement for adjustment of 94127  
fees, made in the 2003-2005 biennium to secure bonds or notes of a 94128  
state-assisted institution of higher education for a project for 94129  
which bonds or notes were not outstanding on the effective date of 94130  
this section shall be effective only after approval by the Board 94131  
of Regents, unless approved in a previous biennium. 94132

HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 94133

The foregoing appropriation item 235-909, Higher Education 94134  
General Obligation Debt Service, shall be used to pay all debt 94135  
service and related financing costs at the times they are required 94136  
to be made pursuant to sections 151.01 and 151.04 of the Revised 94137  
Code during the period from July 1, 2003, to June 30, 2005. The 94138  
Office of the Sinking Fund or the Director of Budget and 94139  
Management shall effectuate the required payments by an intrastate 94140  
transfer voucher. 94141

**Section 89.12. SALES AND SERVICES** 94142

The Board of Regents is authorized to charge and accept 94143  
payment for the provision of goods and services generated by the 94144

Higher Education Information System. Such charges shall be 94145  
reasonably related to the cost of producing the goods and 94146  
services. No charges may be levied for goods or services that are 94147  
produced as part of the routine responsibilities or duties of the 94148  
Board. All revenues received by the Board of Regents shall be 94149  
deposited into Fund 456, and may be used by the Board of Regents 94150  
to pay for the costs of producing the goods and services. 94151

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 94152

The foregoing appropriation item 235-602, Higher Educational 94153  
Facility Commission Administration, shall be used by the Board of 94154  
Regents for operating expenses related to the Board of Regents' 94155  
support of the activities of the Ohio Higher Educational Facility 94156  
Commission. Upon the request of the chancellor, the Director of 94157  
Budget and Management shall transfer up to \$20,000 cash from Fund 94158  
461 to Fund 4E8 in each fiscal year of the biennium. 94159

PHYSICIAN LOAN REPAYMENT 94160

The foregoing appropriation item 235-604, Physician Loan 94161  
Repayment, shall be used in accordance with sections 3702.71 to 94162  
3702.81 of the Revised Code. 94163

NURSING LOAN PROGRAM 94164

The foregoing appropriation item 235-606, Nursing Loan 94165  
Program, shall be used to administer the nurse education 94166  
assistance program. Up to \$159,600 in fiscal year 2004 and 94167  
\$167,580 in fiscal year 2005 may be used for operating expenses 94168  
associated with the program. Any additional funds needed for the 94169  
administration of the program are subject to Controlling Board 94170  
approval. 94171

**Section 89.13.** SCIENCE AND TECHNOLOGY COLLABORATION 94172

The Board of Regents shall work in close collaboration with 94173  
the Department of Development, the Air Quality Development 94174

Authority, and the Third Frontier Commission in relation to 94175  
appropriation items and programs listed in the following 94176  
paragraph, and other technology-related appropriations and 94177  
programs in the Department of Development, Air quality Development 94178  
Authority, and the Board of Regents as these agencies may 94179  
designate, to ensure implementation of a coherent state strategy 94180  
with respect to science and technology. 94181

Each of the following appropriations and programs: 195-401, 94182  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 94183  
Third Frontier Action Fund; 898-604, Coal Research and Development 94184  
Fund; 235-454, Research Challenge; 235-508, Air Force Institute of 94185  
Technology; 235-510, Ohio Supercomputer Center; 235-527, Ohio 94186  
Aerospace Institute; 235-535, Ohio Agricultural Research and 94187  
Development Center; 235-553, Dayton Area Graduate Studies 94188  
Institute; 235-554, Computer Science Graduate Education; 235-556, 94189  
Ohio Academic Resources Network; and 195-435, Biomedical Research 94190  
and Technology Transfer Trust, shall be reviewed annually by the 94191  
Third Frontier Commission with respect to its development of 94192  
complementary relationships within a combined state science and 94193  
technology investment portfolio and its overall contribution to 94194  
the state's science and technology strategy, including the 94195  
adoption of appropriately consistent criteria for: (1) the 94196  
scientific merit of activities supported by the program; (2) the 94197  
relevance of the program's activities to commercial opportunities 94198  
in the private sector; (3) the private sector's involvement in a 94199  
process that continually evaluates commercial opportunities to use 94200  
the work supported by the program; and (4) the ability of the 94201  
program and recipients of grant funding from the program to engage 94202  
in activities that are collaborative, complementary, and efficient 94203  
with respect to the expenditure of state funds. All programs 94204  
listed above shall provide annual reports to the Third Frontier 94205  
Commission discussing existing, planned, or possible 94206  
collaborations between programs and recipients of grant funding 94207

related to technology, development, commercialization, and 94208  
supporting Ohio's economic development. The annual review by the 94209  
Third Frontier Commission shall be a comprehensive review of the 94210  
entire state science and technology program portfolio rather than 94211  
a review of individual programs. 94212

REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND MONEYS 94213

Notwithstanding any provision of law to the contrary, all 94214  
repayments of Research Facility Investment Fund loans shall be 94215  
made to the Bond Service Trust Fund. All Research Facility 94216  
Investment Fund loan repayments made prior to the effective date 94217  
of this section shall be transferred by the Director of Budget and 94218  
Management to the Bond Service Trust Fund within sixty days of the 94219  
effective date of this section. 94220

Campuses shall make timely repayments of Research Facility 94221  
Investment Fund loans, according to the schedule established by 94222  
the Board of Regents. In the case of late payments, the Board of 94223  
Regents may deduct from an institution's periodic subsidy 94224  
distribution an amount equal to the amount of the overdue payment 94225  
for that institution, transfer such amount to the Bond Service 94226  
Trust Fund, and credit the appropriate institution for the 94227  
repayment. 94228

VETERANS' PREFERENCES 94229

The Board of Regents shall work with the Governor's Office of 94230  
Veterans' Affairs to develop specific veterans' preference 94231  
guidelines for higher education institutions. These guidelines 94232  
shall ensure that the institutions' hiring practices are in 94233  
accordance with the intent of Ohio's veterans' preference laws. 94234

**Section 89.14.** STUDY OF CO-LOCATED INSTITUTIONS 94235

The Board of Regents shall review the operation and 94236  
effectiveness of co-located university branch campuses and 94237

technical colleges, with particular attention to improved 94238  
responsiveness to community needs and improved transfer of 94239  
coursework. The Board of Regents shall report its findings and 94240  
recommendations to the General Assembly not later than May 15, 94241  
2004. 94242

**Section 89.15.** On the effective date of this section, the 94243  
Board of Regents shall recognize the conversion of Belmont 94244  
Technical College from a technical college under Chapter 3358. of 94245  
the Revised Code to a community college under Chapter 3354. of the 94246  
Revised Code, and on and after the effective date of this section 94247  
Belmont Technical College shall be known as Belmont Community 94248  
College. 94249

**Section 89.16.** The Ohio Board of Regents shall approve the 94250  
creation of a new joint vocational-community college-university 94251  
pilot partnership at the Warren County Career Center on a pilot 94252  
basis in fiscal years 2004 and 2005. 94253

(A) Before the pilot program may be implemented the following 94254  
conditions shall be met: 94255

(1) The Warren County Career Center's joint vocational school 94256  
district board of education approves, by resolution, the 94257  
establishment of a joint vocational-community college-university 94258  
pilot partnership program within the Career Center. 94259

(2) The Career Center's joint vocational school district 94260  
board and the local workforce policy board submit to the Ohio 94261  
Board of Regents a plan for the pilot partnership program similar 94262  
to the Lorain County Community College's University Center. 94263

(B) The Career Center's joint vocational school district 94264  
board shall do all of the following in implementing the pilot 94265  
program: 94266

(1) Act as the host for programs offered by institutions of 94267

higher education;	94268
(2) Select programs from existing programs offered by institutions of higher education that may be provided at the Career Center;	94269 94270 94271
(3) Contract with institutions of higher education whereby the institutions may provide course offerings and programs at the Career Center. Under the contracts, the Career Center's joint vocational school district board shall do all of the following:	94272 94273 94274 94275
(a) Provide facilities at the Career Center for classrooms, laboratories, a library, and any other necessary facilities;	94276 94277
(b) Advertise the availability of classes and class schedules to the community;	94278 94279
(c) Coordinate any other administrative functions necessary for the efficient operations of the pilot program.	94280 94281
(C) Any institution of higher education that contracts with the Warren County Career Center shall compensate the Career Center at a reasonable rate for services provided by the Career Center.	94282 94283 94284
(D) The pilot program is ineligible to receive state financial assistance for capital improvements or any other state financial assistance available to institutions of higher education.	94285 94286 94287 94288
<b>Section 89.17.</b> Notwithstanding section 3333.05 of the Revised Code, the Ohio Board of Regents shall issue a charter for a new community college, as defined in division (C) of section 3354.01 of the Revised Code, to be operated jointly with the Warren County Career Center. However, the new community college shall not offer courses or request approval of appropriate associate degree programs from the Ohio Board of Regents until after July 1, 2005. Until July 1, 2005, the board of trustees of the new community college is authorized only to carry out activities for the	94289 94290 94291 94292 94293 94294 94295 94296 94297

organization of the new community college. 94298

(A) Before the Board of Regents issues a charter to the new 94299  
community college the following conditions shall be met: 94300

(1) The Warren County Career Center's joint vocational school 94301  
district board of education approves, by resolution, the 94302  
establishment of a new community college within the Career Center. 94303

(2) The Warren County Career Center's joint vocational school 94304  
district board and the local workforce policy board submit to the 94305  
Ohio Board of Regents a community college plan that conforms to 94306  
the requirements of section 3354.07 of the Revised Code and the 94307  
plan is approved by the Board of Rengents pursuant to that 94308  
section. 94309

(B) To administer the new community college, a board of 94310  
trustees shall be appointed in accordance with section 3354.05 of 94311  
the Revised Code. 94312

(C) After July 1, 2005, the joint vocational-community 94313  
college established under this section shall function as: 94314

(1) A provider of career-technical education to secondary 94315  
school students, subject to all laws applicable to joint 94316  
vocational school districts under Title XXXIII of the Revised 94317  
Code; 94318

(2) A provider of arts and sciences and technical 94319  
instructional programs, not exceeding two years' duration, for 94320  
postsecondary school students, subject to all laws applicable to 94321  
community colleges under Chapters 3345. and 3354. of the Revised 94322  
Code, unless this section provides otherwise; and 94323

(3) A provider of arts and sciences and technical 94324  
instructional programs for secondary school students participating 94325  
in the postsecondary enrollment options program under Chapter 94326  
3365. of the Revised Code. 94327

(D) The community college district of the new community college is comprised of the territory included within the boundaries of Warren County.

(E) All funds received by the joint vocational-community college to carry out its duties under division (C)(1) of this section shall be kept separate from all funds received by the joint vocational-community college to carry out its duties under divisions (C)(2) and (3) of this section. All revenues from taxes levied by the joint vocational school district shall be kept separate from all revenues of any taxes levied by the community college district.

(F) The joint vocational-community college established under this section is ineligible to receive state financial assistance for capital improvements otherwise available to community colleges under Chapter 3345. or 3354. of the Revised Code. The joint vocational-community college is eligible to receive only classroom facilities assistance under sections 3318.40 to 3318.46 of the Revised Code, but only if the assistance would provide funds for a project to carry out the responsibilities of the Warren County Career Center specified in division (C)(1) of this section. The joint vocational-community college is ineligible for classroom facilities under sections 3318.40 to 3318.46 of the Revised Code for projects that when complete would be used exclusively for community college purposes, as prohibited by division (C) of section 3318.40 of the Revised Code.

(G) By June 30, 2005, the board of education of the joint vocational school district and the board of trustees of the new community college shall submit a report to the Board of Regents on the status of the joint vocational-community college-university pilot partnership authorized by this act and the development of the new community college authorized by this section.

**Section 89.18.** The General Assembly recognizes the pilot 94359  
tuition restructuring plan of the board of trustees of Miami 94360  
University for undergraduate students enrolled at the Oxford 94361  
campus. The purpose of this plan is to make higher education more 94362  
affordable for moderate income Ohioans, encourage high-achieving 94363  
Ohio students to stay in Ohio rather than attending colleges in 94364  
other states, and provide incentives for Ohio students to major in 94365  
areas crucial to Ohio's priorities and future economic 94366  
development. 94367

Notwithstanding any limit on in-state undergraduate 94368  
instructional and general fees imposed by this act, the General 94369  
Assembly recognizes that the plan provides that all undergraduate 94370  
students enrolled at the Oxford campus will be charged combined 94371  
instructional and general fees in an amount equal to the 94372  
nonresident instructional and general fees and tuition surcharge. 94373  
For both resident students first enrolling on or after the summer 94374  
term of 2003 and resident students who enrolled prior to this 94375  
date, any increases in fees approved thereafter by the board of 94376  
trustees are subject to any instructional and general fee caps 94377  
imposed by the General Assembly. 94378

In implementing the plan, all undergraduate students who are 94379  
residents of Ohio shall receive student financial assistance in 94380  
the form of an Ohio Resident Scholarship and an Ohio Leader 94381  
Scholarship. 94382

Miami University established the Ohio Resident Scholarship in 94383  
recognition of the support provided by this state to Miami 94384  
University. Each enrolled student who is a resident of Ohio shall 94385  
receive an Ohio Resident Scholarship. The Ohio Resident 94386  
Scholarship shall be an award that is equal to, or in excess of, 94387  
the per capita core funding, which is funding through the state 94388  
share of instruction and success challenges, the University 94389

receives from this state. For fiscal year 2004, the board of trustees established the amount of an Ohio Resident Scholarship at \$5,000. Each year, thereafter, the board of trustees of Miami University shall establish the amount of an Ohio Resident Scholarship for the entering class based upon increases or decreases in state core funding the University receives from this state and shall award such a scholarship to each undergraduate Ohio resident. The University shall guarantee the award will be renewed each year at not less than the initial amount until graduation or for six academic years, whichever occurs first.

Miami University established the Ohio Leader Scholarship to make Miami University more affordable for low- and middle-income Ohio families, to encourage high-achieving students to attend college in Ohio, and to provide incentives for Ohio students to major in areas crucial to Ohio's economic development. To determine which families qualify as low- and middle-income, the University shall use federal financial aid guidelines but assume that generally families earning less than \$110,000 annually qualify. Each enrolled student who is a resident of Ohio shall receive an Ohio Leader Scholarship. The board of trustees established the amount of an Ohio Leader Scholarship at \$4,750 in fiscal year 2004. Each year thereafter, the board of trustees shall award an Ohio Leader Scholarship to each undergraduate Ohio resident student in an amount based on financial need, academic qualifications, or state priorities criteria. The amount of an award may vary from student to student. The initial award amount shall be guaranteed by the University to be renewed each year, assuming satisfactory academic progress, at an amount that is not less than the initial amount until graduation or six academic years, whichever occurs first. All Ohio Leader Scholarship awards shall use financial need as the first criteria in determining the award amount. For fiscal year 2005, the University shall offer one-third of accepted high-need Ohio residents above average Ohio

Leader Scholarship awards, one-third of accepted low-need Ohio residents shall be offered below average Ohio Leader Scholarship awards, and one-third of accepted average-need Ohio residents shall be offered average Ohio Leader Scholarship awards.

For fiscal year 2004, at the Oxford campus of Miami University where current instructional and general fee charges equal \$18,103, the combined Ohio Resident Scholarship and Ohio Leader Scholarship amount totals \$9,750. Based on instructional and general fee charges of \$19,732 at the Oxford campus of Miami University in fiscal year 2005, Miami University projects the combined scholarship award will range from a minimum of \$10,000 for those with the least need who will receive the lowest Ohio Leader Scholarship award to a maximum of \$11,256 for those students with the greatest need who will receive the highest Ohio Leader Scholarship award. These scholarship awards shall augment other University financial assistance. During fiscal years 2004 and 2005, all funds generated by above average Ohio Leader Scholarship awards shall be utilized for the support of Ohio students.

For any resident student who enrolls at the Miami University Oxford campus prior to August 2004, the plan shall have no direct financial impact except for paper changes on invoices so that such a student shall only pay instructional and general fees in an amount equivalent to what the student was charged in the preceding year in addition to any increases in fees approved by the board of trustees.

**Section 89.19. OIG RECONCILIATION**

By the first day of August in each fiscal year, or as soon thereafter as possible, the Ohio Board of Regents shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education

institutions for the Ohio Instructional Grant Program. The amounts 94454  
certified are hereby appropriated to appropriation item 235-618, 94455  
OIG Reconciliation, from revenues received in the Instructional 94456  
Grant Reconciliation Fund (Fund 5Y5). 94457

**Section 89.20.** BELMONT TECHNICAL COLLEGE 94458

Not later than one year after the effective date of this 94459  
section, the Board of Regents shall consider a proposal from 94460  
Belmont Technical College to convert to a community college. 94461

The Board shall consider the demonstrated need for such an 94462  
institution, the most effective use of state resources to fund 94463  
such a conversion, and the regional benefit of such a conversion. 94464

**Section 90.** DRC DEPARTMENT OF REHABILITATION AND CORRECTION 94465

General Revenue Fund 94466

GRF 501-321 Institutional \$ 848,631,155 \$ 861,557,899 94467

Operations

GRF 501-403 Prisoner Compensation \$ 8,455,052 \$ 8,705,052 94468

GRF 501-405 Halfway House \$ 36,890,139 \$ 35,579,419 94469

GRF 501-406 Lease Rental Payments \$ 141,997,000 \$ 146,307,900 94470

GRF 501-407 Community \$ 15,161,353 \$ 15,352,814 94471

Nonresidential

Programs

GRF 501-408 Community Misdemeanor \$ 7,942,211 \$ 8,041,489 94472

Programs

GRF 501-501 Community Residential \$ 53,970,123 \$ 52,872,875 94473

Programs - CBCF

GRF 502-321 Mental Health Services \$ 66,802,290 \$ 68,265,662 94474

GRF 503-321 Parole and Community \$ 77,195,938 \$ 78,845,845 94475

Operations

GRF 504-321 Administrative \$ 26,533,707 \$ 27,420,848 94476

Operations

GRF 505-321	Institution Medical Services	\$ 118,406,940	\$ 120,014,320	94477
GRF 506-321	Institution Education Services	\$ 24,335,287	\$ 24,747,574	94478
GRF 507-321	Institution Recovery Services	\$ 7,018,500	\$ 7,124,516	94479
TOTAL GRF	General Revenue Fund	\$ 1,433,339,695	\$ 1,454,836,213	94480
	General Services Fund Group			94481
4B0 501-601	Penitentiary Sewer Treatment Facility Services	\$ 1,693,129	\$ 1,758,177	94482
4D4 501-603	Prisoner Programs	\$ 20,537,291	\$ 20,967,703	94483
4L4 501-604	Transitional Control	\$ 1,348,740	\$ 1,593,794	94484
4S5 501-608	Education Services	\$ 4,452,754	\$ 4,564,072	94485
483 501-605	Property Receipts	\$ 383,894	\$ 393,491	94486
5H8 501-617	Offender Financial Responsibility	\$ 1,335,000	\$ 1,374,020	94487
5L6 501-611	Information Technology Services	\$ 3,650,712	\$ 3,741,980	94488
571 501-606	Training Academy Receipts	\$ 73,356	\$ 75,190	94489
593 501-618	Laboratory Services	\$ 4,707,730	\$ 4,825,423	94490
TOTAL GSF	General Services Fund Group	\$ 38,182,606	\$ 39,293,850	94491
	Federal Special Revenue Fund Group			94492
3S1 501-615	Truth-In-Sentencing Grants	\$ 24,604,435	\$ 25,517,173	94493
323 501-619	Federal Grants	\$ 10,759,329	\$ 11,300,335	94494
TOTAL FED	Federal Special Revenue Fund Group	\$ 35,363,764	\$ 36,817,508	94495
	Intragovernmental Service Fund Group			94497
148 501-602	Services and	\$ 95,207,653	\$ 95,207,653	94498

Agricultural

200 501-607 Ohio Penal Industries	\$ 29,748,175	\$ 31,491,879	94499
TOTAL ISF Intragovernmental			94500
Service Fund Group	\$ 124,955,828	\$ 126,699,532	94501
TOTAL ALL BUDGET FUND GROUPS	\$ 1,631,841,893	\$ 1,657,647,103	94502

COMMUNITY CORRECTIONS TRANSFERS 94503

The Department of Rehabilitation and Correction shall seek 94504  
the approval of the Controlling Board to transfer in FY 2005 from 94505  
the unexpended, unobligated GRF appropriations made to the 94506  
Department for fiscal years 2004 and 2005 at least \$3,250,000 in 94507  
appropriation authority to appropriation item 501-405, Halfway 94508  
House, and at least \$3,250,000 in appropriation authority to 94509  
appropriation item 501-501, Community Residential Programs - CBCF. 94510

ZERO-BASED BUDGETING 94511

The Director of Budget and Management shall prepare a full 94512  
zero-based budget for the biennium ending June 30, 2007, for the 94513  
Department of Rehabilitation and Correction. The Director shall 94514  
offer the Department substantial technical assistance throughout 94515  
the process of preparing its zero-based budget. The Department 94516  
shall prepare a full zero-based budget in such manner and 94517  
according to such schedule as the Director of Budget and 94518  
Management requires. The zero-based budget shall, as the Director 94519  
of Budget and Management determines, be in addition to or in place 94520  
of the estimates of revenue and proposed expenditures that the 94521  
Department otherwise would be required to prepare under section 94522  
126.02 of the Revised Code. 94523

OHIO BUILDING AUTHORITY LEASE PAYMENTS 94524

The foregoing appropriation item 501-406, Lease Rental 94525  
Payments, shall be used for payments to the Ohio Building 94526  
Authority for the period July 1, 2003, to June 30, 2005, pursuant 94527  
to the primary leases and agreements for those buildings made 94528

under Chapter 152. of the Revised Code but limited to the 94529  
aggregate amount of \$288,304,900. This appropriation amount is the 94530  
source of funds pledged for bond service charges on related 94531  
obligations issued pursuant to Chapter 152. of the Revised Code. 94532

PRISONER COMPENSATION 94533

Money from the foregoing appropriation item 501-403, Prisoner 94534  
Compensation, shall be transferred on a quarterly basis by 94535  
intrastate transfer voucher to the Services and Agricultural Fund 94536  
(Fund 148) for the purposes of paying prisoner compensation. 94537

CASH TRANSFER TO THE OFFENDER FINANCIAL RESPONSIBILITY FUND 94538

On July 1, 2003, or as soon thereafter as possible, the 94539  
Director of Budget and Management shall transfer the cash balance 94540  
in the Adult Parole Authority Probation Services Fund (Fund 5A3) 94541  
to the Offender Financial Responsibility Fund (Fund 5H8). 94542

**Section 91.** RSC REHABILITATION SERVICES COMMISSION 94543

General Revenue Fund 94544

GRF 415-100	Personal Services	\$	8,677,911	\$	8,851,468	94545
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GRF 415-402	Independent Living	\$	12,040	\$	12,280	94546
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Council

GRF 415-403	Mental Health Services	\$	717,221	\$	717,221	94547
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GRF 415-404	MR/DD Services	\$	1,260,816	\$	1,260,816	94548
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GRF 415-405	Vocational	\$	536,912	\$	536,912	94549
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Rehabilitation/Job and

Family Services

GRF 415-406	Assistive Technology	\$	47,531	\$	47,531	94550
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GRF 415-431	Office for People with	\$	222,364	\$	226,012	94551
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Brain Injury

GRF 415-506	Services for People	\$	11,830,306	\$	12,185,215	94552
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with Disabilities

GRF 415-508	Services for the Deaf	\$	50,000	\$	50,000	94553
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GRF 415-509	Services for the Elderly	\$	359,377	\$	359,377	94554
GRF 415-520	Independent Living Services	\$	50,000	\$	50,000	94555
TOTAL GRF	General Revenue Fund	\$	23,764,478	\$	24,296,832	94556
	General Services Fund Group					94557
4W5 415-606	Administrative Expenses	\$	18,016,543	\$	18,557,040	94558
467 415-609	Business Enterprise Operating Expenses	\$	1,584,545	\$	1,632,082	94559
TOTAL GSF	General Services Fund Group	\$	19,601,088	\$	20,189,122	94560 94561
	Federal Special Revenue Fund Group					94562
3L1 415-601	Social Security Personal Care Assistance	\$	3,984,486	\$	3,988,032	94563
3L1 415-605	Social Security Community Centers for the Deaf	\$	1,100,488	\$	1,100,488	94564
3L1 415-607	Social Security Administration Cost	\$	174,119	\$	175,860	94565
3L1 415-608	Social Security Special Programs/Assistance	\$	6,941,158	\$	6,941,158	94566
3L1 415-610	Social Security Vocational Rehabilitation	\$	1,338,324	\$	1,338,324	94567
3L1 415-614	Social Security Independent Living	\$	385,917	\$	385,917	94568
3L4 415-612	Federal-Independent Living Centers or Services	\$	663,687	\$	663,687	94569

3L4	415-615	Federal - Supported Employment	\$	1,714,546	\$	1,714,546	94570
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,582,484	\$	1,582,484	94571
317	415-620	Disability Determination	\$	73,120,329	\$	76,776,343	94572
379	415-616	Federal-Vocational Rehabilitation	\$	117,955,833	\$	125,520,457	94573
TOTAL FED Federal Special							94574
Revenue Fund Group			\$	208,961,371	\$	220,187,296	94575
State Special Revenue Fund Group							94576
4L1	415-619	Services for Rehabilitation	\$	3,623,845	\$	3,176,070	94577
468	415-618	Third Party Funding	\$	1,692,991	\$	2,392,991	94578
TOTAL SSR State Special							94579
Revenue Fund Group			\$	5,316,836	\$	5,569,061	94580
TOTAL ALL BUDGET FUND GROUPS			\$	257,643,773	\$	270,242,311	94581

MR/DD SERVICES 94582

The foregoing appropriation item 415-404, MR/DD Services, 94583  
shall be used as state matching funds to provide vocational 94584  
rehabilitation services to mutually eligible clients between the 94585  
Rehabilitation Services Commission and the Department of Mental 94586  
Retardation and Developmental Disabilities. The Rehabilitation 94587  
Services Commission shall report to the Department of Mental 94588  
Retardation and Developmental Disabilities, as outlined in an 94589  
interagency agreement, on the number and status of mutually 94590  
eligible clients and the status of the funds and expenditures for 94591  
these clients. 94592

VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES 94593

The foregoing appropriation item 415-405, Vocational 94594

Rehabilitation/Job and Family Services, shall be used as state 94595  
matching funds to provide vocational rehabilitation services to 94596  
mutually eligible clients between the Rehabilitation Services 94597  
Commission and the Department of Job and Family Services. The 94598  
Rehabilitation Services Commission shall report to the Department 94599  
of Job and Family Services, as outlined in an interagency 94600  
agreement, on the number and status of mutually eligible clients 94601  
and the status of the funds and expenditures for these clients. 94602

ASSISTIVE TECHNOLOGY 94603

The foregoing appropriation item 415-406, Assistive 94604  
Technology, shall be provided to Assistive Technology of Ohio and 94605  
shall be used only to provide grants under that program. No amount 94606  
of the appropriation may be used for administrative costs. 94607

OFFICE FOR PEOPLE WITH BRAIN INJURY 94608

Of the foregoing appropriation item 415-431, Office for 94609  
People with Brain Injury, \$50,000 in each fiscal year shall be 94610  
used for the state match for a federal grant awarded through the 94611  
Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to \$50,000 94612  
in fiscal year 2004 and up to \$50,000 in fiscal year 2005 shall be 94613  
provided to the Brain Injury Trust Fund. The remaining 94614  
appropriation in this item shall be used to plan and coordinate 94615  
head-injury-related services provided by state agencies and other 94616  
government or private entities, to assess the needs for such 94617  
services, and to set priorities in this area. 94618

SERVICES FOR THE ELDERLY 94619

The foregoing appropriation item 415-509, Services for the 94620  
Elderly, shall be used as matching funds for vocational 94621  
rehabilitation services for eligible elderly citizens with a 94622  
disability. 94623

SOCIAL SECURITY REIMBURSEMENT FUNDS 94624

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment, shall be used in the Social Security Reimbursement Fund (Fund 3L1), as follows:

(A) Appropriation item 415-601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;

(B) Appropriation item 415-605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments;

(C) Appropriation item 415-607, Social Security Administration Cost, to provide administrative services needed to administer the Social Security reimbursement program;

(D) Appropriation item 415-608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities, who are Social Security beneficiaries, to achieve competitive employment. This item also includes funds to assist the Personal Care Assistance, Community Centers for the Deaf, and Independent Living Programs to pay their share of indirect costs as mandated by federal OMB Circular A-87.

(E) Appropriation item 415-610, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to older blind individuals with severe disabilities to achieve a noncompetitive employment goal.

ADMINISTRATIVE EXPENSES

The foregoing appropriation item 415-606, Administrative Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary

programs.	94656
INDEPENDENT LIVING COUNCIL	94657
The foregoing appropriation item 415-402, Independent Living	94658
Council, shall be used to fund the operations of the State	94659
Independent Living Council.	94660
MENTAL HEALTH SERVICES	94661
The foregoing appropriation item 415-403, Mental Health	94662
Services, shall be used for the provision of vocational	94663
rehabilitation services to mutually eligible consumers of the	94664
Rehabilitation Services Commission and the Department of Mental	94665
Health.	94666
The Department of Mental Health shall receive a quarterly	94667
report from the Rehabilitation Services Commission stating the	94668
numbers served, numbers placed in employment, average hourly wage,	94669
and average hours worked.	94670
SERVICES FOR THE DEAF	94671
The foregoing appropriation item 415-508, Services for the	94672
Deaf, shall be used to supplement Social Security reimbursement	94673
funds used to provide grants to community centers for the deaf.	94674
These funds shall not be used in lieu of Social Security	94675
reimbursement funds.	94676
INDEPENDENT LIVING SERVICES	94677
The foregoing appropriation items 415-520, Independent Living	94678
Services, and 415-612, Federal-Independent Living Centers or	94679
Services, shall be used to support state independent living	94680
centers or independent living services pursuant to Title VII of	94681
the Independent Living Services and Centers for Independent Living	94682
of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29	94683
U.S.C. 796d.	94684
INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	94685

The foregoing appropriation item 415-617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs, including, but not limited to, Projects with Industry, Training Grants, and Brain Injury Grants.

**PILOT PROGRAM FOR VOCATIONAL REHABILITATION**

During fiscal years 2004 and 2005, the Rehabilitation Services Commission may conduct a pilot program to provide vocational rehabilitation and related services to entities, employers, or individuals that are not eligible for state or federally supported services through the commission. The commission shall propose fees to be collected from the entities, employers, or individuals served by the pilot program for the approval of the Controlling Board to support the costs for vocational rehabilitation and related services provided under the pilot program. Fee revenues collected under the program shall be credited to Fund 468 (Third Party Funding). Prior to the commencement of services through the pilot program, the Rehabilitation Services Commission shall develop a program plan to be submitted to the Controlling Board. Any plan revisions or updates shall be reported to the Controlling Board. During the implementation of the pilot program, the Rehabilitation Services Commission shall investigate and determine the possibility of utilizing this source of revenue to match federal funds. The Rehabilitation Services Commission shall evaluate the progress of the pilot program and issue a report of its findings to the Governor by December 15, 2005. The report shall include a recommendation to either continue or discontinue the pilot program in the next biennium.

**Section 92. RCB RESPIRATORY CARE BOARD**

General Services Fund Group

4K9 872-609 Operating Expenses	\$	318,499	\$	315,481	94717
TOTAL GSF General Services					94718
Fund Group	\$	318,499	\$	315,481	94719
TOTAL ALL BUDGET FUND GROUPS	\$	318,499	\$	315,481	94720

**Section 93. REVENUE DISTRIBUTION FUNDS** 94722

Volunteer Firefighters' Dependents Fund					94723
085 800-900 Volunteer	\$	200,000	\$	200,000	94724
Firefighters'					
Dependents Fund					
TOTAL 085 Volunteer Firefighters'					94725
Dependents Fund	\$	200,000	\$	200,000	94726
Agency Fund Group					94727
062 110-900 Resort Area Excise Tax	\$	500,000	\$	500,000	94728
063 110-900 Permissive Tax	\$	1,397,512,400	\$	1,439,437,700	94729
Distribution					
067 110-900 School District Income	\$	154,836,700	\$	161,030,200	94730
Tax Fund					
4P8 001-698 Cash Management	\$	2,500,000	\$	2,500,000	94731
Improvement Fund					
608 001-699 Investment Earnings	\$	174,300,000	\$	181,300,000	94732
TOTAL AGY Agency Fund Group	\$	1,729,649,100	\$	1,784,767,900	94733
Holding Account Redistribution					94734
R45 110-617 International Fuel Tax	\$	36,400,000	\$	37,200,000	94735
Distribution					
TOTAL R45 Holding Account	\$	36,400,000	\$	37,200,000	94736
Redistribution Fund					
Revenue Distribution Fund Group					94737
049 038-900 Indigent Drivers	\$	1,850,000	\$	1,850,000	94738
Alcohol Treatment					
050 762-900 International	\$	60,000,000	\$	60,000,000	94739
Registration Plan					

		Distribution				
051	762-901	Auto Registration	\$ 475,000,000	\$ 486,875,000	94740	
		Distribution				
054	110-900	Local Government	\$ 75,000,000	\$ 75,000,000	94741	
		Property Tax				
		Replacement				
060	110-900	Gasoline Excise Tax	\$ 113,344,700	\$ 115,611,600	94742	
		Fund				
064	110-900	Local Government	\$ 98,500,000	\$ 98,500,000	94743	
		Revenue Assistance				
065	110-900	Library/Local	\$ 475,000,000	\$ 475,000,000	94744	
		Government Support				
		Fund				
066	800-900	Undivided Liquor	\$ 13,500,000	\$ 13,500,000	94745	
		Permit Fund				
068	110-900	State/Local Government	\$ 227,607,000	\$ 232,159,100	94746	
		Highway Distribution				
		Fund				
069	110-900	Local Government Fund	\$ 705,000,000	\$ 705,000,000	94747	
082	110-900	Horse Racing Tax	\$ 130,000	\$ 130,000	94748	
083	700-900	Ohio Fairs Fund	\$ 3,150,000	\$ 3,150,000	94749	
		TOTAL RDF Revenue Distribution			94750	
		Fund Group	\$ 2,248,081,700	\$ 2,266,775,700	94751	
		TOTAL ALL BUDGET FUND GROUPS	\$ 4,014,330,800	\$ 4,088,943,600	94752	
		ADDITIONAL APPROPRIATIONS			94753	
		Appropriation items in this section are to be used for the			94754	
		purpose of administering and distributing the designated revenue			94755	
		distributions fund according to the Revised Code. If it is			94756	
		determined that additional appropriations are necessary, such			94757	
		amounts are appropriated.			94758	
		<b>Section 94. SAN BOARD OF SANITARIAN REGISTRATION</b>			94759	

General Services Fund Group				94760
4K9 893-609 Operating Expenses	\$	124,892	\$ 125,612	94761
TOTAL GSF General Services				94762
Fund Group	\$	124,892	\$ 125,612	94763
TOTAL ALL BUDGET FUND GROUPS	\$	124,892	\$ 125,612	94764

**Section 95. OSB OHIO STATE SCHOOL FOR THE BLIND** 94766

General Revenue Fund				94767
GRF 226-100 Personal Services	\$	6,287,483	\$ 6,456,616	94768
GRF 226-200 Maintenance	\$	685,256	\$ 685,256	94769
GRF 226-300 Equipment	\$	121,355	\$ 121,355	94770
TOTAL GRF General Revenue Fund	\$	7,094,094	\$ 7,263,227	94771

General Services Fund Group				94772
4H8 226-602 Education Reform	\$	61,476	\$ 61,476	94773

Grants

TOTAL GSF General Services				94774
Fund Group	\$	61,476	\$ 61,476	94775

Federal Special Revenue Fund Group				94776
3P5 226-643 Medicaid Professional	\$	143,600	\$ 143,600	94777

Services Reimbursement

310 226-626 Coordinating Unit	\$	1,390,000	\$ 1,384,000	94778
TOTAL FED Federal Special				94779
Revenue Fund Group	\$	1,533,600	\$ 1,527,600	94780

State Special Revenue Fund Group				94781
4M5 226-601 Work Study &	\$	42,919	\$ 42,919	94782

Technology Investments

TOTAL SSR State Special Revenue				94783
Fund Group	\$	42,919	\$ 42,919	94784
TOTAL ALL BUDGET FUND GROUPS		8,732,089	8,895,222	94785

**Section 96. OSD OHIO STATE SCHOOL FOR THE DEAF** 94787

General Revenue Fund				94788
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GRF 221-100 Personal Services	\$	8,071,660	\$	8,391,704	94789
GRF 221-200 Maintenance	\$	1,012,561	\$	1,032,813	94790
GRF 221-300 Equipment	\$	269,377	\$	269,377	94791
TOTAL GRF General Revenue Fund	\$	9,353,598	\$	9,693,894	94792
General Services Fund Group					94793
4M1 221-602 Education Reform	\$	70,701	\$	70,701	94794
Grants					
TOTAL GSF General Services					94795
Fund Group	\$	70,701	\$	70,701	94796
Federal Special Revenue Fund Group					94797
3R0 221-684 Medicaid Professional	\$	111,377	\$	111,377	94798
Services Reimbursement					94799
311 221-625 Coordinating Unit	\$	949,899	\$	974,649	94800
3Y1 221-686 Early Childhood Grant	\$	248,235	\$	262,275	94801
TOTAL FED Federal Special					94802
Revenue Fund Group	\$	1,309,511	\$	1,348,301	94803
State Special Revenue Fund Group					94804
4M0 221-601 Educational Program	\$	33,188	\$	33,188	94805
Expenses					94806
5H6 221-609 Even Start Fees &	\$	98,500	\$	98,500	94807
Gifts					
TOTAL SSR State Special Revenue					94808
Fund Group	\$	131,688	\$	131,688	94809
TOTAL ALL BUDGET FUND GROUPS		10,865,498		11,244,584	94810
<b>Section 97. SFC SCHOOL FACILITIES COMMISSION</b>					94812
General Revenue Fund					94813
GRF 230-428 Lease Rental Payments	\$	31,776,500	\$	31,704,700	94814
GRF 230-908 Common Schools General	\$	106,322,300	\$	145,989,300	94815
Obligation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	138,098,800	\$	177,694,000	94816

Federal Special Revenue Fund Group				94817
3X9 230-601 Federal School	\$	28,214,058	\$ 28,214,058	94818
Facilities Grant				
TOTAL FED Federal Special Revenue	\$	28,214,058	\$ 28,214,058	94819
Fund Group				
State Special Revenue Fund Group				94820
5E3 230-644 Operating Expenses	\$	7,009,766	\$ 7,009,766	94821
TOTAL SSR State Special Revenue				94822
Fund Group	\$	7,009,766	\$ 7,009,766	94823
TOTAL ALL BUDGET FUND GROUPS	\$	173,322,624	\$ 212,917,824	94824

**Section 97.01. LEASE RENTAL PAYMENTS** 94826

The foregoing appropriation item 230-428, Lease Rental 94827  
 Payments, shall be used to meet all payments at the times they are 94828  
 required to be made during the period from July 1, 2003, to June 94829  
 30, 2005, by the School Facilities Commission pursuant to leases 94830  
 and agreements made under section 3318.26 of the Revised Code, but 94831  
 limited to the aggregate amount of \$63,481,200. Nothing in this 94832  
 act shall be deemed to contravene the obligation of the state to 94833  
 pay, without necessity for further appropriation, from the sources 94834  
 pledged thereto, the bond service charges on obligations issued 94835  
 pursuant to Chapter 3318. of the Revised Code. 94836

**COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE** 94837

The foregoing appropriation item 230-908, Common Schools 94838  
 General Obligation Debt Service, shall be used to pay all debt 94839  
 service and related financing costs at the times they are required 94840  
 to be made pursuant to sections 151.01 and 151.03 of the Revised 94841  
 Code during the period from July 1, 2003, to June 30, 2005. The 94842  
 Office of the Sinking Fund or the Director of Budget and 94843  
 Management shall effectuate the required payments by an intrastate 94844  
 transfer voucher. 94845

OPERATING EXPENSES 94846

The foregoing appropriation item 230-644, Operating Expenses, 94847  
shall be used by the Ohio School Facilities Commission to carry 94848  
out its responsibilities pursuant to this section and Chapter 94849  
3318. of the Revised Code. 94850

Within ten days after the effective date of this section, or 94851  
as soon as possible thereafter, the Executive Director of the Ohio 94852  
School Facilities Commission shall certify to the Director of 94853  
Budget and Management the amount of cash from interest earnings to 94854  
be transferred from the School Building Assistance Fund (Fund 032) 94855  
or the Public School Building Fund (Fund 021) to the Ohio School 94856  
Facilities Commission Fund (Fund 5E3). 94857

By July 10, 2004, the Executive Director of the Ohio School 94858  
Facilities Commission shall certify to the Director of Budget and 94859  
Management the amount of cash from interest earnings to be 94860  
transferred from the School Building Assistance Fund (Fund 032) or 94861  
the Public School Building Fund (Fund 021) to the Ohio School 94862  
Facilities Commission Fund (Fund 5E3). The amount transferred may 94863  
not exceed investment earnings credited to the School Building 94864  
Assistance Fund (Fund 032) less any amount required to be paid for 94865  
federal arbitrage rebate purposes. 94866

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 94867

At the request of the Executive Director of the Ohio School 94868  
Facilities Commission, the Director of Budget and Management may 94869  
cancel encumbrances for school district projects from a previous 94870  
biennium if the district has not raised its local share of project 94871  
costs within one year of receiving Controlling Board approval in 94872  
accordance with section 3318.05 of the Revised Code. The Executive 94873  
Director of the Ohio School Facilities Commission shall certify 94874  
the amounts of these canceled encumbrances to the Director of 94875  
Budget and Management on a quarterly basis. The amounts of the 94876

94877 canceled encumbrances are appropriated.

**Section 97.02.** COMMUNITY SCHOOL CLASSROOM FACILITIES LOAN 94878  
GUARANTEE 94879

94880 The unencumbered and unallotted balances as of June 30, 2003,  
94881 in appropriation item 230-602, Community School Loan Guarantee,  
94882 are hereby reappropriated in fiscal year 2004 to support loan  
94883 guarantees to community schools under section 3318.50 of the  
94884 Revised Code. The unencumbered an unallotted balances of the  
94885 appropriation at the end of fiscal year 2004 are hereby  
94886 reappropriated in fiscal year 2005 to support loan guarantees to  
94887 community schools under section 3318.50 of the Revised Code.

**Section 97.03.** EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 94888  
FACILITIES 94889

94890 Notwithstanding any other provision of law to the contrary,  
94891 the School Facilities Commission may provide assistance under the  
94892 Exceptional Needs School Facilities Program established in section  
94893 3318.37 of the Revised Code to any school district, and not  
94894 exclusively to a school district in the lowest fifty per cent of  
94895 adjusted valuation per pupil on the current ranking of school  
94896 districts established pursuant to section 3317.02 of the Revised  
94897 Code, for the purpose of the relocation or replacement of school  
94898 facilities required as a result of extreme environmental  
94899 contamination.

94900 The School Facilities Commission shall contract with an  
94901 independent environmental consultant to conduct a study and to  
94902 report to the commission as to the seriousness of the  
94903 environmental contamination, whether the contamination violates  
94904 applicable state and federal standards, and whether the facilities  
94905 are no longer suitable for use as school facilities. The  
94906 commission then shall make a determination regarding funding for

the relocation or replacement of the school facilities. If the 94907  
federal government or other public or private entity provides 94908  
funds for restitution of costs incurred by the state or school 94909  
district in the relocation or replacement of the school 94910  
facilities, the school district shall use such funds in excess of 94911  
the school district's share to refund the state for the state's 94912  
contribution to the environmental contamination portion of the 94913  
project. The school district may apply an amount of such 94914  
restitution funds up to an amount equal to the school district's 94915  
portion of the project, as defined by the commission, toward 94916  
paying its portion of that project to reduce the amount of bonds 94917  
the school district otherwise must issue to receive state 94918  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 94919

**Section 97.04.** (A) The Ohio School Facilities Commission may 94920  
commit up to thirty-five million dollars to the Canton City School 94921  
District for construction of a facility described in this section, 94922  
in lieu of a high school that would otherwise be authorized under 94923  
Chapter 3318. of the Revised Code. The commission shall not commit 94924  
funds under this section unless all of the following conditions 94925  
are met: 94926

(1) The district has entered into a cooperative agreement 94927  
with a state-assisted technical college. 94928

(2) The district has received an irrevocable commitment of 94929  
additional funding from nonpublic sources. 94930

(3) The facility is intended to serve both secondary and 94931  
postsecondary instructional purposes. 94932

(B) The commission shall enter into an agreement with the 94933  
district for the construction of the facility authorized under 94934  
this section that is separate from and in addition to the 94935  
agreement required for the district's participation in the 94936  
Classroom Facilities Assistance Program under section 3318.08 of 94937

the Revised Code. Notwithstanding that section and sections 94938  
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 94939  
agreement shall provide, but not be limited to, the following: 94940

(1) The commission shall not have any oversight 94941  
responsibilities over the construction of the facility. 94942

(2) The facility need not comply with the specifications for 94943  
plans and materials for high schools adopted by the commission. 94944

(3) The commission may decrease the basic project cost that 94945  
would otherwise be calculated for a high school under Chapter 94946  
3318. of the Revised Code. 94947

(4) The state shall not share in any increases in the basic 94948  
project cost for the facility above the amount authorized under 94949  
this section. 94950

All other provisions of Chapter 3318. of the Revised Code 94951  
apply to the approval and construction of a facility authorized 94952  
under this section. 94953

The state funds committed to the facility authorized by this 94954  
section shall be part of the total amount the state commits to the 94955  
Canton City School District under Chapter 3318. of the Revised 94956  
Code. All additional state funds committed to the Canton City 94957  
School District for classroom facilities assistance shall be 94958  
subject to all provisions of Chapter 3318. of the Revised Code. 94959

**Section 98. NET OHIO SCHOOLNET COMMISSION** 94960

General Revenue Fund 94961

GRF 228-404 Operating Expenses \$ 5,961,208 \$ 5,961,208 94962

GRF 228-406 Technical and \$ 7,691,831 \$ 7,691,831 94963

Instructional

Professional

Development

GRF 228-539 Education Technology \$ 6,989,315 \$ 6,989,315 94964

Total GRF General Revenue Fund	\$	20,642,354	\$	20,642,354	94965
General Services Fund Group					94966
5D4 228-640 Conference/Special	\$	1,350,000	\$	1,350,000	94967
Purpose Expenses					
TOTAL GSF General Services					94968
Fund Group	\$	1,350,000	\$	1,350,000	94969
Federal Special Revenue Fund Group					94970
3X8 228-604 Individuals With	\$	1,500,000	\$	1,500,000	94971
Disabilities Education					
Act					
TOTAL FED Federal Special Revenue					94972
Fund Group	\$	1,500,000	\$	1,500,000	94973
State Special Revenue Fund Group					94974
4W9 228-630 Ohio SchoolNet	\$	400,000	\$	400,000	94975
Telecommunity Fund					
4X1 228-634 Distance Learning	\$	1,750,000	\$	1,750,000	94976
5T3 228-605 Gates Foundation	\$	1,194,908	\$	1,194,908	94977
Grants					
TOTAL SSR State Special Revenue					94978
Fund Group	\$	3,344,908	\$	3,344,908	94979
TOTAL ALL BUDGET FUND GROUPS		26,837,262		26,837,262	94980

**Section 98.01. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL** 94982  
**DEVELOPMENT** 94983

The foregoing appropriation item 228-406, Technical and 94984  
Instructional Professional Development, shall be used by the Ohio 94985  
SchoolNet Commission to make grants or provide services to 94986  
qualifying schools, including the State School for the Blind and 94987  
the Ohio School for the Deaf, for the provision of hardware, 94988  
software, telecommunications services, and staff development to 94989  
support educational uses of technology in the classroom. 94990

The Ohio SchoolNet Commission shall consider the professional 94991

development needs associated with the OhioReads Program when 94992  
making funding allocations and program decisions. 94993

Of the foregoing appropriation item 228-406, Technical and 94994  
Instructional Professional Development, \$1,260,000 in each fiscal 94995  
year shall be allocated equally among the 12 Ohio Educational 94996  
Television Stations and, used with the advice of the Ohio 94997  
SchoolNet Commission, for the production of interactive 94998  
instructional programming series and teleconferences to support 94999  
the SchoolNet Commission. The programming shall be targeted to the 95000  
needs of the poorest two hundred school districts as determined by 95001  
the district's adjusted valuation per pupil as defined in section 95002  
3317.0213 of the Revised Code. 95003

Of the foregoing appropriation item 228-406, Technical and 95004  
Instructional Professional Development, \$818,322 in each fiscal 95005  
year shall be used by the INFOhio Network, with the advice of the 95006  
Ohio SchoolNet Commission, to support the provision of electronic 95007  
resources to all public schools with preference given to 95008  
elementary schools. Consideration shall be given by the Commission 95009  
to coordinating the allocation of these moneys with the efforts of 95010  
OhioLINK and the Ohio Public Information Network. 95011

Of the foregoing appropriation item 228-406, Technical and 95012  
Instructional Professional Development, \$300,000 in each fiscal 95013  
year shall be used by the JASON project, with the advice of the 95014  
Ohio SchoolNet Commission, to provide statewide access and a 75 95015  
per cent subsidy for statewide licensing of JASON content for 95016  
90,000 middle school students statewide, and professional 95017  
development for teachers participating in the program. 95018

The remaining appropriation allocated in appropriation item 95019  
228-406, Technical and Instructional Professional Development, 95020  
shall be used by the Ohio SchoolNet Commission for professional 95021  
development for teachers and administrators for the use of 95022  
educational technology. The commission may make grants to provide 95023

technical assistance and professional development on the use of 95024  
educational technology to school districts. 95025

Eligible recipients of grants include regional training 95026  
centers, county offices of education, data collection sites, 95027  
instructional technology centers, institutions of higher 95028  
education, public television stations, special education resource 95029  
centers, area media centers, or other nonprofit educational 95030  
organizations. Services provided through these grants may include 95031  
use of private entities subcontracting through the grant 95032  
recipient. 95033

Grants shall be made to entities on a contractual basis with 95034  
the Ohio SchoolNet Commission. Contracts shall include provisions 95035  
that demonstrate how services will benefit technology use in the 95036  
schools, and in particular will support Ohio SchoolNet efforts to 95037  
support technology in the schools. Contracts shall specify the 95038  
scope of assistance being offered and the potential number of 95039  
professionals who will be served. Contracting entities may be 95040  
awarded more than one grant at a time. 95041

Grants shall be awarded in a manner consistent with the goals 95042  
of Ohio SchoolNet. Special emphasis in the award of grants shall 95043  
be placed on collaborative efforts among service providers. 95044

Application for grants from this appropriation in 95045  
appropriation item 228-406, Technical and Instructional 95046  
Professional Development, shall be consistent with a school 95047  
district's technology plan that shall meet the minimum 95048  
specifications for school district technology plans as prescribed 95049  
by the Ohio SchoolNet Commission. Funds allocated through these 95050  
grants may be combined with funds received through other state or 95051  
federal grants for technology so long as the school district's 95052  
technology plan specifies the use of these funds. 95053

EDUCATION TECHNOLOGY 95054

The foregoing appropriation item 228-539, Education 95055  
Technology, shall be used to provide funding to suppliers of 95056  
information services to school districts for the provision of 95057  
hardware, software, and staff development in support of 95058  
educational uses of technology in the classroom as prescribed by 95059  
the State Plan for Technology pursuant to section 3301.07 of the 95060  
Revised Code, and to support assistive technology for children and 95061  
youth with disabilities. 95062

Of the foregoing appropriation item 228-539, Education 95063  
Technology, up to \$1,946,000 in each fiscal year shall be used by 95064  
the Ohio SchoolNet Commission to link all public K-12 classrooms 95065  
to each other and the Internet, and to provide access to voice, 95066  
video, and data educational resources for students and teachers 95067  
through the OneNet Ohio Program. 95068

Up to \$4,403,778 in each fiscal year shall be used by the 95069  
Ohio SchoolNet Commission to contract with instructional 95070  
television, and \$639,537 in each fiscal year shall be used by the 95071  
commission to contract with education media centers to provide 95072  
Ohio schools with instructional resources and services. 95073

Resources may include, but not be limited to, the following: 95074  
pre-recorded video materials (including videotape, laser discs, 95075  
and CD-ROM discs); computer software for student use or student 95076  
access to electronic communication, databases, spreadsheet, and 95077  
word processing capability; live student courses or courses 95078  
delivered electronically; automated media systems; and 95079  
instructional and professional development materials for teachers. 95080  
The commission shall cooperate with education technology agencies 95081  
in the acquisition, development, and delivery of such educational 95082  
resources to ensure high-quality and educational soundness at the 95083  
lowest possible cost. Delivery of such resources may utilize a 95084  
variety of technologies, with preference given to a high-speed 95085  
integrated information network that can transport video, voice, 95086

data, and graphics simultaneously. 95087

Services shall include presentations and technical assistance 95088  
that will help students and teachers integrate educational 95089  
materials that support curriculum objectives, match specific 95090  
learning styles, and are appropriate for individual interests and 95091  
ability levels. 95092

Such instructional resources and services shall be made 95093  
available for purchase by chartered nonpublic schools or by public 95094  
school districts for the benefit of pupils attending chartered 95095  
nonpublic schools. 95096

TELECOMMUNITY 95097

The foregoing appropriation item 228-630, Ohio SchoolNet 95098  
Telecommunity Fund, shall be distributed by the Ohio SchoolNet 95099  
Commission on a grant basis to eligible school districts to 95100  
establish "distance learning" through interactive video 95101  
technologies in the school district. Per agreements with eight 95102  
Ohio local telephone companies: ALLTEL Ohio, CENTURY Telephone of 95103  
Ohio, Chillicothe Telephone Company, Cincinnati Bell Telephone 95104  
Company, Orwell Telephone Company, Sprint North Central Telephone, 95105  
VERIZON, and Western Reserve Telephone Company, school districts 95106  
are eligible for funds if they are within one of the listed 95107  
telephone company service areas. Funds to administer the program 95108  
shall be expended by the commission up to the amount specified in 95109  
agreements with the listed telephone companies. 95110

Within 30 days after the effective date of this section, the 95111  
Director of Budget and Management shall transfer to Fund 4W9 in 95112  
the State Special Revenue Fund Group any investment earnings from 95113  
moneys paid to the Ohio SchoolNet Commission by any telephone 95114  
company as part of any settlement agreement between the listed 95115  
companies and the Public Utilities Commission in fiscal years 1996 95116  
and beyond. 95117

DISTANCE LEARNING 95118

Appropriation item 228-634, Distance Learning, shall be 95119  
distributed by the Ohio SchoolNet Commission on a grant basis to 95120  
eligible school districts to establish "distance learning" in the 95121  
school district. Per the agreement with Ameritech, school 95122  
districts are eligible for funds if they are within an Ameritech 95123  
service area. Funds to administer the program shall be expended by 95124  
the commission up to the amount specified in the agreement with 95125  
Ameritech. 95126

Within thirty days after the effective date of this section, 95127  
the Director of Budget and Management shall transfer to fund 4X1 95128  
in the State Special Revenue Fund Group any investment earnings 95129  
from moneys paid to the office or to the SchoolNet Commission by 95130  
any telephone company as part of a settlement agreement between 95131  
the company and the Public Utilities Commission in fiscal year 95132  
1995. 95133

GATES FOUNDATION GRANTS 95134

The foregoing appropriation item 228-605, Gates Foundation 95135  
Grants, shall be used by the Ohio SchoolNet Commission to provide 95136  
professional development to school district principals, 95137  
superintendents, and other administrative staff for the use of 95138  
education technology. The appropriation is made possible through a 95139  
grant from the Bill and Melinda Gates foundation. 95140

**Section 99.** SOS SECRETARY OF STATE 95141

General Revenue Fund 95142

GRF 050-321	Operating Expenses	\$	2,750,000	\$	2,750,000	95143
GRF 050-403	Election Statistics	\$	110,570	\$	110,570	95144
GRF 050-407	Pollworkers Training	\$	295,742	\$	295,742	95145
GRF 050-409	Litigation	\$	4,949	\$	4,949	95146

Expenditures

TOTAL GRF General Revenue Fund	\$	3,161,261	\$	3,161,261	95147
General Services Fund Group					95148
4S8 050-610 Board of Voting	\$	7,200	\$	7,200	95149
Machine Examiners					
412 050-609 Notary Commission	\$	178,124	\$	185,249	95150
413 050-601 Information Systems	\$	163,418	\$	169,955	95151
414 050-602 Citizen Education Fund	\$	72,800	\$	75,712	95152
TOTAL General Services Fund Group	\$	421,542	\$	438,116	95153
Federal Special Revenue Fund Group					95154
3X4 050-612 Ohio Cntr/Law Related	\$	41,000	\$	41,000	95155
Educ Grant					
TOTAL FED Federal Special Revenue					95156
Fund Group	\$	41,000	\$	41,000	95157
State Special Revenue Fund Group					95158
5N9 050-607 Technology	\$	124,582	\$	129,565	95159
Improvements					
599 050-603 Business Services	\$	13,889,462	\$	14,241,966	95160
Operating Expenses					
TOTAL SSR State Special Revenue					95161
Fund Group	\$	14,014,044	\$	14,371,531	95162
Holding Account Redistribution Fund Group					95163
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000	95164
Code Refunds					
R02 050-606 Corporate/Business	\$	100,000	\$	100,000	95165
Filing Refunds					
TOTAL 090 Holding Account					95166
Redistribution Fund Group	\$	165,000	\$	165,000	95167
TOTAL ALL BUDGET FUND GROUPS	\$	17,802,847	\$	18,176,908	95168
BOARD OF VOTING MACHINE EXAMINERS					95169
The foregoing appropriation item 050-610, Board of Voting					95170
Machine Examiners, shall be used to pay for the services and					95171

expenses of the members of the Board of Voting Machine Examiners, 95172  
and for other expenses that are authorized to be paid from the 95173  
Board of Voting Machine Examiners Fund, which is created in 95174  
section 3506.05 of the Revised Code. Moneys not used shall be 95175  
returned to the person or entity submitting the equipment for 95176  
examination. If it is determined that additional appropriations 95177  
are necessary, such amounts are appropriated. 95178

HOLDING ACCOUNT REDISTRIBUTION GROUP 95179

The foregoing appropriation items 050-605 and 050-606, 95180  
Holding Account Redistribution Fund Group, shall be used to hold 95181  
revenues until they are directed to the appropriate accounts or 95182  
until they are refunded. If it is determined that additional 95183  
appropriations are necessary, such amounts are appropriated. 95184

**Section 100.** SEN THE OHIO SENATE 95185

General Revenue Fund 95186

GRF 020-321 Operating Expenses	\$	10,887,655	\$	11,432,037	95187
TOTAL GRF General Revenue Fund	\$	10,887,655	\$	11,432,037	95188

General Services Fund Group 95189

102 020-602 Senate Reimbursement	\$	422,881	\$	444,025	95190
409 020-601 Miscellaneous Sales	\$	32,529	\$	34,155	95191
TOTAL GSF General Services					95192
Fund Group	\$	455,410	\$	478,180	95193
TOTAL ALL BUDGET FUND GROUPS	\$	11,343,065	\$	11,910,217	95194

**Section 101.** CSF COMMISSIONERS OF THE SINKING FUND 95196

Debt Service Fund Group 95197

071 155-901 Highway Obligations	\$	35,536,300	\$	10,450,000	95198
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Bond Retirement Fund

072 155-902 Highway Capital	\$	153,559,600	\$	173,238,200	95199
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Improvements Bond

		Retirement Fund					
073	155-903	Natural Resources Bond	\$	23,808,300	\$	26,914,300	95200
		Retirement					
074	155-904	Conservation Projects	\$	9,743,500	\$	11,235,700	95201
		Bond Service Fund					
076	155-906	Coal Research and	\$	7,231,200	\$	9,185,100	95202
		Development Bond					
		Retirement Fund					
077	155-907	State Capital	\$	156,974,400	\$	152,069,700	95203
		Improvements Bond					
		Retirement Fund					
078	155-908	Common Schools Bond	\$	106,322,300	\$	145,989,300	95204
		Retirement Fund					
079	155-909	Higher Education Bond	\$	97,668,000	\$	130,967,600	95205
		Retirement Fund					
TOTAL DSF		Debt Service Fund Group	\$	590,843,600	\$	660,049,900	95206
TOTAL ALL BUDGET FUND GROUPS			\$	590,843,600	\$	660,049,900	95207
		ADDITIONAL APPROPRIATIONS					95208
		Appropriation items in this section are for the purpose of					95209
		paying debt service and financing costs on bonds or notes of the					95210
		state issued pursuant to the Ohio Constitution and acts of the					95211
		General Assembly. If it is determined that additional					95212
		appropriations are necessary, such amounts are appropriated.					95213
		<b>Section 102. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &amp;</b>					95214
		AUDIOLOGY					95215
		General Services Fund Group					95216
4K9	886-609	Operating Expenses	\$	390,966	\$	403,554	95217
TOTAL GSF		General Services					95218
Fund Group			\$	390,966	\$	403,554	95219
TOTAL ALL BUDGET FUND GROUPS			\$	390,966	\$	403,554	95220

<b>Section 103. BTA BOARD OF TAX APPEALS</b>				95222
General Revenue Fund				95223
GRF 116-321	Operating Expenses	\$ 2,171,760	\$ 2,171,760	95224
TOTAL GRF General Revenue Fund				95225
TOTAL ALL BUDGET FUND GROUPS				95226
 <b>Section 104. TAX DEPARTMENT OF TAXATION</b>				95228
General Revenue Fund				95229
GRF 110-321	Operating Expenses	\$ 92,501,007	\$ 94,267,788	95230
GRF 110-412	Child Support	\$ 74,215	\$ 74,215	95231
Administration				
GRF 110-901	Property Tax	\$ 434,650,000	\$ 462,640,000	95232
Allocation - Taxation				
GRF 110-906	Tangible Tax Exemption	\$ 26,590,000	\$ 25,090,000	95233
- Taxation				
TOTAL GRF General Revenue Fund				95234
Agency Fund Group				95235
095 110-901	Municipal Income Tax	\$ 12,000,000	\$ 12,000,000	95236
425 110-635	Tax Refunds	\$ 1,296,756,200	\$ 1,337,119,600	95237
TOTAL AGY Agency Fund Group				95238
General Services Fund Group				95239
433 110-602	Tape File Account	\$ 96,165	\$ 96,165	95240
TOTAL GSF General Services				95241
Fund Group				95242
Federal Special Revenue Fund Group				95243
3J6 110-601	Motor Fuel Compliance	\$ 33,300	\$ 25,000	95244
TOTAL FED Federal Special Revenue				95245
Fund Group				95246
State Special Revenue Fund Group				95247
4C6 110-616	International	\$ 706,855	\$ 706,855	95248

		Registration Plan					
4R6	110-610	Tire Tax	\$	65,000	\$	65,000	95249
		Administration					
435	110-607	Local Tax	\$	13,600,000	\$	13,700,000	95250
		Administration					
436	110-608	Motor Vehicle Audit	\$	1,350,000	\$	1,350,000	95251
437	110-606	Litter Tax and Natural	\$	625,232	\$	625,232	95252
		Resource Tax					
		Administration					
438	110-609	School District Income	\$	2,599,999	\$	2,599,999	95253
		Tax					
5N5	110-605	Municipal Income Tax	\$	650,000	\$	650,000	95254
		Administration					
5N6	110-618	Kilowatt Hour Tax	\$	85,000	\$	85,000	95255
		Administration					
5V7	110-622	Motor Fuel Tax	\$	3,734,036	\$	3,833,091	95256
		Administration					
5V8	110-623	Property Tax	\$	11,569,719	\$	11,938,362	95257
		Administration					
5W4	110-625	Centralized Tax Filing	\$	3,000,000	\$	3,000,000	95258
		and Payment					
639	110-614	Cigarette Tax	\$	168,925	\$	168,925	95259
		Enforcement					
642	110-613	Ohio Political Party	\$	600,000	\$	600,000	95260
		Distributions					
688	110-615	Local Excise Tax	\$	300,000	\$	300,000	95261
		Administration					
TOTAL	SSR	State Special Revenue					95262
Fund Group			\$	39,054,766	\$	39,622,464	95263
Holding Account	Redistribution	Fund Group					95264
R10	110-611	Tax Distributions	\$	50,000	\$	50,000	95265
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000	95266
		Tax Receipts					

TOTAL 090 Holding Account			95267
Redistribution Fund Group	\$	100,000	\$ 100,000 95268
TOTAL ALL BUDGET FUND GROUPS	\$	1,901,855,653	\$ 1,971,035,232 95269
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT			95270
Of the foregoing appropriation item 110-607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.			95271 95272 95273 95274 95275 95276 95277
LITTER CONTROL TAX ADMINISTRATION FUND			95278
Notwithstanding section 5733.12 of the Revised Code, during the period from July 1, 2003, to June 30, 2004, the amount of \$625,232, and during the period from July 1, 2004, to June 30, 2005, the amount of \$625,232, received by the Tax Commissioner under Chapter 5733. of the Revised Code, shall be credited to the Litter Control Tax Administration Fund (Fund 437).			95279 95280 95281 95282 95283 95284
CENTRALIZED TAX FILING AND PAYMENT FUND			95285
The Director of Budget and Management pursuant to a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the General Revenue Fund to the credit of the Centralized Tax Filing and Payment Fund. Such transfers of cash shall not exceed \$3,000,000 in any fiscal year.			95286 95287 95288 95289 95290 95291
INTERNATIONAL REGISTRATION PLAN AUDIT			95292
The foregoing appropriation item 110-616, International Registration Plan, shall be used pursuant to section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.			95293 95294 95295 95296

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 95297  
EXEMPTION 95298

The foregoing appropriation item 110-901, Property Tax 95299  
Allocation - Taxation, is appropriated to pay for the state's 95300  
costs incurred due to the Homestead Exemption, the Manufactured 95301  
Home Property Tax Rollback, and the Property Tax Rollback. The Tax 95302  
Commissioner shall distribute these funds directly to the 95303  
appropriate local taxing districts of the state, except for school 95304  
districts, notwithstanding the provisions in sections 321.24 and 95305  
323.156 of the Revised Code, which provide for payment of the 95306  
Homestead Exemption, the Manufactured Home Property Tax Rollback, 95307  
and Property Tax Rollback by the Tax Commissioner to the 95308  
appropriate county treasurer and the subsequent redistribution of 95309  
these funds to the appropriate local taxing districts by the 95310  
county auditor. 95311

The foregoing appropriation item 110-906, Tangible Tax 95312  
Exemption - Taxation, is appropriated to pay for the state's costs 95313  
incurred due to the tangible personal property tax exemption 95314  
required by division (C)(3) of section 5709.01 of the Revised 95315  
Code. The Tax Commissioner shall distribute to each county 95316  
treasurer the total amount appearing in the notification from the 95317  
county treasurer pursuant to division (G) of section 321.24 of the 95318  
Revised Code for all local taxing districts located in the county 95319  
except for school districts, notwithstanding the provision in 95320  
section 321.24 of the Revised Code which provides for payment of 95321  
the \$10,000 tangible personal property tax exemption by the Tax 95322  
Commissioner to the appropriate county treasurer for all local 95323  
taxing districts located in the county including school districts. 95324  
Pursuant to division (G) of section 321.24 of the Revised Code, 95325  
the county auditor shall distribute the amount paid by the Tax 95326  
Commissioner among the appropriate local taxing districts except 95327  
for school districts. 95328

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are hereby appropriated.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110-901, Municipal Income Tax, shall be used to make payments to municipal corporations as provided in section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

TAX REFUNDS

The foregoing appropriation item 110-635, Tax Refunds, shall be used to pay refunds as provided in section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary, such amounts are appropriated.

**Section 105.** DOT DEPARTMENT OF TRANSPORTATION

Transportation Modes

General Revenue Fund

GRF 775-451 Public Transportation \$ 18,875,595 \$ 19,525,595

- State

GRF 776-465	Ohio Rail Development Commission	\$	3,116,889	\$	2,936,056	95358
GRF 776-466	Railroad Crossing/Grade Separation	\$	500,000	\$	840,000	95359
GRF 777-471	Airport Improvements - State	\$	1,908,495	\$	1,908,495	95360
GRF 777-473	Rickenbacker Lease Payments - State	\$	591,600	\$	591,500	95361
TOTAL GRF	General Revenue Fund	\$	24,992,579	\$	25,801,646	95362
	Federal Special Revenue Fund Group					95363
3B9 776-662	Rail Transportation - Federal	\$	50,000	\$	50,000	95364
TOTAL FSR	Federal Special Revenue Fund Group	\$	50,000	\$	50,000	95365
	State Special Revenue Fund Group					95367
4N4 776-663	Panhandle Lease Reserve Payments	\$	770,000	\$	770,000	95368
4N4 776-664	Rail Transportation - Other	\$	1,919,500	\$	2,111,500	95369
5W8 773-605	Roadside Rest Area Improvement		250,000		250,000	95370
5W9 777-615	County Airport Maintenance Assistance		570,000		570,000	95371
TOTAL SSR	State Special Revenue Fund Group	\$	3,509,500	\$	3,701,500	95372
TOTAL ALL BUDGET FUND GROUPS		\$	28,552,079	\$	29,553,146	95374
	ELDERLY AND DISABLED FARE ASSISTANCE					95375
	Of the foregoing appropriation item 775-451, Public Transportation - State, up to \$4,012,780 in fiscal year 2004 and \$5,015,975 in fiscal year 2005 may be used to make grants to county transit boards, regional transit authorities, regional					95376
						95377
						95378
						95379

transit commissions, counties, municipal corporations, and private 95380  
nonprofit organizations that operate or will operate public 95381  
transportation systems, for the purpose of reducing the transit 95382  
fares of elderly or disabled persons. Pursuant to division (B) of 95383  
section 5501.07 of the Revised Code, the Director of 95384  
Transportation shall establish criteria for the distribution of 95385  
these grants. 95386

AVIATION LEASE PAYMENTS 95387

The foregoing appropriation item 777-473, Rickenbacker Lease 95388  
Payments - State, shall be used to meet scheduled payments for the 95389  
Rickenbacker Port Authority. The Director of Transportation shall 95390  
certify to the Director of Budget and Management any 95391  
appropriations in appropriation item 777-473, Rickenbacker Lease 95392  
Payments - State, that are not needed to make lease payments for 95393  
the Rickenbacker Port Authority. Notwithstanding section 127.14 of 95394  
the Revised Code, the amount certified may be transferred by the 95395  
Director of Budget and Management to appropriation item 777-471, 95396  
Airport Improvements - State. 95397

**Section 106.** TOS TREASURER OF STATE 95398

General Revenue Fund 95399

GRF 090-321 Operating Expenses \$ 9,329,082 \$ 9,619,082 95400

GRF 090-401 Office of the Sinking \$ 554,868 \$ 554,868 95401

Fund 95402

GRF 090-402 Continuing Education \$ 463,585 \$ 463,585 95403

GRF 090-524 Police and Fire \$ 35,000 \$ 30,000 95404

Disability Pension 95405

Fund

GRF 090-534 Police & Fire Ad Hoc \$ 225,000 \$ 230,000 95406

Cost

of Living 95407

GRF 090-544 Police and Fire State \$ 1,200,000 \$ 1,200,000 95408

	Contribution				95409	
GRF 090-554	Police and Fire	\$	1,320,000	\$	1,260,000	95410
	Survivor					
	Benefits					95411
GRF 090-575	Police and Fire Death	\$	24,000,000	\$	25,000,000	95412
	Benefits					95413
TOTAL GRF	General Revenue Fund	\$	37,127,535	\$	38,357,535	95414
	Agency Fund Group					95415
425 090-635	Tax Refunds	\$	31,000,000	\$	31,000,000	95416
TOTAL Agency	Fund Group	\$	31,000,000	\$	31,000,000	95417
	General Services Fund Group					95418
4E9 090-603	Securities Lending	\$	2,400,000	\$	2,100,000	95419
	Income					
577 090-605	Investment Pool	\$	600,000	\$	550,000	95420
	Reimbursement					95421
605 090-609	Treasurer of State	\$	600,000	\$	700,000	95422
	Administrative Fund					95423
TOTAL GSF	General Services					95424
Fund Group		\$	3,600,000	\$	3,350,000	95425
	State Special Revenue Fund Group					95426
5C5 090-602	County Treasurer	\$	175,000	\$	135,000	95427
	Education					
TOTAL SSR	State Special Revenue					95428
Fund Group		\$	175,000	\$	135,000	95429
TOTAL ALL BUDGET	FUND GROUPS	\$	71,902,535	\$	72,842,535	95430

**Section 106.01. OFFICE OF THE SINKING FUND** 95432

The foregoing appropriation item 090-401, Office of the 95433  
Sinking Fund, shall be used for financing and other costs incurred 95434  
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 95435  
Public Facilities Commission or its secretary, or the Treasurer of 95436  
State, with respect to State of Ohio general obligation bonds or 95437

notes, including, but not limited to, printing, advertising, 95438  
delivery, rating fees and the procurement of ratings, professional 95439  
publications, membership in professional organizations, and 95440  
services referred to in division (D) of section 151.01 of the 95441  
Revised Code. The General Revenue Fund shall be reimbursed for 95442  
such costs by intrastate transfer voucher pursuant to a 95443  
certification by the Office of the Sinking Fund of the actual 95444  
amounts used. The amounts necessary to make such reimbursements 95445  
are appropriated from the general obligation bond retirement funds 95446  
created by the Constitution and laws to the extent such costs are 95447  
incurred. 95448

POLICE AND FIRE DEATH BENEFIT FUND 95449

The foregoing appropriation item 090-575, Police and Fire 95450  
Death Benefits, shall be disbursed annually by the Treasurer of 95451  
State at the beginning of each fiscal year to the Board of 95452  
Trustees of the Ohio Police and Fire Pension Fund. By the 95453  
twentieth day of June of each year, the Board of Trustees of the 95454  
Ohio Police and Fire Pension Fund shall certify to the Treasurer 95455  
of State the amount disbursed in the current fiscal year to make 95456  
the payments required by section 742.63 of the Revised Code and 95457  
shall return to the Treasurer of State moneys received from this 95458  
item but not disbursed. 95459

The foregoing appropriation item 090-635, Tax Refunds, shall 95460  
be used to pay refunds as provided in section 5703.052 of the 95461  
Revised Code. If it is determined by the Director of Budget and 95462  
Management that additional amounts are necessary, such amounts are 95463  
appropriated. 95464

**Section 107.** UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE 95465  
COMPENSATION BOARD 95466  
State Special Revenue Fund Group 95467

691 810-632 PUSTRCB Staff	\$	1,075,158	\$	1,075,158	95468
TOTAL SSR State Special Revenue					95469
Fund Group	\$	1,075,158	\$	1,075,158	95470
TOTAL ALL BUDGET FUND GROUPS	\$	1,075,158	\$	1,075,158	95471
<b>Section 108.</b> TTA OHIO TUITION TRUST AUTHORITY					95473
State Special Revenue Fund Group					95474
5P3 095-602 Variable Savings Plan	\$	1,639,747	\$	1,690,213	95475
645 095-601 Operating Expenses	\$	3,570,614	\$	3,689,101	95476
TOTAL SSR State Special Revenue					95477
Fund Group	\$	5,210,361	\$	5,379,314	95478
TOTAL ALL BUDGET FUND GROUPS	\$	5,210,361	\$	5,379,314	95479
<b>Section 109.</b> OVH OHIO VETERANS' HOME					95481
General Revenue Fund					95482
GRF 430-100 Personal Services	\$	20,664,311	\$	18,877,112	95483
GRF 430-200 Maintenance	\$	6,912,553	\$	6,546,928	95484
TOTAL GRF General Revenue Fund	\$	27,576,864	\$	25,424,040	95485
General Services Fund Group					95486
484 430-603 Rental and Service	\$	709,737	\$	709,737	95487
Revenue					
TOTAL GSF General Services Fund	\$	709,737	\$	709,737	95488
Group					
Federal Special Revenue Fund Group					95489
3L2 430-601 Federal Grants	\$	12,220,340	\$	14,696,578	95490
TOTAL FED Federal Special Revenue					95491
Fund Group	\$	12,220,340	\$	14,696,578	95492
State Special Revenue Fund Group					95493
4E2 430-602 Veterans Home	\$	6,719,938	\$	7,769,277	95494
Operating					
604 430-604 Veterans Home	\$	770,096	\$	770,096	95495
Improvement					

TOTAL SSR State Special Revenue				95496
Fund Group	\$	7,490,034	\$	8,539,373
TOTAL ALL BUDGET FUND GROUPS	\$	47,996,975	\$	49,369,728
<b>Section 110. VET VETERANS' ORGANIZATIONS</b>				95500
General Revenue Fund				95501
VAP AMERICAN EX-PRISONERS OF WAR				95502
GRF 743-501 State Support	\$	25,030	\$	25,030
VAN ARMY AND NAVY UNION, USA, INC.				95504
GRF 746-501 State Support	\$	55,012	\$	55,012
VKW KOREAN WAR VETERANS				95506
GRF 747-501 State Support	\$	53,953	\$	49,453
VJW JEWISH WAR VETERANS				95508
GRF 748-501 State Support	\$	29,715	\$	29,715
VCW CATHOLIC WAR VETERANS				95510
GRF 749-501 State Support	\$	57,990	\$	57,990
VPH MILITARY ORDER OF THE PURPLE HEART				95512
GRF 750-501 State Support	\$	56,377	\$	56,377
VVV VIETNAM VETERANS OF AMERICA				95514
GRF 751-501 State Support	\$	185,954	\$	185,954
VAL AMERICAN LEGION OF OHIO				95516
GRF 752-501 State Support	\$	252,328	\$	252,328
VII AMVETS				95518
GRF 753-501 State Support	\$	237,919	\$	237,919
VAV DISABLED AMERICAN VETERANS				95520
GRF 754-501 State Support	\$	166,308	\$	166,308
VMC MARINE CORPS LEAGUE				95522
GRF 756-501 State Support	\$	85,972	\$	85,972
V37 37TH DIVISION AEF VETERANS' ASSOCIATION				95524
GRF 757-501 State Support	\$	5,946	\$	5,946
VFW VETERANS OF FOREIGN WARS				95526
GRF 758-501 State Support	\$	196,615	\$	196,615
TOTAL GRF General Revenue Fund	\$	1,409,119	\$	1,404,619

TOTAL ALL BUDGET FUND GROUPS	\$	1,409,119	\$	1,404,619	95529
RELEASE OF FUNDS					95530
The foregoing appropriation items 743-501, 746-501, 747-501,					95531
748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501,					95532
756-501, 757-501, and 758-501, State Support, shall be released					95533
upon approval by the Director of Budget and Management.					95534
50th ANNIVERSARY COMMEMORATION OF THE KOREAN WAR					95535
Of the foregoing appropriation item 747-501, State Support,					95536
Korean War Veterans, up to \$4,500 in fiscal year 2004 shall be					95537
used for activities to commemorate the 50th anniversary of the					95538
Korean War. Commemorative activities shall be carried out by the					95539
Korean War Veterans Organization with input from the Governor's					95540
Office of Veterans Affairs and the other veterans organizations					95541
representing Korean War veterans.					95542
AMERICAN EX-PRISONERS OF WAR					95543
The American Ex-Prisoners of War shall be permitted to share					95544
an office with the Veterans of World War I.					95545
CENTRAL OHIO UNITED SERVICES ORGANIZATION					95546
Of the foregoing appropriation item 751-501, State Support,					95547
Vietnam Veterans of America, \$50,000 in each fiscal year shall be					95548
used to support the activities of the Central Ohio USO.					95549
VETERANS SERVICE COMMISSION EDUCATION					95550
Of the foregoing appropriation item 753-501, State Support,					95551
AMVETS, up to \$20,000 in each fiscal year may be used to provide					95552
moneys to the Association of County Veterans Service Commissioners					95553
to reimburse its member county veterans service commissions for					95554
costs incurred in carrying out educational and outreach duties					95555
required under divisions (E) and (F) of section 5901.03 of the					95556
Revised Code. The Director of Budget and Management shall release					95557
these funds upon the presentation of an itemized receipt from the					95558

association for reasonable and appropriate expenses incurred while 95559  
 performing these duties. The association shall establish uniform 95560  
 procedures for reimbursing member commissions. 95561

**Section 111. DVM STATE VETERINARY MEDICAL BOARD 95562**

General Services Fund Group 95563

4K9 888-609 Operating Expenses \$ 444,208 \$ 453,043 95564

TOTAL GSF General Services 95565

Fund Group \$ 444,208 \$ 453,043 95566

TOTAL ALL BUDGET FUND GROUPS \$ 444,208 \$ 453,043 95567

**Section 112. DYS DEPARTMENT OF YOUTH SERVICES 95569**

General Revenue Fund 95570

GRF 470-401 RECLAIM Ohio \$ 164,637,416 \$ 167,697,792 95571

GRF 470-412 Lease Rental Payments \$ 21,110,100 \$ 21,110,000 95572

GRF 470-510 Youth Services \$ 18,608,587 \$ 18,608,587 95573

GRF 472-321 Parole Operations \$ 15,347,154 \$ 14,841,872 95574

GRF 477-321 Administrative \$ 14,427,323 \$ 14,166,008 95575

Operations

TOTAL GRF General Revenue Fund \$ 234,130,580 \$ 236,424,259 95576

General Services Fund Group 95577

175 470-613 Education \$ 8,817,598 \$ 8,817,598 95578

Reimbursement

4A2 470-602 Child Support \$ 311,302 \$ 320,641 95579

4G6 470-605 General Operational \$ 10,000 \$ 10,000 95580

Funds

479 470-609 Employee Food Service \$ 118,454 \$ 122,008 95581

523 470-621 Wellness Program \$ 197,778 \$ 197,778 95582

TOTAL GSF General Services 95583

Fund Group \$ 9,455,132 \$ 9,468,025 95584

Federal Special Revenue Fund Group 95585

3V5 470-604 Juvenile \$ 4,091,100 \$ 4,254,744 95586

		Justice/Delinquency Prevention					
3W0	470-611	Federal Juvenile Programs FFY 02	\$	4,500,000	\$	0	95587
3Z8	470-625	Federal Juvenile Programs FFY 04	\$	7,828,899	\$	4,500,000	95588
3Z9	470-626	Federal Juvenile Programs FFY 05	\$	0	\$	7,828,899	95589
321	470-601	Education	\$	1,491,587	\$	1,555,147	95590
321	470-603	Juvenile Justice Prevention	\$	1,558,138	\$	1,558,138	95591
321	470-606	Nutrition	\$	2,389,587	\$	2,485,170	95592
321	470-610	Rehabilitation Programs	\$	585,000	\$	585,000	95593
321	470-614	Title IV-E Reimbursements	\$	4,776,002	\$	4,919,282	95594
321	470-617	Americorps Programs	\$	460,000	\$	460,000	95595
TOTAL FED		Federal Special Revenue					95596
Fund Group			\$	27,680,313	\$	28,146,380	95597
State Special Revenue		Fund Group					95598
147	470-612	Vocational Education	\$	2,523,653	\$	2,630,612	95599
4W3	470-618	Help Me Grow	\$	11,587	\$	11,587	95600
5J7	470-623	Residential Treatment Services	\$	500,000	\$	500,000	95601
TOTAL SSR		State Special Revenue					95602
Fund Group			\$	3,035,240	\$	3,142,199	95603
TOTAL ALL BUDGET		FUND GROUPS	\$	274,301,265	\$	277,180,863	95604
ZERO-BASED BUDGETING							95605
The Director of Budget and Management shall prepare a full							95606
zero-based budget for the biennium beginning July 1, 2005, for the							95607
Department of Youth Services. The Director shall offer the							95608
Department substantial technical assistance throughout the process							95609

of preparing their zero-based budget. The Department shall prepare 95610  
a full zero-based budget in such manner and according to such 95611  
schedule as the Director of Budget and Management requires. The 95612  
zero-based budget shall, as the Director of Budget and Management 95613  
determines, be in addition to or in place of the estimates of 95614  
revenue and proposed expenditures that the Department otherwise 95615  
would be required to prepare under section 126.02 of the Revised 95616  
Code. 95617

OHIO BUILDING AUTHORITY LEASE PAYMENTS 95618

The foregoing appropriation item 470-412, Lease Rental 95619  
Payments, in the Department of Youth Services, shall be used for 95620  
payments to the Ohio Building Authority for the period from July 95621  
1, 2003, to June 30, 2005, pursuant to the primary leases and 95622  
agreements for facilities made under Chapter 152. of the Revised 95623  
Code, but limited to the aggregate amount of \$42,220,100. This 95624  
appropriation is the source of funds pledged for bond service 95625  
charges on related obligations issued pursuant to Chapter 152. of 95626  
the Revised Code. 95627

YOUTH SERVICES BLOCK GRANT 95628

Of the foregoing appropriation item 470-510, Youth Services, 95629  
\$50,000 in each fiscal year shall be distributed directly to 95630  
Lighthouse Youth Services. 95631

EMPLOYEE FOOD SERVICE AND EQUIPMENT 95632

Notwithstanding section 125.14 of the Revised Code, the 95633  
foregoing appropriation item 470-609, Employee Food Service, may 95634  
be used to purchase any food operational items with funds received 95635  
into the fund from reimbursement for state surplus property. 95636

EDUCATION REIMBURSEMENT 95637

The foregoing appropriation item 470-613, Education 95638  
Reimbursement, shall be used to fund the operating expenses of 95639

providing educational services to youth supervised by the 95640  
Department of Youth Services. Operating expenses include, but are 95641  
not limited to, teachers' salaries, maintenance costs, and 95642  
educational equipment. This appropriation item shall not be used 95643  
for capital expenses. 95644

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF 95645  
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES 95646

Any business relating to the funds associated with the Office 95647  
of Criminal Justice Services' appropriation item 196-602, Criminal 95648  
Justice Federal Programs, commenced but not completed by the 95649  
Office of Criminal Justice Services or its director shall be 95650  
completed by the Department of Youth Services or its director in 95651  
the same manner, and with the same effect, as if completed by the 95652  
Office of Criminal Justice Services or its director. No 95653  
validation, cure, right, privilege, remedy, obligation, or 95654  
liability is lost or impaired by reason of the transfer and shall 95655  
be administered by the Department of Youth Services. 95656

Any action or proceeding against the Office of Criminal 95657  
Justice Services pending on the effective date of this section 95658  
shall not be affected by the transfer of responsibility to the 95659  
Department of Youth Services, and shall be prosecuted or defended 95660  
in the name of the Department of Youth Services or its director. 95661  
In all such actions and proceedings, the Department of Youth 95662  
Services or its director upon application of the court shall be 95663  
substituted as party. 95664

**Section 113.** EXPENDITURES AND APPROPRIATION INCREASES 95665  
APPROVED BY THE CONTROLLING BOARD 95666

Any money that the Controlling Board approves for expenditure 95667  
or any increase in appropriation authority that the Controlling 95668  
Board approves pursuant to the provisions of sections 127.14, 95669  
131.35, and 131.39 of the Revised Code or any other provision of 95670

law is appropriated for the period ending June 30, 2005. 95671

**Section 114. PERSONAL SERVICE EXPENSES** 95672

Unless otherwise prohibited by law, any appropriation from 95673  
which personal service expenses are paid shall bear the employer's 95674  
share of public employees' retirement, workers' compensation, 95675  
disabled workers' relief, and all group insurance programs; the 95676  
costs of centralized accounting, centralized payroll processing, 95677  
and related personnel reports and services; the cost of the Office 95678  
of Collective Bargaining; the cost of the Personnel Board of 95679  
Review; the cost of the Employee Assistance Program; the cost of 95680  
the affirmative action and equal employment opportunity programs 95681  
administered by the Department of Administrative Services; the 95682  
costs of interagency information management infrastructure; and 95683  
the cost of administering the state employee merit system as 95684  
required by section 124.07 of the Revised Code. These costs shall 95685  
be determined in conformity with appropriate sections of law and 95686  
paid in accordance with procedures specified by the Office of 95687  
Budget and Management. Expenditures from appropriation item 95688  
070-601, Public Audit Expense - Local Government, in Fund 422 may 95689  
be exempted from the requirements of this section. 95690

**Section 115. REISSUANCE OF VOIDED WARRANTS** 95691

In order to provide funds for the reissuance of voided 95692  
warrants pursuant to section 117.47 of the Revised Code, there is 95693  
appropriated, out of moneys in the state treasury from the fund 95694  
credited as provided in section 117.47 of the Revised Code, that 95695  
amount sufficient to pay such warrants when approved by the Office 95696  
of Budget and Management. 95697

**Section 116. \* CAPITAL PROJECT SETTLEMENTS** 95698

This section specifies an additional and supplemental 95699

procedure to provide for payments of judgments and settlements if 95700  
the Director of Budget and Management determines, pursuant to 95701  
division (C)(4) of section 2743.19 of the Revised Code, that 95702  
sufficient unencumbered moneys do not exist in the particular 95703  
appropriation to pay the amount of a final judgment rendered 95704  
against the state or a state agency, including the settlement of a 95705  
claim approved by a court, in an action upon and arising out of a 95706  
contractual obligation for the construction or improvement of a 95707  
capital facility if the costs under the contract were payable in 95708  
whole or in part from a state capital projects appropriation. In 95709  
such a case, the director may either proceed pursuant to division 95710  
(C)(4) of section 2743.19 of the Revised Code, or apply to the 95711  
Controlling Board to increase an appropriation or create an 95712  
appropriation out of any unencumbered moneys in the state treasury 95713  
to the credit of the capital projects fund from which the initial 95714  
state appropriation was made. The Controlling Board may approve or 95715  
disapprove the application as submitted or modified. The amount of 95716  
an increase in appropriation or new appropriation specified in an 95717  
application approved by the Controlling Board is hereby 95718  
appropriated from the applicable capital projects fund and made 95719  
available for the payment of the judgment or settlement. 95720

If the director does not make the application authorized by 95721  
this section or the Controlling Board disapproves the application, 95722  
and the director does not make application pursuant to division 95723  
(C)(4) of section 2743.19 of the Revised Code, the director shall 95724  
for the purpose of making that payment make a request to the 95725  
General Assembly as provided for in division (C)(5) of that 95726  
section. 95727

**Section 117. INCOME TAX DISTRIBUTION TO COUNTIES** 95728

There are hereby appropriated out of any moneys in the state 95729  
treasury to the credit of the General Revenue Fund, which are not 95730

otherwise appropriated, funds sufficient to make any payment 95731  
required by division (B)(2) of section 5747.03 of the Revised 95732  
Code. 95733

**Section 118. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 95734  
AGAINST THE STATE 95735

Any appropriation may be used for the purpose of satisfying 95736  
judgments or settlements in connection with civil actions against 95737  
the state in federal court not barred by sovereign immunity or the 95738  
Eleventh Amendment to the Constitution of the United States, or 95739  
for the purpose of satisfying judgments, settlements, or 95740  
administrative awards ordered or approved by the Court of Claims 95741  
in connection with civil actions against the state, pursuant to 95742  
section 2743.15, 2743.19, or 2743.191 of the Revised Code. This 95743  
authorization does not apply to appropriations to be applied to or 95744  
used for payment of guarantees by or on behalf of the state, for 95745  
or relating to lease payments or debt service on bonds, notes, or 95746  
similar obligations and those from the Sports Facilities Building 95747  
Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the 95748  
Administrative Building Fund (Fund 026), the Adult Correctional 95749  
Building Fund (Fund 027), the Juvenile Correctional Building Fund 95750  
(Fund 028), the Transportation Building Fund (Fund 029), the Arts 95751  
Facilities Building Fund (Fund 030), the Natural Resources 95752  
Projects Fund (Fund 031), the School Building Program Assistance 95753  
Fund (Fund 032), the Mental Health Facilities Improvement Fund 95754  
(Fund 033), the Higher Education Improvement Fund (Fund 034), the 95755  
Parks and Recreation Improvement Fund (Fund 035), the State 95756  
Capital Improvements Fund (Fund 038), the Highway Obligation Fund 95757  
(Fund 041), the Coal Research/Development Fund (Fund 046), and any 95758  
other fund into which proceeds of obligations are deposited. 95759  
Nothing contained in this section is intended to subject the state 95760  
to suit in any forum in which it is not otherwise subject to suit, 95761  
nor is it intended to waive or compromise any defense or right 95762

available to the state in any suit against it. 95763

**Section 119.** \* UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 95764

The maximum amounts that may be assessed against nuclear 95765  
electric utilities in accordance with division (B)(2) of section 95766  
4937.05 of the Revised Code are as follows: 95767

	FY 2004	FY 2005	
Department of Agriculture			95768
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	95770
Department of Health			95771
Fund 610 Radiation Emergency Response	\$923,315	\$923,315	95772
Environmental Protection Agency			95773
Fund 644 ER Radiological Safety	\$281,424	\$286,114	95774
Emergency Management Agency			95775
Fund 657 Utility Radiological Safety	\$1,200,000	\$1,260,000	95776

**Section 120.** UNCLAIMED FUNDS TRANSFER 95777

Notwithstanding division (A) of section 169.05 of the Revised 95778  
Code, prior to June 30, 2004, upon the request of the Director of 95779  
Budget and Management, the Director of Commerce shall transfer to 95780  
the General Revenue Fund up to \$25,000,000 of the unclaimed funds 95781  
that have been reported by the holder of unclaimed funds as 95782  
provided by section 169.05 of the Revised Code, irrespective of 95783  
the allocation of the unclaimed funds under that section. 95784

**Section 121.** GRF TRANSFER TO FUND 5N4, OAKS PROJECT 95785  
IMPLEMENTATION 95786

On July 1, 2003, or as soon thereafter as possible, the 95787  
Director of Budget and Management shall transfer up to \$1,250,000 95788  
in cash from the General Revenue Fund to Fund 5N4, OAKS Project 95789  
Implementation. On July 1, 2004, or as soon thereafter as 95790  
possible, the Director of Budget and Management shall transfer up 95791

to \$1,250,000 in cash from the General Revenue Fund to Fund 5N4, 95792  
OAKS Project Implementation. 95793

**Section 122.** FUND 4K9 TRANSFER TO GRF 95794

On July 31, 2003, or as soon thereafter as possible, the 95795  
Director of Budget and Management shall transfer \$2,000,000 in 95796  
cash from Fund 4K9, Occupational Licensing and Regulatory Fund, to 95797  
the General Revenue Fund. 95798

**Section 123.** CORPORATE AND UCC FILING FUND TRANSFER TO GRF 95799

Not later than the first day of June in each year of the 95800  
biennium, the Director of Budget and Management shall transfer 95801  
\$1,000,000 from the Corporate and Uniform Commercial Code Filing 95802  
Fund to the General Revenue Fund. 95803

**Section 124.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 95804

Certain appropriations are in this act for the purpose of 95805  
paying debt service and financing costs on general obligation 95806  
bonds or notes of the state issued pursuant to the Ohio 95807  
Constitution and acts of the General Assembly. If it is determined 95808  
that additional appropriations are necessary for this purpose, 95809  
such amounts are appropriated. 95810

**Section 125.** LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 95811  
STATE 95812

Certain appropriations are in this act for the purpose of 95813  
making lease payments pursuant to leases and agreements relating 95814  
to bonds or notes issued by the Ohio Building Authority or the 95815  
Treasurer of State or, previously, by the Ohio Public Facilities 95816  
Commission, pursuant to the Ohio Constitution and acts of the 95817  
General Assembly. If it is determined that additional 95818  
appropriations are necessary for this purpose, such amounts are 95819

appropriated. 95820

**Section 126.** AUTHORIZATION FOR TREASURER OF STATE AND OBM TO 95821  
EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 95822

The Office of Budget and Management shall initiate and 95823  
process disbursements from general obligation and lease rental 95824  
payment appropriation items during the period from July 1, 2003, 95825  
to June 30, 2005, relating to bonds or notes issued under Sections 95826  
2i, 2k, 2l, 2m, 2n, 2o, and 15 of Article VIII, Ohio Constitution, 95827  
and Chapters 151., 154., and 3318. of the Revised Code. 95828  
Disbursements shall be made upon certification by the Treasurer of 95829  
State of the dates and amounts due on those dates. 95830

**Section 127.** STATE AND LOCAL REBATE AUTHORIZATION 95831

There is hereby appropriated, from those funds designated by 95832  
or pursuant to the applicable proceedings authorizing the issuance 95833  
of state obligations, amounts computed at the time to represent 95834  
the portion of investment income to be rebated or amounts in lieu 95835  
of or in addition to any rebate amount to be paid to the federal 95836  
government in order to maintain the exclusion from gross income 95837  
for federal income tax purposes of interest on those state 95838  
obligations pursuant to section 148(f) of the Internal Revenue 95839  
Code. 95840

Rebate payments shall be approved and vouchered by the Office 95841  
of Budget and Management. 95842

**Section 128.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 95843  
REESTABLISHMENT OF ENCUMBRANCES 95844

Any cash transferred by the Director of Budget and Management 95845  
as provided by section 126.15 of the Revised Code is appropriated. 95846  
Any amounts necessary to reestablish appropriations or 95847  
encumbrances as provided in section 126.15 of the Revised Code are 95848

appropriated. 95849

**Section 129.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 95850

Pursuant to the plan for compliance with the Federal Cash 95851  
Management Improvement Act required by section 131.36 of the 95852  
Revised Code, the Director of Budget and Management is authorized 95853  
to cancel and reestablish all or parts of encumbrances in like 95854  
amounts within the funds identified by the plan. The amounts 95855  
necessary to reestablish all or parts of encumbrances are 95856  
appropriated. 95857

**Section 130.** STATEWIDE INDIRECT COST RECOVERY 95858

Whenever the Director of Budget and Management determines 95859  
that an appropriation made to a state agency from a fund of the 95860  
state is insufficient to provide for the recovery of statewide 95861  
indirect costs pursuant to section 126.12 of the Revised Code, the 95862  
amount required for such purpose is appropriated from the 95863  
available receipts of such fund. 95864

**Section 131.** GRF TRANSFERS ON BEHALF OF THE STATEWIDE 95865  
INDIRECT COST ALLOCATION PLAN 95866

The total transfers made from the General Revenue Fund by the 95867  
Director of Budget and Management pursuant to this section shall 95868  
not exceed the amounts transferred into the General Revenue Fund 95869  
pursuant to division (B) of section 126.12 of the Revised Code. 95870

A director of an agency may certify to the Director of Budget 95871  
and Management the amount of expenses not allowed to be included 95872  
in the Statewide Indirect Cost Allocation plan pursuant to federal 95873  
regulations, from any fund included in the Statewide Indirect Cost 95874  
Allocation plan, prepared as required by section 126.12 of the 95875  
Revised Code. 95876

Upon determining that no alternative source of funding is 95877

available to pay for such expenses, the Director of Budget and Management may transfer from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared pursuant to section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

**Section 132.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

An unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of a fiscal year is reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the following period and shall remain available only for the purpose of discharging the encumbrance:

(A) For an encumbrance for personal services, maintenance, equipment, or items for resale, other than an encumbrance for an item of special order manufacture not available on term contract or in the open market or for reclamation of land or oil and gas wells for a period of not more than five months from the end of the fiscal year;

(B) For an encumbrance for an item of special order manufacture not available on term contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(C) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is

expended or for a period of two years, whichever is less; 95909

(D) For an encumbrance for any other expense, for such period 95910  
as the director approves, provided such period does not exceed two 95911  
years. 95912

Any operating appropriations for which unexpended balances 95913  
are reappropriated beyond a five-month period from the end of the 95914  
fiscal year, pursuant to division (B) of this section, shall be 95915  
reported to the Controlling Board by the Director of Budget and 95916  
Management by the thirty-first day of December of each year. The 95917  
report on each such item shall include the item, the cost of the 95918  
item, and the name of the vendor. This report to the board shall 95919  
be updated on a quarterly basis for encumbrances remaining open. 95920

Upon the expiration of the reappropriation period set out in 95921  
divisions (A), (B), (C), or (D) of this section, a reappropriation 95922  
made pursuant to this section lapses, and the Director of Budget 95923  
and Management shall cancel the encumbrance of the unexpended 95924  
reappropriation not later than the end of the weekend following 95925  
the expiration of the reappropriation period. 95926

Notwithstanding the preceding paragraph, with the approval of 95927  
the Director of Budget and Management, an unexpended balance of an 95928  
encumbrance that was reappropriated on the first day of July 95929  
pursuant to this section for a period specified in division (C) or 95930  
(D) of this section and that remains encumbered at the close of 95931  
the fiscal biennium is hereby reappropriated pursuant to this 95932  
section on the first day of July of the following fiscal biennium 95933  
from the fund from which it was originally appropriated or 95934  
reappropriated for the applicable period specified in division (C) 95935  
or (D) of this section and shall remain available only for the 95936  
purpose of discharging the encumbrance. 95937

If the Controlling Board approved a purchase, that approval 95938  
remains in effect as long as the appropriation used to make that 95939

purchase remains encumbered. 95940

**Section 133.** FEDERAL GOVERNMENT INTEREST REQUIREMENTS 95941

Notwithstanding any provision of law to the contrary, on or 95942  
before the first day of September of each fiscal year, the 95943  
Director of Budget and Management, in order to reduce the payment 95944  
of adjustments to the federal government, as determined by the 95945  
plan prepared pursuant to division (A) of section 126.12 of the 95946  
Revised Code, may designate such funds as the director considers 95947  
necessary to retain their own interest earnings. 95948

**Section 134.01.** That Sections 11 and 11.04 of Am. Sub. H.B. 95949  
87 of the 125th General Assembly be amended to read as follows: 95950

**Sec. 11.** DOT DEPARTMENT OF TRANSPORTATION 95951

FUND	TITLE		FY 2004		FY 2005	
	Transportation Planning and Research					95953
	Highway Operating Fund Group					95954
002 771-411	Planning and Research	\$	14,548,950	\$	15,070,100	95955
	- State					
002 771-412	Planning and Research	\$	35,193,300	\$	35,644,900	95956
	- Federal					
	TOTAL HOF Highway Operating					95957
	Fund Group	\$	49,742,250	\$	50,715,000	95958
	TOTAL ALL BUDGET FUND GROUPS -					95959
	Transportation Planning					95960
	and Research	\$	49,742,250	\$	50,715,000	95961
	Highway Construction					95962
	Highway Operating Fund Group					95963
002 772-421	Highway Construction -	\$	485,577,430	\$	442,367,300	95964
	State					
002 772-422	Highway Construction -	\$	762,964,700	\$	766,001,700	95965

		Federal					
002	772-424	Highway Construction -	\$	70,000,000	\$	51,000,000	95966
		Other					
212	770-005	Infrastructure Debt	\$	72,064,200	\$	78,696,100	95967
		Service - Federal					
212	772-423	Infrastructure Lease	\$	12,537,800	\$	12,537,300	95968
		Payments - Federal					
212	772-426	Highway Infrastructure	\$	2,740,000	\$	2,620,000	95969
		Bank - Federal					
212	772-427	Highway Infrastructure	\$	11,000,000	\$	11,000,000	95970
		Bank - State					
		TOTAL HOF Highway Operating					95971
		Fund Group		\$ 1,416,884,130	\$ 1,364,222,400		95972
		Highway Capital Improvement Fund Group					95973
042	772-723	Highway Construction -	\$	220,000,000	\$	220,000,000	95974
		Bonds					
		TOTAL 042 Highway Capital					95975
		Improvement Fund Group	\$	220,000,000	\$	220,000,000	95976
		Infrastructure Bank Obligations					95977
		Fund Group					
045	772-428	Highway Infrastructure	\$	40,000,000	\$	40,000,000	95978
		Bank - Bonds					
		TOTAL 045 Infrastructure Bank					95979
		Obligations Fund Group	\$	40,000,000	\$	40,000,000	95980
		TOTAL ALL BUDGET FUND GROUPS -					95981
		Highway Construction		\$ 1,678,384,130	\$ 1,627,222,400		95982
		Highway Maintenance					95983
		Highway Operating Fund Group					95984
002	773-431	Highway Maintenance -	\$	394,605,100	\$	413,082,600	95985
		State					
		TOTAL HOF Highway Operating					95986
		Fund Group	\$	394,605,100	\$	413,082,600	95987

TOTAL ALL BUDGET FUND GROUPS -				95988	
Highway Maintenance	\$	394,605,100	\$	413,082,600	95989
Public Transportation					95990
Highway Operating Fund Group					95991
002 775-452 Public Transportation	\$	27,000,000	\$	27,000,000	95992
- Federal					
002 775-454 Public Transportation	\$	1,500,000	\$	1,500,000	95993
- Other					
002 775-459 Elderly and Disabled	\$	4,230,000	\$	4,230,000	95994
Special Equipment -					
Federal					
TOTAL HOF Highway Operating					95995
Fund Group	\$	32,730,000	\$	32,730,000	95996
TOTAL ALL BUDGET FUND GROUPS -					95997
Public Transportation	\$	32,730,000	\$	32,730,000	95998
Rail Transportation					95999
Highway Operating Fund Group					96000
002 776-462 Grade Crossings -	\$	15,000,000	\$	15,000,000	96001
Federal					
TOTAL HOF Highway Operating					96002
Fund Group	\$	15,000,000	\$	15,000,000	96003
<del>State Special Revenue Fund Group</del>					96004
<del>4A3 776-665 Railroad Crossing</del>	<del>\$</del>	<del>1,000,000</del>	<del>\$</del>	<del>0</del>	96005
<del>Safety Devices</del>					
<del>TOTAL SSR State Special Revenue</del>	<del>\$</del>	<del>1,000,000</del>	<del>\$</del>	<del>0</del>	96006
<del>Fund Group</del>					
TOTAL ALL BUDGET FUND GROUPS -					96007
Rail Transportation	\$	<del>16,000,000</del>	\$	15,000,000	96008
		<u>15,000,000</u>			96009
Aviation					96010
Highway Operating Fund Group					96011
002 777-472 Airport Improvements -	\$	405,000	\$	405,000	96012

	Federal				
002 777-475	Aviation	\$	4,064,700	\$	4,139,000 96013
	Administration				
TOTAL HOF	Highway Operating				96014
Fund Group		\$	4,469,700	\$	4,544,000 96015
TOTAL ALL BUDGET FUND GROUPS -					96016
Aviation		\$	4,469,700	\$	4,544,000 96017
	Administration				96018
State Special Revenue Fund Group					96019
4T5 770-609	Administration	\$	5,000	\$	5,000 96020
	Memorial Fund				
TOTAL SSR	State Special Revenue				96021
Fund Group		\$	5,000	\$	5,000 96022
Highway Operating Fund Group					96023
002 779-491	Administration - State	\$	116,449,900	\$	121,986,500 96024
TOTAL HOF	Highway Operating				96025
Fund Group		\$	116,449,900	\$	121,986,500 96026
TOTAL ALL BUDGET FUND GROUPS -					96027
Administration		\$	116,454,900	\$	121,991,500 96028
	Debt Service				96029
Highway Operating Fund Group					96030
002 770-003	Administration - State	\$	13,802,600	\$	13,395,900 96031
	- Debt Service				
TOTAL HOF	Highway Operating				96032
Fund Group		\$	13,802,600	\$	13,395,900 96033
TOTAL ALL BUDGET FUND GROUPS -					96034
Debt Service		\$	13,802,600	\$	13,395,900 96035
	TOTAL Department of Transportation				96036
TOTAL HOF	Highway Operating				96037
Fund Group		\$	2,043,683,680	\$	2,015,676,400 96038
TOTAL 042	Highway Capital				96039
Improvement Fund Group		\$	220,000,000	\$	220,000,000 96040

TOTAL 045 Infrastructure Bank				96041	
Obligations Fund Group	\$	40,000,000	\$	40,000,000	96042
TOTAL SSR State Special Revenue				96043	
Fund Group	\$	<del>1,005,000</del>	\$	5,000	96044
		5,000			96045
TOTAL ALL BUDGET FUND GROUPS	\$	<del>2,304,688,680</del>	\$	2,275,681,400	96046
		<u>2,303,688,680</u>			96047

**Sec. 11.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES** 96049

Of the foregoing appropriation item 772-421, Highway 96050  
Construction - State, \$3,145,500 is to be used each fiscal year 96051  
during the 2003-2005 biennium by the Department of Transportation 96052  
for the construction, reconstruction, or maintenance of public 96053  
access roads, including support features, to and within state 96054  
facilities owned or operated by the Department of Natural 96055  
Resources, as requested by the Director of Natural Resources. 96056

Notwithstanding section 5511.06 of the Revised Code, of the 96057  
foregoing appropriation item 772-421, Highway Construction - 96058  
State, \$2,228,000 in each fiscal year of the 2003-2005 biennium 96059  
shall be used by the Department of Transportation for the 96060  
construction, reconstruction, or maintenance of park drives or 96061  
park roads within the boundaries of metropolitan parks. 96062

Included in the foregoing appropriation item 772-421, Highway 96063  
Construction - State, the department may perform related road work 96064  
on behalf of the Ohio Expositions Commission at the state 96065  
fairgrounds, including reconstruction or maintenance of public 96066  
access roads, including support features, to and within the 96067  
facilities as requested by the commission and approved by the 96068  
Director of Transportation. 96069

**LIQUIDATION OF UNFORESEEN LIABILITIES** 96070

Any appropriation made to the Department of Transportation, 96071  
Highway Operating Fund, not otherwise restricted by law, is 96072

available to liquidate unforeseen liabilities arising from 96073  
contractual agreements of prior years when the prior year 96074  
encumbrance is insufficient. 96075

~~RUMBLE STRIPS AT RAILROAD CROSSINGS~~ 96076

~~Of the foregoing appropriation item 776 665, Railroad 96077  
Crossing Safety Devices, \$1,000,000 in fiscal year 2004 shall be 96078  
used by the Department of Transportation to fund competitive 96079  
grants to political subdivisions for the cost of putting rumble 96080  
strips at active railroad crossings without gates or lights. The 96081  
maximum amount of a competitive grant is \$50,000 for any single 96082  
crossing. Each political subdivision with jurisdiction over a 96083  
crossing may apply to the Department for a competitive grant for 96084  
the costs of putting rumble strips at crossings. Those political 96085  
subdivisions awarded grants shall install the rumble strips by 96086  
December 1, 2004. Those political subdivisions awarded such grants 96087  
shall not use the moneys as matching funds for any other state 96088  
rail safety programs. 96089~~

~~If rumble strips are not appropriate for a crossing, the 96090  
Department may allow the political subdivision which is awarded 96091  
the grant to use the funding for a safety device or technology 96092  
more appropriate for the crossing. 96093~~

~~The Department shall notify each political subdivision with 96094  
jurisdiction over a crossing of the requirements of this section 96095  
that funding is available for rumble strips at crossings and for 96096  
other rail crossing safety improvements. The Department also shall 96097  
notify associations representing political subdivisions of the 96098  
availability of the funding. 96099~~

~~The Department shall spend no more than five per cent of the 96100  
appropriation item on Department administrative expenses. 96101~~

~~The Department shall issue a report on or before June 30, 96102  
2005, describing the activities carried out by the Department to 96103~~

~~comply with the provisions of this section. The report shall 96104  
include the number of crossings at which rumble strip installation 96105  
was completed, the cost of each installation to date, the number 96106  
of active crossings without gates or lights that still do not have 96107  
rumble strips, and a geographic breakdown of where the crossings 96108  
are that have and have not yet received rumble strips. 96109~~

~~All appropriations in Fund 4A3, appropriation item 776-665, 96110  
Railroad Crossing Safety Devices, remaining unencumbered on June 96111  
30, 2004, are hereby reappropriated for the same purpose in fiscal 96112  
year 2005. The Department shall report all such appropriations to 96113  
the Controlling Board. 96114~~

**Section 134.02.** That existing Sections 11 and 11.04 of Am. 96115  
Sub. H.B. 87 of the 125th General Assembly are hereby repealed. 96116

**Section 134.03.** That Section 13.05 of Am. Sub. H.B. 87 of the 96117  
125th General Assembly be amended to read as follows: 96118

**Sec. 13.05. EMERGENCY MANAGEMENT** 96119

Federal Special Revenue Fund Group				96120
3N5 763-644 U.S. DOE Agreement	\$	266,000	\$ 275,000	96121
329 763-645 Individual/Family	\$	303,504	\$ 303,504	96122
Grant - Fed				
337 763-609 Federal Disaster	\$	<del>5,000,000</del>	\$ 3,000,000	96123
Relief				
		<u>23,000,000</u>		96124
339 763-647 Emergency Management	\$	<del>129,622,000</del>	\$ <del>129,622,000</del>	96125
Assistance and				
Training				
		<u>111,622,000</u>	<u>111,622,000</u>	96126
TOTAL FED Federal Special				96127
Revenue Fund Group	\$	135,191,504	\$ <del>133,200,504</del>	96128

				<u>115,200,504</u>	96129
General Services Fund Group					96130
4V3 763-662 EMA Service and	\$	696,446	\$	696,446	96131
Reimbursement					
533 763-601 State Disaster Relief	\$	7,500,000	\$	7,500,000	96132
TOTAL GSF General Services					96133
Fund Group	\$	8,196,446	\$	8,196,446	96134
State Special Revenue Fund Group					96135
657 763-652 Utility Radiological	\$	1,200,000	\$	1,260,000	96136
Safety					
681 763-653 SARA Title III HAZMAT	\$	264,510	\$	271,510	96137
Planning					
TOTAL SSR State Special Revenue					96138
Fund Group	\$	1,464,510	\$	1,531,510	96139
TOTAL ALL BUDGET FUND GROUPS -					96140
Emergency Management	\$	144,852,460	\$	<del>142,928,460</del>	96141
				<u>124,928,460</u>	96142
SARA TITLE III HAZMAT PLANNING					96143
The SARA Title III HAZMAT Planning Fund (Fund 681) shall					96144
receive grant funds from the Emergency Response Commission to					96145
implement the Emergency Management Agency's responsibilities under					96146
Chapter 3750. of the Revised Code.					96147
STATE DISASTER RELIEF					96148
The foregoing appropriation item 763-601, State Disaster					96149
Relief, may accept transfers of cash and appropriations from					96150
Controlling Board appropriation items to reimburse eligible local					96151
governments and private nonprofit organizations for costs related					96152
to disasters that have been declared by local governments or the					96153
Governor. The Ohio Emergency Management Agency shall publish and					96154
make available an application packet outlining eligible items and					96155
application procedures for entities requesting state disaster					96156

relief. 96157

Individuals may be eligible for reimbursement of costs 96158  
related to disasters that have been declared by the Governor and 96159  
the Small Business Administration. The funding in appropriation 96160  
item 763-601, State Disaster Relief, shall be used in accordance 96161  
with the principles of the federal Individual and Family Grant 96162  
Program, which provides grants to households that have been 96163  
affected by a disaster to replace basic living items. The Ohio 96164  
Emergency Management Agency shall publish and make available an 96165  
application procedure for individuals requesting assistance under 96166  
the state Individual Assistance Program. 96167

EMA SERVICE AND REIMBURSEMENT FUND 96168

On July 1, 2003, or as soon as possible thereafter, the 96169  
Director of Budget and Management shall transfer the cash balances 96170  
in the EMA Utility Payment Fund (Fund 4Y0) and the Salvage and 96171  
Exchange-EMA Fund (Fund 4Y1) to the EMA Service and Reimbursement 96172  
Fund (Fund 4V3), created in section 5502.39 of the Revised Code. 96173  
Upon the completion of the transfer, notwithstanding any other 96174  
provision of law to the contrary, the EMA Utility Payment Fund 96175  
(Fund 4Y0) and the Salvage and Exchange-EMA Fund (Fund 4Y1) are 96176  
abolished. The director shall cancel any existing encumbrances 96177  
against appropriation items 763-654, EMA Utility Payment, and 96178  
763-655, Salvage and Exchange-EMA, and reestablish them against 96179  
appropriation item 763-662, EMA Service and Reimbursement. The 96180  
amounts of the reestablished encumbrances are hereby appropriated. 96181

**Section 134.04.** That existing Section 13.05 of Am. Sub. H.B. 96182  
87 of the 125th General Assembly is hereby repealed. 96183

**Section 134.05.** That section 7 of Am. Sub. H.B. 512 of the 96184  
124th General Assembly be amended to read as follows: 96185

**Sec. 7.** Division (A) (4) of section 2915.08 of the Revised 96186

Code shall not be applied until ~~one year after the effective date~~ 96187  
~~of this act~~ January 31, 2004. 96188

**Section 134.06.** That existing Section 7 of Am. Sub. H.B. 512 96189  
of the 124th General Assembly is hereby repealed. 96190

**Section 134.07.** That Sections 1.09 and 35.03 of H.B. 675 of 96191  
the 124th General Assembly be amended to read as follows: 96192

**Sec. 1.09.** Sections 1.07 and 1.08 of ~~this act~~ H.B. 675 of the 96193  
124th General Assembly take effect ~~July~~ January 1, 2003 2004. 96194

**Sec. 35.03.** Section 5739.031 of the Revised Code takes effect 96195  
~~July 1, 2003~~ January 1, 2004. 96196

**Section 134.08.** That existing Sections 1.09 and 35.03 of H.B. 96197  
675 of the 124th General Assembly are hereby repealed. 96198

**Section 134.09.** The amendment by this act of Sections 1.09 96199  
and 35.03 of H.B. 675 of the 124th General Assembly provides for 96200  
or is essential to the implementation of a tax levy. Therefore, 96201  
under Ohio Constitution, Article II, Section 1d, the amendment is 96202  
not subject to the referendum and goes into immediate effect when 96203  
this act becomes law. 96204

**Section 134.10.** That Sections 18.03, 18.04, 19.39, and 19.52 96205  
of H.B. 675 of the 124th General Assembly be amended to read as 96206  
follows: 96207

Appropriations

**Sec. 18.03.** DMH DEPARTMENT OF MENTAL HEALTH 96208  
CAP-479 Community Assistance Projects \$ ~~3,912,500~~ 96209  
3,662,500

CAP-906	Campus Consolidation/Automation	\$	12,040,000	96210
CAP-978	Infrastructure Improvements	\$	3,460,000	96211
Total Department of Mental Health		\$	<del>19,412,500</del>	96212
			<u>19,162,500</u>	

COMMUNITY ASSISTANCE PROJECTS 96213

Of the foregoing appropriation item CAP-479, Community 96214  
 Assistance Projects, ~~\$500,000 shall be used for the Achievement~~ 96215  
~~Centers for Children in Cuyahoga County~~ \$250,000 shall be used for 96216  
the Berea Children's Home. 96217

**Sec. 18.04.** DMR DEPARTMENT OF MENTAL RETARDATION AND 96218  
 DEVELOPMENTAL DISABILITIES 96219

Appropriations

STATEWIDE AND CENTRAL OFFICE PROJECTS 96220

CAP-480	Community Assistance Projects	\$	<del>9,441,000</del>	96221
			<u>9,691,000</u>	
CAP-955	Statewide Development Centers	\$	3,959,000	96222
Total Statewide and Central Office Projects		\$	<del>13,400,000</del>	96223
			<u>13,650,000</u>	

TOTAL Department of Mental Retardation and 96224  
 Developmental Disabilities \$ ~~13,400,000~~ 96225  
13,650,000

TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND \$ 33,079,012 96226

COMMUNITY ASSISTANCE PROJECTS 96227

The foregoing appropriation item CAP-480, Community 96228  
 Assistance Projects, may be used to provide community assistance 96229  
 funds for the development, purchase, construction, or renovation 96230  
 of facilities for day programs or residential programs that 96231  
 provide services to persons eligible for services from the 96232  
 Department of Mental Retardation and Developmental Disabilities or 96233  
 county boards of mental retardation and developmental 96234  
 disabilities. Any funds provided to nonprofit agencies for the 96235

construction or renovation of facilities for persons eligible for 96236  
services from the Department of Mental Retardation and 96237  
Developmental Disabilities and county boards of mental retardation 96238  
and developmental disabilities shall be governed by the prevailing 96239  
wage provisions in section 176.05 of the Revised Code. 96240

Of the foregoing appropriation item CAP-480, Community 96241  
Assistance Projects, \$150,000 shall be used for the Fostoria Area 96242  
Community Childhood and Family Center; ~~\$250,000 shall be used for~~ 96243  
~~the Berea Children's Home; and \$1,000,000 shall be used for the~~ 96244  
Bellefaire Jewish Children's Bureau; and \$500,000 shall be used 96245  
for the Achievement Centers for Children in Cuyahoga County. 96246

Appropriations

<b>Sec. 19.39.</b> BTC BELMONT <del>TECHNICAL</del> <u>COMMUNITY</u> COLLEGE			96247
CAP-008 Basic Renovations	\$	214,638	96248
Total Belmont <del>Technical</del> <u>Community</u> College	\$	214,638	96249

**Sec. 19.52.** The requirements of Chapters 123. and 153. of the 96251  
Revised Code, with respect to the powers and duties of the 96252  
Director of Administrative Services, and the requirements of 96253  
section 127.16 of the Revised Code, with respect to the 96254  
Controlling Board, shall not apply to projects of community 96255  
college districts, which include Belmont Community College, 96256  
Cuyahoga Community College, Jefferson Community College, Lakeland 96257  
Community College, Lorain County Community College, Rio Grande 96258  
Community College, and Sinclair Community College; and technical 96259  
college districts which include ~~Belmont Technical College,~~ Central 96260  
Ohio Technical College, Hocking Technical College, Lima Technical 96261  
College, Marion Technical College, Muskingum Area Technical 96262  
College, North Central Technical College, and Stark Technical 96263  
College. 96264

**Section 134.11.** That existing Sections 18.03, 18.04, 19.39, 96265

and 19.52 of H.B. 675 of the 124th General Assembly are hereby 96266  
repealed. 96267

**Section 134.12.** That Section 63.37 of Am. Sub. H.B. 94 of the 96268  
124th General Assembly, as most recently amended by Am. Sub. S.B. 96269  
261 of the 124th General Assembly, be amended to read as follows: 96270  
96271

**Sec. 63.37. NURSING FACILITY STABILIZATION FUND** 96272

(A) As used in this section: 96273

(1) "~~Inpatient~~ Franchise permit fee" means the fee imposed by 96274  
sections 3721.50 to 3721.58 of the Revised Code. 96275

(2) "Inpatient days" and "nursing facility" have the same 96276  
meanings as in section 5111.20 of the Revised Code. 96277

~~(2)~~(3) "Medicaid day" means all days during which a resident 96278  
who is a Medicaid recipient occupies a bed in a nursing facility 96279  
that is included in the facility's certified capacity under Title 96280  
XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 96281  
1396, as amended. Therapeutic or hospital leave days for which 96282  
payment is made under section 5111.33 of the Revised Code are 96283  
considered Medicaid days proportionate to the percentage of the 96284  
nursing facility's per resident per day rate paid for those days. 96285

(B) The Department of Job and Family Services shall use money 96286  
in the Nursing Facility Stabilization Fund created under section 96287  
3721.56 of the Revised Code to do all of the following: 96288

(1) Make payments to nursing facilities under ~~sections~~ 96289  
~~5111.20 to 5111.32~~ Chapter 5111. of the Revised Code; 96290

(2) Beginning with payments made to nursing facilities in 96291  
August 2001, make payments to each nursing facility for each 96292  
Medicaid day in fiscal year 2002 in an amount equal to sixty-nine 96293

and seven-tenths per cent of the franchise permit fee the nursing 96294  
facility pays ~~under section 3721.53 of the Revised Code~~ for the 96295  
fiscal year the department makes the payment divided by the 96296  
nursing facility's inpatient days for the calendar year preceding 96297  
the calendar year in which that fiscal year begins; 96298

(3) Beginning with payments made to nursing facilities in 96299  
August 2002, make payments to each nursing facility for each 96300  
Medicaid day in fiscal years 2003, 2004, and 2005 in an amount 96301  
equal to seventy-six and seventy-four-hundredths per cent of the 96302  
franchise permit fee the nursing facility pays ~~under section~~ 96303  
~~3721.53 of the Revised Code~~ for the fiscal year the department 96304  
makes the payment divided by the nursing facility's inpatient days 96305  
for the calendar year preceding the calendar year in which that 96306  
fiscal year begins; 96307

(4) Beginning with payments made to nursing facilities in 96308  
August 2001, make payments to each nursing facility for fiscal 96309  
year 2002 in an amount equal to one dollar and fifty cents per 96310  
Medicaid day for the purpose of enhancing quality of care; 96311

(5) Beginning with payments made to nursing facilities in 96312  
August 2002, make payments to each nursing facility for fiscal 96313  
years 2003, 2004, and 2005 in an amount equal to two dollars and 96314  
twenty-five cents per Medicaid day for the purpose of enhancing 96315  
quality of care. 96316

(C) Any money remaining in the Nursing Facility Stabilization 96317  
Fund after payments specified in division (B) of this section are 96318  
made for fiscal years 2002, 2003, 2004, and 2005 shall be retained 96319  
in the fund. Any interest or other investment proceeds earned on 96320  
money in the fund shall be credited to the fund and used to make 96321  
payments in accordance with division (B) of this section. 96322

(D) Notwithstanding ~~division (N) of section 5111.20 of the~~ 96323  
~~Revised Code, the Department of Job and Family Services, in making~~ 96324

Medicaid payments to a nursing facility under sections 5111.20 to 96325  
5111.32 Chapter 5111. of the Revised Code, shall do both of the 96326  
following: 96327

(1) Exclude from a nursing facility's other protected costs 96328  
the cost of sixty nine and seven tenths per cent of the franchise 96329  
permit fee that the nursing facility pays under section 3721.53 of 96330  
the Revised Code for fiscal year 2002 if the nursing facility 96331  
receives payments under division (B)(2) of this section for 96332  
sixty nine and seven tenths per cent of those franchise permit 96333  
fees: 96334

(2) Exclude from a nursing facility's other protected costs 96335  
the cost of seventy six and seventy four hundredths per cent of 96336  
the franchise permit fee that the nursing facility pays under 96337  
section 3721.53 of the Revised Code for fiscal years 2003, 2004, 96338  
and 2005 if the nursing facility receives payments under division 96339  
(B)(2) of this section for seventy six and seventy four hundredths 96340  
per cent of those franchise permit fees A nursing facility filing 96341  
its cost report with the Department of Job and Family Services 96342  
under section 5111.26 of the Revised Code shall do all of the 96343  
following: 96344

(1) For the nursing facility's cost report covering calendar 96345  
year 2003, report as a non-reimbursable expense the cost of 96346  
seventy-six and seventy-four hundredths per cent of the franchise 96347  
permit fee that the nursing facility pays for the second half of 96348  
fiscal year 2003 and the first half of fiscal year 2004. 96349

(2) For the nursing facility's cost report covering calendar 96350  
year 2004, report as a non-reimbursable expense the cost of 96351  
seventy-six and seventy-four hundredths per cent of the franchise 96352  
permit fee that the nursing facility pays for the second half of 96353  
fiscal year 2004 and the first half of fiscal year 2005. 96354

(3) For the nursing facility's cost report covering calendar 96355

year 2005, report, for the first half of the calendar year, as a non-reimbursable expense the cost of seventy-six and seventy-four hundredths per cent of the franchise permit fee that the nursing facility pays for the second half of fiscal year 2005.

(E) The limitation of Section 230 of Am. Sub. H.B. 94 of the 124th General Assembly is not applicable to the amendments made by this act to this section.

**Section 134.13.** That existing Section 63.37 of Am. Sub. H.B. 94 of the 124th General Assembly, as most recently amended by Am. Sub. S.B. 261 of the 124th General Assembly, is hereby repealed.

**Section 134.14.** That Section 3 of Am. Sub. S.B. 143 of the 124th General Assembly be amended to read as follows:

**Sec. 3.** Sections ~~5739.021, 5739.023, 5739.026,~~ 5739.03, ~~5739.031, 5739.033,~~ 5739.12, 5741.02, and 5741.12, and division (I)(7) of section 5741.01 of the Revised Code, as amended by ~~this act~~ Am. Sub. S.B. 143 of the 124th General Assembly, and sections 306.73, 5703.65, 5739.04, 5739.06, 5741.05, and 5741.08 of the Revised Code, as enacted by ~~this act~~ Am. Sub. S.B. 143 of the 124th General Assembly, shall take effect July 1, 2003. Sections 5739.021, 5739.023, 5739.026, 5739.031, and 5739.033 of the Revised Code, as amended by Am. Sub. S.B. 143 of the 124th General Assembly, shall take effect January 1, 2004.

**Section 134.15.** That existing Section 3 of Am. Sub. S.B. 143 of the 124th General Assembly is hereby repealed.

**Section 134.16.** The amendment by this act of Section 3 of Am. Sub. S.B. 143 of the 124th General Assembly provides for or is essential to the implementation of a tax levy. Therefore, under Ohio Constitution, Article II, Section 1d, the amendment is not

subject to the referendum and goes into immediate effect when this 96384  
act becomes law. 96385

**Section 135.** The amendments to sections 5739.021, 5739.023, 96386  
and 5739.026 of the Revised Code by Am. Sub. S.B. 143 of the 124th 96387  
General Assembly apply to levies proposed by a resolution adopted 96388  
on or after January 1, 2004, and do not apply to levies proposed 96389  
by a resolution adopted before that date. 96390

**Section 136.** Sections 131G, 131H, 131I, and 131J of this act 96391  
intend to delay the scheduled July 1, 2003, effective date of 96392  
sections 5739.021, 5739.023, 5739.026, 5739.031, and 5739.033 of 96393  
the Revised Code until January 1, 2004. 96394

**Section 137.01.** That Sections 10 and 14 of Am. Sub. S.B. 242 96395  
of the 124th General Assembly be amended to read as follows: 96396

**Sec. 10. NET SCHOOLNET COMMISSION 96397**

Tobacco Master Settlement Agreement Fund Group 96398

S87 228-602 Education Technology \$ 16,500,000 \$ 16,500,000 96399

Trust Fund

TOTAL TSF Tobacco Master 96400

Settlement Agreement Fund 96401

Group \$ 16,500,000 \$ 16,500,000 96402

TOTAL ALL BUDGET FUND GROUPS \$ 16,500,000 \$ 16,500,000 96403

EDUCATION TECHNOLOGY TRUST FUND 96404

The foregoing appropriation item 228-602, Education 96405

Technology Trust Fund, shall be used by the SchoolNet Commission 96406

for grants to school districts and other entities and for the 96407

costs of administering these grants. Of the total amount for 96408

grants, \$1,917,293 in fiscal year 2003 shall be used for the Ohio 96409

ONEnet project, \$909,247 in fiscal year 2003 shall be used for the 96410

INFOhio Network, \$298,750 in fiscal year 2003 shall be used for 96411  
the JASON Project, \$1,000,000 in fiscal year 2003 shall be used 96412  
for RISE Learning Solutions, and \$200,000 in fiscal year 2003 96413  
shall be used for the Stark County School Teacher Technical 96414  
Training Center. The remaining amount for grants shall be made to 96415  
school districts. 96416

The JASON Project shall provide funding for statewide access 96417  
and a seventy-five per cent subsidy for statewide licensing of 96418  
JASON content for 90,000 middle school students statewide, and 96419  
professional development for teachers participating in the JASON 96420  
Project. 96421

It is the intent of the General Assembly that the SchoolNet 96422  
Commission, in conjunction with RISE Learning Solutions, shall 96423  
develop a program that may be conducted in conjunction with 96424  
state-supported technology programs, including, but not limited 96425  
to, SchoolNet Commission appropriation item 228-406, Technical and 96426  
Instructional Professional Development, and appropriation item 96427  
228-539, Education Technology, and that shall be designed to 96428  
educate preschool staff members and providers on developmentally 96429  
appropriate teaching methods, behavior guidance, and literacy and 96430  
to involve parents more closely in the education and development 96431  
of their children. The program shall include an interactive 96432  
instructional component, delivered using satellite television, 96433  
Internet, and with facilitation, and shall be distributed to 96434  
program participants using the established satellite receiver 96435  
dishes on public schools, Head Start centers, and childcare 96436  
centers at up to 100 locations throughout the state. The 96437  
interactive instructional component of the program shall be 96438  
developed to enhance the professional development, training, and 96439  
performance of preschool staff members, the education and 96440  
care-giving skills of the parents of preschool children, and the 96441  
preparation of preschool-age children for learning. 96442

The program shall utilize the grant to continue a 96443  
direct-service component that shall include at least three 96444  
teleconferences that may be distributed by Ohio-based public 96445  
television utilizing satellite or microwave technology in a manner 96446  
designed to promote interactive communications between the program 96447  
participants located at subsites within the Ohio Educational 96448  
Broadcast Network or as determined by the commission. Program 96449  
participants shall communicate with trainers and participants at 96450  
other program sites through telecommunications and facsimile and 96451  
on-line computer technology. As much as possible, the 96452  
direct-service component shall utilize systems currently available 96453  
in state-supported technology programs and conduct the component 96454  
in a manner that promotes innovative, interactive communications 96455  
between program participants at all the sites. Parent support 96456  
groups and teacher training sessions shall supplement the 96457  
teleconferences and shall occur on a local basis. 96458

RISE Learning Solutions may subcontract components of the 96459  
program. 96460

Individuals eligible to participate in the program include 96461  
those children, their parents, custodians, or guardians, and 96462  
preschool staff members who are eligible to participate in a 96463  
preschool program as defined in division (A) of section 3301.52 96464  
and section 5104.02 of the Revised Code. 96465

The components of the program, including two that shall be 96466  
developed in support of teacher proficiency in teaching reading to 96467  
prekindergarten and kindergarten to third grade students, at the 96468  
direction of the Department of Education, may include: two 96469  
three-hour broadcast seminars from a central up-link station, 96470  
distributed in up to 88 counties; high production-value video 96471  
sought in various locations; and direct interactive adult learning 96472  
activities. These two components shall include development of 96473  
workbooks and involve at least three small, group-facilitated 96474

follow-up discussion workshops and development and distribution of 96475  
at least two home videos. The program shall also provide Internet 96476  
access, interactive lines, bulletin board, and CD-ROM. 96477

Upon completion of each of the school years for which the 96478  
grant was made, RISE Learning Solutions shall issue a report to 96479  
the commission and members of the General Assembly explaining the 96480  
goals and objectives determined, the activities implemented, the 96481  
progress made toward the achievement of the goals and objectives, 96482  
and the outcome of the program. 96483

The commission shall use the remaining appropriation 96484  
authority in fiscal year 2003 and appropriation authority granted 96485  
in fiscal year 2004 to establish and equip, through the SchoolNet 96486  
Plus Program, at least one interactive computer station for each 96487  
five children enrolled in the sixth grade as determined by a 96488  
three-year average adjusted per pupil property valuation pursuant 96489  
to division (A) of section 3317.03 of the Revised Code. Districts 96490  
in the first two quartiles of wealth shall receive up to \$380 per 96491  
pupil for students in grade six to purchase classroom computers 96492  
for the sixth grade. Districts in the third and fourth quartile 96493  
shall receive ~~approximately~~ up to \$188 per sixth grade pupil. If a 96494  
district has met the state's goal of one computer to every five 96495  
students, the district may use funds provided through the 96496  
SchoolNet Plus Program to purchase computers for grade seven or to 96497  
fulfill educational technology needs on other grades as specified 96498  
in the district's technology plan. When there is at least one 96499  
computer for each five children enrolled in the sixth grade, 96500  
SchoolNet shall use any remaining funds appropriated to establish 96501  
and equip at least one interactive computer workstation for each 96502  
five children enrolled in the seventh grade as determined by the 96503  
previously defined formula. 96504

**Sec. 14.** All items set forth in this section are hereby 96505

appropriated out of any moneys in the state treasury to the credit 96506  
of the Education Facilities Trust Fund (Fund N87) that are not 96507  
otherwise appropriated. 96508

Appropriations

SFC SCHOOL FACILITIES COMMISSION 96509  
CAP-780 Classroom Facilities Assistance Program \$ ~~148,400,000~~ 96510  
25,600,000  
Total School Facilities Commission \$ ~~148,400,000~~ 96511  
25,600,000  
TOTAL Education Facilities Trust Fund \$ ~~148,400,000~~ 96512  
25,600,000

**Section 137.02.** That existing Sections 10 and 14 of Am. Sub. 96514  
S.B. 242 of the 124th General Assembly is hereby repealed. 96515

**Section 137.03.** That Section 24.43 of Am. Sub. H.B. 524 of 96516  
the 124th General Assembly be amended to read as follows: 96517

Reappropriations

**Sec. 24.43.** BTC BELMONT ~~TECHNICAL~~ COMMUNITY COLLEGE 96518  
CAP-008 Basic Renovations \$ 653,372 96519  
CAP-014 Main Building Renovation - Phase 3 \$ 49,137 96520  
CAP-019 ADA Modifications \$ 45,915 96521  
Total Belmont ~~Technical~~ Community College \$ 748,424 96522

**Section 137.04.** That existing Section 24.43 of Am. Sub. H.B. 96524  
524 of the 124th General Assembly is hereby repealed. 96525

**Section 137.05.** That Section 3 of Am. Sub. H.B. 215 of the 96526  
122nd General Assembly, as most recently amended by Am. Sub. H.B. 96527  
94 of the 124th General Assembly, be amended to read as follows: 96528

**Sec. 3.** Section 1751.68 of the Revised Code is hereby 96529

repealed, effective October 16, ~~2003~~ 2005. 96530

**Section 137.06.** That existing Section 3 of Am. Sub. H.B. 215 96531  
of the 122nd General Assembly, as most recently amended by Am. 96532  
Sub. H.B. 94 of the 124th General Assembly, is hereby repealed. 96533

**Section 137.07.** \* That Section 3 of Am. Sub. H.B. 621 of the 96534  
122nd General Assembly, as most recently amended by Am. Sub. H.B. 96535  
94 of the 124th General Assembly, be amended to read as follows: 96536

**Sec. 3.** That sections 166.031, 901.80, 901.81, 901.82, and 96537  
901.83 of the Revised Code are hereby repealed, effective ~~July 1,~~ 96538  
~~2003~~ October 15, 2005. 96539

**Section 137.08.** \* That existing Section 3 of Am. Sub. H.B. 96540  
621 of the 122nd General Assembly, as most recently amended by Am. 96541  
Sub. H.B. 94 of the 124th General Assembly, is hereby repealed. 96542

**Section 137.09.** That Section 153 of Am. Sub. H.B. 117 of the 96543  
121st General Assembly, as most recently amended by Am. Sub. H.B. 96544  
94 of the 124th General Assembly, be amended to read as follows: 96545

**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 96546  
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 96547  
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 96548  
repealed, effective October 16, ~~2003~~ 2005. 96549

(B) Any money remaining in the Legislative Budget Services 96550  
Fund on October 16, ~~2003~~ 2005, the date that section 5112.19 of 96551  
the Revised Code is repealed by division (A) of this section, 96552  
shall be used solely for the purposes stated in then former 96553  
section 5112.19 of the Revised Code. When all money in the 96554  
Legislative Budget Services Fund has been spent after then former 96555  
section 5112.19 of the Revised Code is repealed under division (A) 96556

of this section, the fund shall cease to exist. 96557

**Section 137.10.** That existing Section 153 of Am. Sub. H.B. 96558  
117 of the 121st General Assembly, as most recently amended by Am. 96559  
Sub. H.B. 94 of the 124th General Assembly, is hereby repealed. 96560

**Section 137.11.** \* That Section 27 of Sub. H.B. 670 of the 96561  
121st General Assembly, as amended by Sub. H.B. 548 of the 123rd 96562  
General Assembly, be amended to read as follows: 96563

**Sec. 27.** The following agencies shall be retained pursuant to 96564  
division (D) of section 101.83 of the Revised Code and shall 96565  
expire on December 31, 2004: 96566

REVISED CODE 96567

OR

~~UNCODIFIED~~ 96568

UNCODIFIED

AGENCY NAME	SECTION	
Advisory Council on Amusement Ride Safety	1711.51	96570
Advisory Board of Directors for Prison Labor	5145.162	96571
Appalachian Public Facilities Council	Sec. 3, H.B. 280, 121st GA	96572
Apprenticeship Council	4111.26	96573
Armory Board of Control	5911.09	96574
Banking Commission	1123.01	96575
Board of Voting Machine Examiners	3506.05(B)	96576
Board of Governors, Medical Malpractice Joint Underwriting Association	3929.77	96577
Board of Tax Appeals	5703.02	96578
Brain Injury Advisory Committee <del>Committee</del>	3304.231 <del>3304.231</del>	96579
Capitol Square Review and Advisory Board	105.41	96580
Child Support Guideline Advisory Council	3113.215(G)	96581

**Am. Sub. H. B. No. 95**  
**As Reported by the Committee of Conference**

**Page 3141**

Children's Trust Fund Board	3109.15	96582
Citizen's Advisory Council (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	96583
Citizen's Advisory Council (Dept. of Mental Health)	5119.81	96584
<del>Civilian Conservation Advisory Committee</del>	<del>1553.10</del>	96585
Coastal Resources Advisory Council	1506.12	96586
Commission on African-American Males	4112.12	96587
Commission on Hispanic-Latino Affairs	121.31	96588
Commodity Advisory Commission	926.32	96589
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	96590
Continuing Education Committee (for sheriffs)	109.80	96591
Controlling Board	127.12	96592
Council on Alcohol and Drug Addiction Services	3793.09	96593
Council on Unreclaimed Strip Mine Lands	1513.29	96594
County Sheriffs' Standard Car Marking and Uniform Commission	311.25	96595
Criminal Sentencing Advisory Committee	181.22	96596
Day-Care Advisory Council	5104.08	96597
Development Financing Advisory Council	122.40	96598
Electrical Safety Inspector Advisory Committee	3783.08	96599
Engineering Experiment Station Advisory Committee	3335.27	96600
Environmental Review Appeals Commission	3745.02	96601
Environmental Education Council	3745.21	96602
Forestry Advisory Council	1503.40	96603
Governor's Community Service Council	121.40	96604
Governor's Council on People with Disabilities	3303.41	96605
<del>Hazardous Waste Facility Board</del>	<del>3734.05</del>	96606
Health Care Quality Advisory Council	4121.442	96607
Health Data Advisory Committee	3729.61	96608
Hemophilia Advisory Council	3701.145	96609
Historic Site Preservation Advisory Board	149.301	96610

Hospital Advisory Committee and the Medical Advisory Committee of the Joint Underwriting Association Board of Governors	3929.76	96611
Industrial Commission	4121.02	96612
Industrial Commission Nominating Council	4121.04	96613
Industrial Technology and Enterprise Advisory Council	122.29	96614
Insurance Agent Education Advisory Council	3905.483	96615
Interagency Recycling Market Development Workgroup	1502.10	96616
Joint Select Committee on Volume Cap	133.021	96617
Labor-Management Government Advisory Council	4121.70	96618
Legal Rights Service Commission	5123.60	96619
Martha Kinney Cooper Ohioana Library Association Board of Trustees	3375.62	96620
Maternal and Child Health Council	3701.025	96621
<del>Medicaid Long Term Care Reimbursement Study Council</del>	<del>5111.34</del>	96622
Medically Handicapped Children's Medical Advisory Council	3701.025	96623
Milk Sanitation Board	917.03	96624
Mine Subsidence Insurance Governing Board	3929.51	96625
Multi-Agency Radio Communication Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	96626
Multidisciplinary Council	3746.03	96627
National Museum of Afro-American History and Culture Planning Committee	149.303	96628
<u>Nursing Facility Reimbursement Study Council</u>	<u>5111.34</u>	96629
Ohio Advisory Council for the Aging	173.03	96630
Ohio Arts Council	3379.02	96631
Ohio Arts and Sports Facilities Commission	3383.02	96632
Ohio Benefit Systems Data Linkage Committee	125.24	96633
Ohio Bicentennial Commission	149.32	96634
Ohio Cemetery Dispute Resolution Commission	4767.05	96635

Ohio Commission on Dispute Resolution and Conflict Management	179.02	96636
Ohio Educational Telecommunications Network Commission	3353.02	96637
Ohio Ethics Commission	102.05	96638
Ohio Expositions Commission	991.02	96639
Ohio Family and Children First Cabinet Council	121.37	96640
Ohio Geology Advisory Council	1505.11	96641
Ohio Grape Industries Committee	924.51	96642
Ohio Historical Society Board of Trustees	149.30	96643
Ohio Lake Erie Commission	1506.21	96644
Ohio Medical Quality Foundation	3701.89	96645
Ohio Natural Areas Council	1517.03	96646
Ohio Parks and Recreation Council	1541.40	96647
Ohio Peace Officer Training Commission	109.71	96648
Ohio Public Defender Commission	120.01	96649
Ohio Quarter Horse Development Commission	3769.086	96650
Ohio Scenic Rivers Advisory Councils	1517.18	96651
Ohio Small Government Capital Improvements Commission	164.02	96652
Ohio Soil and Water Conservation Commission	1515.02	96653
Ohio Standardbred Development Commission	3769.085	96654
Ohio Steel Industry Advisory Council	122.97	96655
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	96656
Ohio Thoroughbred Racing Advisory Committee	3769.084	96657
Ohio Tuition Trust Authority	3334.03	96658
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	96659
Ohio Vendors Representative Committee	3304.34	96660
Ohio Veterans' Home Board of Trustees	5907.02	96661
Ohio War Orphans Scholarship Board	5910.02	96662
Ohio Water Advisory Council	1521.031	96663

Oil and Gas Commission	1509.35	96664
Organized Crime Investigations Commission	177.01	96665
Parole Board	5149.10	96666
Pharmacy and Therapeutics Committee of the Dept. of Human Services	5111.81	96667
Physical Fitness and Sports Advisory Board	3701.77	96668
Power Siting Board	4906.02	96669
Private Water Systems Advisory Council	3701.346	96670
Public Employment Risk Reduction Advisory Commission	4167.02	96671
Public Utilities Commission Nominating Council	4901.021	96672
Reclamation Commission	1513.05	96673
Recreation and Resources Commission	1501.04	96674
Recycling and Litter Prevention Advisory Council	1502.04	96675
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	96676
Select Commission on Pyrotechnics	Sec. 3, H.B. 508, 119th GA	96677
Services Committee of the Workers' Compensation System	4121.06	96678
Set Aside Review Board	123.151(C)(4)	96679
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	96680
Solid Waste Management Advisory Council	3734.51	96681
State Board of Deposit	135.02	96682
State Board of Library Examiners	3375.47	96683
State Council of Uniform State Laws	105.21	96684
State Committee for the Purchase of Products and Services of Persons with Severe Disabilities	4115.32	96685
State Criminal Sentencing Commission	181.21	96686
State Fire Commission	3737.81	96687
State and Local Government Commission of Ohio	105.45	96688
State Victims Assistance Advisory Committee	109.91	96689

Student Tuition Recovery Authority	3332.081	96690
Subcommittee of the State Board of Emergency	4765.55	96691
Medical Services for Firefighter and Fire Safety Inspector Training		
Submerged Lands Advisory Council	1506.37	96692
Tax Credit Authority	122.17	96693
Technical Advisory Committee to assist the Director of the Ohio Coal Development Office	1551.35	96694
Technical Advisory Council on Oil and Gas	1509.38	96695
Technology Advisory Committee (for Education)	Sec. 45.01, H.B. 117, 121st GA	96696
Unemployment Compensation Review Commission	4141.06	96697
Unemployment Compensation Advisory Council	4141.08	96698
Utility Radiological Safety Board	4937.02	96699
Veterans Advisory Committee	5902.02(K)	96700
Water and Sewer Commission	1525.11(C)	96701
Waterways Safety Council	1547.73	96702
Welfare Oversight Council	5101.93	96703
Wildlife Council	1531.03	96704
Workers' Compensation System Oversight Committee	Sec. 10, H.B. 222, 118th GA	96705
Wright-Dunbar State Heritage Commission	149.321	96706

**Section 137.12.** \* That existing Section 27 of Sub. H.B. 670 96707  
of the 121st General Assembly, as amended by Sub. H.B. 548 of the 96708  
123rd General Assembly, is hereby repealed. 96709

**Section 137.13.** That Section 5 of Am. Sub. S.B. 50 of the 96710  
121st General Assembly, as most recently amended by Am. Sub. H.B. 96711  
94 of the 124th General Assembly, be amended to read as follows: 96712

**Sec. 5.** Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st 96713

General Assembly shall take effect July 1, ~~2003~~ 2005. 96714

**Section 137.14.** That existing Section 5 of Am. Sub. S.B. 50 96715  
of the 121st General Assembly, as most recently amended by Am. 96716  
Sub. H.B. 94 of the 124th General Assembly, is hereby repealed. 96717

**Section 137.15.** That Section 2 of Am. Sub. H.B. 71 of the 96718  
120th General Assembly be amended to read as follows: 96719

**Sec. 2.** Sections ~~1742.427~~, 3901.497, and 3901.50 of the Revised 96720  
Code are hereby repealed, effective ~~ten years after the effective~~ 96721  
~~date of this act~~ February 9, 2014. The repeal of these sections 96722  
shall apply only to contracts and policies that are delivered, 96723  
issued for delivery, or renewed in this state on or after that 96724  
date, and to plans of self-insurance that are established or 96725  
modified in this state on or after that date. 96726

**Section 137.16.** That existing Section 2 of Am. Sub. H.B. 71 96727  
of the 120th General Assembly is hereby repealed. 96728

**Section 137.17.** That Section 6 of Am. Sub. S.B. 67 of the 96729  
122nd General Assembly be amended to read as follows: 96730

**Sec. 6.** Section 1751.64 of the Revised Code is hereby 96731  
repealed, effective February 9, ~~2004~~ 2014. The repeal of that 96732  
section shall apply only to contracts that are delivered, issued 96733  
for delivery, or renewed in this state on or after that date. 96734

**Section 137.18.** That existing Section 6 of Am. Sub. S.B. 67 96735  
of the 122nd General Assembly is hereby repealed. 96736

**Section 137.19.** Section 129 of Am. Sub. H.B. 283 of the 123rd 96737  
General Assembly as amended by Am. Sub. H.B. 94 of the 124th 96738

General Assembly is hereby repealed. 96739

**Section 137.20.** Section 3 of Sub. H.B. 403 of the 123rd 96740  
General Assembly is hereby repealed. 96741

**Section 137.21.** Section 16 of Am. Sub. H.B. 87 of the 125th 96742  
General Assembly is hereby repealed. 96743

**Section 137.22.** \* (A) Section 3 of Am. Sub. S.B. 272 of the 96744  
123rd General Assembly, as amended by Am. Sub. H.B. 768 of the 96745  
123rd General Assembly, is hereby repealed. 96746

(B) Notwithstanding the repeal of Section 3 of Am. Sub. S.B. 96747  
272 of the 123rd General Assembly, as subsequently amended, 96748  
prescribed in division (A) of this section, a school district that 96749  
is participating in the School Building Assistance Expedited Local 96750  
Partnership Program under section 3318.36 of the Revised Code may 96751  
apply as local resources under that program those expenditures 96752  
described in Section 3 of Am. Sub. S.B. 272 of the 123rd General 96753  
Assembly, as subsequently amended, if, and only if, all the 96754  
following conditions are satisfied: 96755

(1) The school district's project was conditionally approved 96756  
by the Ohio School Facilities Commission and subsequently approved 96757  
by the Controlling Board under division (D)(1) of section 3318.36 96758  
of the Revised Code not later than one hundred eighty days after 96759  
the effective date of this section. 96760

(2) The school district board of education and the Commission 96761  
entered into an agreement under section 3318.36 of the Revised 96762  
Code, not later than one hundred eighty days after the effective 96763  
date of this section, for the district to acquire the discrete 96764  
part of the project under the Expedited Local Partnership Program, 96765  
as identified by the school district board under division (D)(1) 96766  
of section 3318.36 of the Revised Code. 96767

**Section 137.23.** That Section 11 of Am. Sub. S.B. 50 of the 121st General Assembly, as amended by Am. Sub. H.B. 405 of the 124th General Assembly, is hereby repealed.

**Section 137.24.** That Section 3 of Am. Sub. S.B. 238 of the 123rd General Assembly is hereby repealed. The intent of this repeal is to remove the limitation upon the continued existence of sections 4779.01 to 4779.13, 4779.15 to 4779.33, and 4779.99 of the Revised Code. This intent is not affected by the rule of statutory interpretation contained in section 1.57 of the Revised Code.

**Section 137.25.** That Section 72 of Am. Sub. H.B. 850 of the 122nd General Assembly is hereby repealed.

**Section 138.** TRANSFERS FROM THE TOBACCO MASTER SETTLEMENT AGREEMENT FUND TO THE GENERAL REVENUE FUND

Notwithstanding section 183.02 of the Revised Code, on or before June 30, 2004, the Director of Budget and Management may transfer up to \$242,800,000 to the General Revenue Fund from the Tobacco Master Settlement Agreement Fund (Fund 087), as provided in divisions (A) and (B) of this section:

(A) Up to \$120,000,000 of the revenue that otherwise would be transferred from the Tobacco Master Settlement Agreement Fund to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) shall instead be transferred to the General Revenue Fund. Of the tobacco revenue that is credited to the Tobacco Master Settlement Agreement Fund in fiscal year 2004, the share that is determined pursuant to section 183.02 of the Revised Code to be the amount to be transferred by the Director of Budget and Management from the Tobacco Master Settlement Agreement Fund to the Tobacco Use Prevention and Cessation Trust Fund shall be reduced by the amount

that is transferred from the Tobacco Master Settlement Agreement Fund to the General Revenue Fund in accordance with this division. 96797  
96798

(B) Up to \$122,800,000 of the revenue that otherwise would be transferred from the Tobacco Master Settlement Agreement Fund to the Education Facilities Trust Fund (Fund N87) shall instead be transferred to the General Revenue Fund. Of the tobacco revenue that is credited to the Tobacco Master Settlement Agreement Fund in fiscal year 2004, the share that is determined pursuant to section 183.02 of the Revised Code to be the amount to be transferred by the Director of Budget and Management from the Tobacco Master Settlement Agreement Fund to the Education Facilities Trust Fund shall be reduced by the amount that is transferred from the Tobacco Master Settlement Agreement Fund to the General Revenue Fund in accordance with this division. 96799  
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**Section 139. TEMPORARY ADJUSTMENT TO LOCAL GOVERNMENT DISTRIBUTIONS** 96811  
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(A) On or before the seventh day of each month of the period July 2003 through June 2005, the Tax Commissioner shall determine and certify to the Director of Budget and Management the amount to be credited, by tax, during that month to the Local Government Fund, to the Library and Local Government Support Fund, and to the Local Government Revenue Assistance Fund, respectively, pursuant to divisions (B), (C), and (D) of this section. 96813  
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(B) Notwithstanding section 5727.84 of the Revised Code to the contrary, for the period July 1, 2003, through June 30, 2005, no amounts shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund from the kilowatt hour tax, and such amounts that would have otherwise been required to be credited to such funds shall instead be credited to the General Revenue Fund. Notwithstanding sections 5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code to the contrary, 96820  
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for each month in the period July 1, 2003, through June 30, 2005, 96828  
from the public utility excise, corporate franchise, sales, use, 96829  
and personal income taxes collected; 96830

(1) An amount shall first be credited to the Local Government 96831  
Fund that equals the amount credited to that fund from that tax 96832  
according to the schedule in division (C) of this section. 96833

(2) An amount shall next be credited to the Local Government 96834  
Revenue Assistance Fund that equals the amount credited to that 96835  
fund from that tax according to the schedule in division (C) of 96836  
this section. 96837

(3) An amount shall next be credited to the Library and Local 96838  
Government Support Fund that equals the amount credited to that 96839  
fund from that tax according to the schedule in division (C) of 96840  
this section. For purposes of determining the amount to be 96841  
credited to the Library and Local Government Support Fund in each 96842  
month of fiscal year 2004 pursuant to division (C) of this 96843  
section, the amount credited in fiscal year 2003 shall be before 96844  
the transfer made from the Library and Local Government Support 96845  
Fund to the OPLIN Technology Fund under Section 70 of Am. Sub. 96846  
H.B. 94 of the 124th General Assembly. For purposes of determining 96847  
the amount to be credited to the Library and Local Government 96848  
Support Fund in each month of fiscal year 2005 pursuant to 96849  
division (C) of this section, the amount credited in fiscal year 96850  
2004 shall be before any transfer required to be made from the 96851  
Library and Local Government Support Fund to the OPLIN Technology 96852  
Fund. 96853

(C) The amounts shall be credited from each tax to each 96854  
respective fund as follows: 96855

(1) In July 2003, one hundred per cent of the amount credited 96856  
in July 2002; in July 2004, one hundred per cent of the amount 96857  
credited in July 2003; 96858

(2) In August 2003, one hundred per cent of the amount	96859
credited in August 2002; in August 2004, one hundred per cent of	96860
the amount credited in August 2003;	96861
(3) In September 2003, one hundred per cent of the amount	96862
credited in September 2002; in September 2004, one hundred per	96863
cent of the amount credited in September 2003;	96864
(4) In October 2003, one hundred per cent of the amount	96865
credited in October 2002; in October 2004, one hundred per cent of	96866
the amount credited in October 2003;	96867
(5) In November 2003, one hundred per cent of the amount	96868
credited in November 2002; in November 2004, one hundred per cent	96869
of the amount credited in November 2003;	96870
(6) In December 2003, one hundred per cent of the amount	96871
credited in December 2002; in December 2004, one hundred per cent	96872
of the amount credited in December 2003;	96873
(7) In January 2004, one hundred per cent of the amount	96874
credited in January 2003; in January 2005, one hundred per cent of	96875
the amount credited in January 2004;	96876
(8) In February 2004, one hundred per cent of the amount	96877
credited in February 2003; in February 2005, one hundred per cent	96878
of the amount credited in February 2004;	96879
(9) In March 2004, one hundred per cent of the amount	96880
credited in March 2003; in March 2005, one hundred per cent of the	96881
amount credited in March 2004;	96882
(10) In April 2004, one hundred per cent of the amount	96883
credited in April 2003; in April 2005, one hundred per cent of the	96884
amount credited in April 2004;	96885
(11) In May 2004, one hundred per cent of the amount in	96886
division (C)(11)(a) of this section; in May 2005, one hundred per	96887
cent of the amount in division (C)(11)(b) of this section;	96888

(a) The amount credited in May 2003, less any amount reduced pursuant to division (D)(4) of Section 140 of Am. Sub. H.B. 94 of the 124th General Assembly, as amended by Am. Sub. H.B. 405 of the 124th General Assembly and as amended by Am. Sub. H.B. 390 of the 124th General Assembly;

(b) The amount credited in May 2004.

(12) In June 2004, one hundred per cent of the amount in division (C)(12)(a) of this section, less any reduction required under division (D)(1) of this section; in June 2005, one hundred per cent of the amount in division (C)(12)(b) of this section, less any reduction required under division (D)(2) of this section;

(a) The amount credited in June 2003 before any reduction made pursuant to division (D)(4) of Section 140 of Am. Sub. H.B. 94 of the 124th General Assembly, as amended by Am. Sub. H.B. 405 of the 124th General Assembly and as amended by Am. Sub. H.B. 390 of the 124th General Assembly;

(b) The amount credited in June 2004.

(D) The Tax Commissioner shall do each of the following:

(1) By June 7, 2004, the commissioner shall subtract the amount calculated in division (D)(1)(b) of this section from the amount calculated in division (D)(1)(a) of this section. If the amount in division (D)(1)(a) of this section is greater than the amount in division (D)(1)(b) of this section, then such difference shall be subtracted from the total amount of income tax revenue credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund in June 2004. An amount shall be subtracted from income tax revenue credited to the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund only if, and according to the proportion by which, such fund contributed to the result that the amount in

division (D)(1)(a) of this section exceeds the amount in division 96920  
(D)(1)(b) of this section. 96921

(a) The sum of all money credited to the Local Government 96922  
Fund, the Local Government Revenue Assistance Fund, and the 96923  
Library and Local Government Support Fund from July 2003 through 96924  
May 2004; 96925

(b) The sum of all money that would have been credited to the 96926  
Local Government Fund, the Local Government Revenue Assistance 96927  
Fund, and the Library and Local Government Support Fund from July 96928  
2003 through May 2004, if sections 5727.45, 5727.84, 5733.12, 96929  
5739.21, 5741.03, and 5747.03 of the Revised Code were in effect 96930  
during this period. 96931

(2) By June 7, 2005, the commissioner shall subtract the 96932  
amount calculated in division (D)(2)(b) of this section from the 96933  
amount calculated in division (D)(2)(a) of this section. If the 96934  
amount in division (D)(2)(a) of this section is greater than the 96935  
amount in division (D)(2)(b) of this section, then such difference 96936  
shall be subtracted from the total amount of income tax revenue 96937  
credited to the Local Government Fund, the Local Government 96938  
Revenue Assistance Fund, and the Library and Local Government 96939  
Support Fund in June 2005. An amount shall be subtracted from 96940  
income tax revenue credited to the Local Government Fund, the 96941  
Local Government Revenue Assistance Fund, or the Library and Local 96942  
Government Support Fund only if, and according to the proportion 96943  
by which, such fund contributed to the result that the amount in 96944  
division (D)(2)(a) of this section exceeds the amount in division 96945  
(D)(2)(b) of this section. 96946

(a) The sum of all money credited to the Local Government 96947  
Fund, the Local Government Revenue Assistance Fund, and the 96948  
Library and Local Government Support Fund from June 2004 through 96949  
May 2005; 96950

(b) The sum of all money that would have been credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund from June 2004 through May 2005, if sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code were in effect during this period.

(3) On the advice of the Tax Commissioner, during any month other than June 2004 or June 2005 of the period July 1, 2003, through July 31, 2005, the Director of Budget and Management may reduce the amounts that are to be otherwise credited to the Local Government Fund, Local Government Revenue Assistance Fund, or Library and Local Government Support Fund in order to accomplish more effectively the purposes of the adjustments in divisions (D)(1) and (2) of this section. If the respective calculations made in June 2004 and June 2005 pursuant to divisions (D)(1) and (2) of this section indicate that excess reductions had been made during the previous months, such excess amounts shall be credited, as appropriate, to the Local Government Fund, Local Government Revenue Assistance Fund, and Library and Local Government Support Fund.

(E) Notwithstanding any other provision of law to the contrary, the total amount credited to each fund in each month during the period July 2003 through June 2005 shall be distributed by the tenth day of the immediately succeeding month in the following manner:

(1) Each county undivided local government fund shall receive a distribution from the Local Government Fund based on its proportionate share of the total amount received from the fund in such respective month for the period July 1, 2002, through June 30, 2003.

(2) Each municipality receiving a direct distribution from the Local Government Fund shall receive a distribution based on

its proportionate share of the total amount received from the fund 96983  
in such respective month for the period July 1, 2002, through June 96984  
30, 2003. 96985

(3) Each county undivided local government revenue assistance 96986  
fund shall receive a distribution from the Local Government 96987  
Revenue Assistance Fund based on its proportionate share of the 96988  
total amount received from the fund in such respective month for 96989  
the period July 1, 2002, through June 30, 2003. 96990

(4) Each county undivided library and local government 96991  
support fund shall receive a distribution from the Library and 96992  
Local Government Support Fund based on its proportionate share of 96993  
the total amount received from the fund in such respective month 96994  
for the period July 1, 2002, through June 30, 2003. 96995

(F) For the 2003, 2004, and 2005 distribution years, the Tax 96996  
Commissioner is not required to issue the certifications otherwise 96997  
required by sections 5747.47, 5747.501, 5747.51, and 5747.61 of 96998  
the Revised Code, but shall provide to each county auditor by the 96999  
twentieth day of July 2003, July 2004, and July 2005 an estimate 97000  
of the amounts to be received by the county in the ensuing year 97001  
from the Local Government Fund, Local Government Revenue 97002  
Assistance Fund, and Library and Local Government Support Fund 97003  
pursuant to this section and any pertinent section of the Revised 97004  
Code. The Tax Commissioner may choose to report to each county 97005  
auditor a revised estimate of the 2003, 2004, or 2005 97006  
distributions at any time during the period July 1, 2003, through 97007  
July 31, 2005. 97008

(G) During the period July 1, 2003, through July 31, 2005, 97009  
the Director of Budget and Management shall issue those directives 97010  
to state agencies that are necessary to ensure that the 97011  
appropriate amounts are distributed to the Local Government Fund, 97012  
to the Local Government Revenue Assistance Fund, and to the 97013  
Library and Local Government Support Fund. 97014

Section 140. \* CAPITAL APPROPRIATION TO SFC 97015

All items set forth in this section are hereby appropriated 97016  
out of any moneys in the state treasury to the credit of the 97017  
School Building Program Assistance Fund (Fund 032), created under 97018  
section 3318.25 of the Revised Code, derived from the proceeds of 97019  
obligations heretofore and herein authorized to pay the cost of 97020  
facilities for a system of common schools throughout the state for 97021  
the period beginning July 1, 2002, and ending June 30, 2004. The 97022  
appropriation shall be in addition to any other appropriation for 97023  
this purpose. 97024

Appropriations

SFC SCHOOL FACILITIES COMMISSION 97025

CAP-770 School Building Program Assistance	\$ 122,800,000	97026
Total School Facilities Commission	\$ 122,800,000	97027
TOTAL School Building Program Assistance Fund	\$ 122,800,000	97028

\* SCHOOL BUILDING PROGRAM ASSISTANCE 97029

The foregoing appropriation item CAP-770, School Building 97030  
Program Assistance, shall be used by the School Facilities 97031  
Commission to provide funding to school districts that receive 97032  
conditional approval from the Commission pursuant to Chapter 3318. 97033  
of the Revised Code. Expenditures from appropriations contained in 97034  
this section may be accounted for as though made for the fiscal 97035  
year 2003-2004 biennium in H.B. 675 of the 124th General Assembly. 97036  
The School Facilities Commission shall not disburse any of the 97037  
appropriations made in this section until after April 1, 2004. 97038

\* BOND ISSUANCE AUTHORITY 97039

The Ohio Public Facilities Commission is hereby authorized to 97040  
issue and sell, in accordance with the provisions of Section 2n of 97041  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 97042  
sections 151.01 and 151.03 of the Revised Code, original 97043  
obligations in an aggregate principal amount not to exceed 97044

\$123,000,000, in addition to the original issuance of obligations 97045  
heretofore authorized by prior acts of the General Assembly. The 97046  
authorized obligations shall be issued, subject to applicable 97047  
constitutional and statutory limitations, to pay the costs to the 97048  
state of previously authorized capital facilities and the capital 97049  
facilities authorized in this section for the School Building 97050  
Program Assistance Fund pursuant to Chapter 3318. of the Revised 97051  
Code. 97052

**Section 141.** (A) On the effective date of this section, the 97053  
following programs administered by the Ohio School Facilities 97054  
Commission are terminated: 97055

(1) The Short-Term Loan Program established by Section 10.01 97056  
of Am. Sub. H.B. 282 of the 123rd General Assembly; 97057

(2) The Emergency School Repair Program codified in section 97058  
3318.35 of the Revised Code. 97059

No new school district shall be served under any of these 97060  
programs. The Commission may continue serving school districts 97061  
that were receiving assistance under any of these programs before 97062  
the effective date of this section in accordance with terms and 97063  
agreements in effect on that date. 97064

(B) On March 31, 2004, the Disability Access Program 97065  
established by Section 50.15 of Am. Sub. H.B. 215 of the 122nd 97066  
General Assembly, Section 5 of Am. Sub. S.B. 102 of the 122nd 97067  
General Assembly, as subsequently amended, Section 10 of Am. Sub. 97068  
H.B. 282 of the 123rd General Assembly, as subsequently amended, 97069  
Section 102.01 of Am. Sub. H.B. 94 of the 124th General Assembly, 97070  
and Section 5 of Am. Sub. H.B. 524 of the 124th General Assembly 97071  
is terminated. 97072

No new school district shall be served under this program. 97073  
The Commission may continue serving school districts that were 97074

receiving assistance under this program before the effective date 97075  
of this section in accordance with terms and agreements in effect 97076  
on that date. 97077

On April 1, 2004, or as soon as possible thereafter, the 97078  
Director of Budget and Management shall transfer the unencumbered 97079  
and unallotted balance in appropriation item CAP-777, Disability 97080  
Access Projects, to appropriation item CAP-662, Public School 97081  
Buildings. The amount transferred from CAP-777, Disability Access 97082  
Projects, shall be used to fund classroom facilities projects in 97083  
accordance with Chapter 3318. of the Revised Code. 97084

**Section 142.** (A) As used in this section, "pharmacy provider" 97085  
has the same meaning as in rule 5101:3-9-01 of the Administrative 97086  
Code. 97087

(B) The Department of Job and Family Services shall establish 97088  
the Medication Management Incentive Payment Program for state 97089  
fiscal years 2004 and 2005 for pharmacy services provided Medicaid 97090  
recipients other than those who reside in a nursing facility or an 97091  
intermediate care facility for the mentally retarded. Any pharmacy 97092  
provider that serves Medicaid recipients may elect to participate 97093  
in the Program in one or both of the state fiscal years that it is 97094  
in effect. 97095

(C) The Department of Job and Family Services shall do the 97096  
following: 97097

(1) Determine the statewide monthly average cost of providing 97098  
pharmacy services to Medicaid recipients other than those who 97099  
reside in a nursing home or an intermediate care facility for the 97100  
mentally retarded during the last quarter of the biennium ending 97101  
June 30, 2003; 97102

(2) Establish a reimbursement rate for pharmacy services 97103  
provided under the Medication Management Incentive Payment Program 97104

for the first quarter of the biennium ending June 30, 2005. 97105

(D) Under the Medication Management Incentive Payment 97106  
Program: 97107

(1) If a participating pharmacy provider's average monthly 97108  
cost of providing pharmacy services to a number of Medicaid 97109  
recipients specified by the Department of Job and Family Services 97110  
in a quarter after the first quarter of the biennium ending June 97111  
30, 2005, is greater than or equal to the statewide monthly 97112  
average cost of providing pharmacy services during the last 97113  
quarter of the biennium ending June 30, 2003, the pharmacy 97114  
provider shall be reimbursed at the rate established by the 97115  
Department for the first quarter of the biennium ending June 30, 97116  
2005. 97117

(2) If a participating pharmacy provider's average monthly 97118  
cost of providing pharmacy services to the number of Medicaid 97119  
recipients specified by the Department of Job and Family Services 97120  
in a quarter after the first quarter of the biennium ending June 97121  
30, 2005, is less than the statewide monthly average cost of 97122  
providing pharmacy services during the last quarter of the 97123  
biennium ending June 30, 2003, the pharmacy provider shall be 97124  
reimbursed at an enhanced rate established by the Department. 97125

(E) A pharmacy provider that elects to participate in the 97126  
program may achieve a reduction in its average monthly cost for 97127  
providing pharmacy services to Medicaid recipients by providing 97128  
consulting services to the physicians who prescribe drugs to the 97129  
recipient. These consulting services may include recommendations 97130  
for eliminating unnecessary and duplicative drug therapies, 97131  
modifying inefficient drug regimens, and implementing safe and 97132  
cost-effective drug therapies. 97133

(F) The Department of Job and Family Services shall adopt, in 97134  
accordance with Chapter 119. of the Revised Code, any rule it 97135

considers necessary to develop and administer the Medication 97136  
Management Incentive Payment Program. The rules may provide for 97137  
compensation for physicians who consult with pharmacy providers 97138  
that participate in the program. 97139

**Section 143. OFFICE OF QUALITY SERVICES FUND TRANSFERS** 97140

Notwithstanding any other provision of law to the contrary, 97141  
the Director of Budget and Management shall transfer any remaining 97142  
amounts of cash from the following specified obsolete fund to the 97143  
General Revenue Fund within thirty days after the effective date 97144  
of this section: Quality Services (General Services Fund 4C1). The 97145  
amount of such transfer to the General Revenue Fund is hereby 97146  
appropriated to General Revenue Fund appropriation item 042-409, 97147  
Commission Closures. 97148

**Section 144. TRANSFER FROM BOARD OF TAX APPEALS** 97149

Notwithstanding any other provision of law to the contrary, 97150  
on July 31, 2003, or as soon thereafter as possible, the Director 97151  
of Budget and Management shall transfer any remaining amounts of 97152  
cash from the following specified obsolete fund to the General 97153  
Revenue Fund: Reproduction of Decisions (General Services Fund 97154  
439). 97155

**Section 145. FEDERAL JOBS AND GROWTH TAX RELIEF** 97156  
RECONCILIATION ACT OF 2003 97157

(A) The enhanced federal medical assistance percentage (FMAP) 97158  
rate is authorized pursuant to the Federal Jobs and Growth Relief 97159  
Reconciliation Act of 2003 for the third and fourth calendar 97160  
quarters of federal fiscal year 2003 and the first, second, and 97161  
third calendar quarters of federal fiscal year 2004. During this 97162  
period, the reimbursement rate for all Medicaid service 97163  
expenditures paid by state or local entities shall be the 97164

non-enhanced rate. 97165

(B) During the quarters that the enhanced FMAP rate is 97166  
authorized pursuant to the Federal Jobs and Growth Relief 97167  
Reconciliation Act of 2003, when drawing FMAP to the state 97168  
treasury for Medicaid services paid by the Department of Job and 97169  
Family Services or other state or local entities, the Department 97170  
of Job and Family Services shall deposit the amount of federal 97171  
revenue attributable to the enhanced FMAP that is being made 97172  
available to the Federal Fiscal Relief Fund, which is hereby 97173  
created in the state treasury. The disposition of cash from this 97174  
fund shall occur as follows: 97175

(1) On a schedule to be determined by the Office of Budget 97176  
and Management, the Director of Budget and Management shall make 97177  
cash transfers to the Medicaid Reserve Fund, which is hereby 97178  
created in the state treasury. The total amount transferred shall 97179  
be \$18,611,156 in state fiscal year 2004 and \$90,851,972 in state 97180  
fiscal year 2005. The Director of Job and Family Services shall 97181  
make requests to the Director of Budget and Management as 97182  
necessary to increase the appropriation in appropriation item 97183  
600-525, Health Care/Medicaid. The Director of Budget and 97184  
Management shall transfer the state share of such amounts from the 97185  
Medicaid Reserve Fund to the General Revenue Fund. The transferred 97186  
amount plus the federal share associated with this amount is 97187  
hereby appropriated. The Department of Job and Family Services 97188  
shall use this appropriation authority to pay claims for Medicaid 97189  
services. 97190

(2) After the amounts in division (B)(1) of this section have 97191  
been transferred, the Director of Budget and Management shall 97192  
transfer the remainder of cash in the Federal Fiscal Relief Fund 97193  
to the General Revenue Fund on a schedule to be determined by the 97194  
Office of Budget and Management. 97195

**Section 146.** (A) In September of 2003, each school district 97196  
that has been declared to be under an academic watch or in a state 97197  
of academic emergency pursuant to section 3302.03 of the Revised 97198  
Code shall administer a half-length practice version of each Ohio 97199  
Graduation Test prescribed by division (B) of section 3301.0710 of 97200  
the Revised Code to all ninth grade students enrolled in the 97201  
district. Each district shall determine the dates, times, and 97202  
method of administering the tests to students and shall score the 97203  
tests. 97204

(B) Each district declared to be in a state of academic 97205  
emergency pursuant to section 3302.03 of the Revised Code shall 97206  
determine for each high school in the district whether the school 97207  
shall be required to provide intervention services in accordance 97208  
with this division to any students who took the tests. In 97209  
determining which high schools shall provide intervention services 97210  
based upon available funding, the district shall consider each 97211  
school's graduation rate and scores on the practice tests. 97212

Each high school selected to provide intervention services 97213  
under this division shall provide intervention services to 97214  
students whose practice test results indicate that they are 97215  
failing to make satisfactory progress toward being able to attain 97216  
scores at the proficient level on the Ohio Graduation Tests. 97217  
Intervention services shall be provided in any skill in which a 97218  
student demonstrates unsatisfactory progress and shall be 97219  
commensurate with the student's test performance. Schools shall 97220  
provide the intervention services prior to the end of the school 97221  
year, during the summer following the ninth grade, in the next 97222  
succeeding school year, or at any combination of those times. 97223

**Section 147.** (A) As used in this section, "nursing facility" 97224  
means a facility, or a distinct part of a facility, that is 97225  
certified as a nursing facility by the Director of Health for 97226

purposes of the Medicaid Program and is not an intermediate care 97227  
facility for the mentally retarded. "Nursing facility" includes a 97228  
facility, or a distinct part of a facility, that is certified as a 97229  
skilled nursing facility by the Director of Health for purposes of 97230  
the Medicare Program. 97231

(B) The Director of Health shall request from the Secretary 97232  
of the United States Department of Health and Human Services 97233  
approval to develop an alternative regulatory procedure for 97234  
nursing facilities subject to federal regulation. If the Secretary 97235  
gives approval, the Director shall convene the Nursing Facility 97236  
Regulatory Reform Task Force. 97237

(C) The Director of Health shall serve as chair of the Task 97238  
Force. The Director of Aging, the Director of Job and Family 97239  
Services, the State Long-Term Care Ombudsman, or persons they 97240  
designate and a member of the Governor's staff designated by the 97241  
Governor shall serve on the Task Force. The Director of Health 97242  
shall appoint the following individuals to serve on the Task 97243  
Force: 97244

(1) Two representatives of the Ohio Health Care Association; 97245

(2) Two representatives of the Association of Ohio 97246  
Philanthropic Homes and Housing for the Aging; 97247

(3) Two representatives of the Ohio Academy of Nursing Homes; 97248

(4) Two representatives of the American Association of 97249  
Retired Persons (AARP); 97250

(5) Two representatives of Families for Improved Care; 97251

(6) A representative from the Ohio Association of Regional 97252  
Long-Term Care Ombudsman Programs; 97253

(7) A representative of the 1199 League of Registered Nurses; 97254

(8) A representative of the American Federation of State, 97255

County, and Municipal Employees. 97256

(D) Except to the extent that service on the task force is 97257  
part of their employment, Task Force members shall serve without 97258  
compensation and shall not be reimbursed by the State for expenses 97259  
incurred in carrying out their duties on the Task Force. The 97260  
Scripps Gerontology Center at Miami University shall provide 97261  
technical and support services for the Task Force. 97262

(E) The Task Force shall do all of the following: 97263

(1) Review the effectiveness of current regulatory procedures 97264  
for nursing facilities regarding the quality of care and quality 97265  
of life of nursing facility residents; 97266

(2) Develop recommendations for improved regulatory 97267  
procedures for nursing facilities to improve the quality of care 97268  
and quality of life of nursing facility residents; 97269

(3) Evaluate potential effects on nursing facility residents 97270  
of elimination of components of the Certificate of Need program 97271  
pertaining to long-term care facilities; 97272

(4) Develop possible demonstration projects to present the 97273  
potential of proposed changes to the regulatory procedure to 97274  
increase the quality of care and the quality of life of nursing 97275  
facility residents. 97276

(F) The Task Force shall submit a report of its findings and 97277  
recommendations to the Speaker and Minority Leader of the House of 97278  
Representatives and to the President and Minority Leader of the 97279  
Senate. The report shall explain any changes to the Revised Code 97280  
required to implement the recommendations. On submission of the 97281  
recommendations, the Task Force shall cease to exist. 97282

(G) At the request of the General Assembly by adoption of a 97283  
joint resolution, the Director of Health shall apply to the 97284  
Secretary of the United States Department of Health and Human 97285

Services for a waiver to implement the recommendations of the Task Force. 97286  
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**Section 148.** In amending sections 121.084, 4104.41, 4104.44, 4104.45, and 4104.46 (4104.48), in enacting new section 4104.46 and section 4104.47, and in repealing and re-enacting sections 4104.42 and 4104.43 of the Revised Code, it is the intent of the General Assembly that the provisions of this act are general laws created in the exercise of the state's police power, arising out of matters of statewide concern, and are designed for the health, safety, and welfare of contractors, their employees, and the public. 97288  
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**Section 149.** In amending sections 121.084, 4104.41, 4104.44, 4104.45, and 4104.46 (4104.48), in enacting new section 4104.46 and section 4104.47, and in repealing and re-enacting sections 4104.42 and 4104.43 of the Revised Code, it is the intent of the General Assembly that power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, and other gaseous piping systems will continue to be inspected as part of the building permit process, enforcement of plumbing and mechanical building codes, and occupancy certification. The purpose of this legislative action is solely to eliminate duplicative inspection personnel and fees. 97297  
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**Section 150.** \* The Hemophilia Advisory Council established under section 3701.145 of the Revised Code, renumbered as section 3701.0210 of the Revised Code by this act, is hereby abolished. 97308  
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**Section 151.** \* Upon the taking effect of this section, the Hazardous Waste Facility Board is abolished. 97311  
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All of the rules adopted by the Hazardous Waste Facility Board are abolished on that date. The Director of the Legislative 97313  
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Service Commission shall remove the rules from the Administrative Code as if they had been rescinded. 97315  
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On and after the effective date of this section and until the Director of Environmental Protection adopts rules that eliminate references to the Hazardous Waste Facility Board, whenever the Hazardous Waste Facility Board or Board, when "Board" refers to the Hazardous Waste Facility Board, is referred to in a rule, the reference shall be deemed to refer to the Environmental Protection Agency or the Director of Environmental Protection, whichever is appropriate. As expeditiously as possible after the effective date of this section, the Director of Environmental Protection shall adopt rules eliminating references to the Hazardous Waste Facility Board. 97317  
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Permits or modifications issued by the Hazardous Waste Facility Board under section 3734.05 of the Revised Code as that section existed prior to its amendment by this act shall continue in effect as if the Director had issued the permits or modifications under section 3734.05 of the Revised Code after the effective date of its amendment by this act. Any application pending before the Hazardous Waste Facility Board on the effective date of this section shall be transferred to the Environmental Protection Agency for approval or disapproval by the Director. All records, files, and other documents of the Hazardous Waste Facility Board shall be transferred to the Environmental Protection Agency. 97328  
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**Section 152.** (A) There is hereby created the Ohio Autism Task Force consisting of the following members: 97340  
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(1) All of the following persons to be appointed by the Governor: 97342  
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(a) A person diagnosed with autism; 97344

(b) Four persons who are parents of children diagnosed with autism;	97345 97346
(c) A special education administrator of an Ohio school district;	97347 97348
(d) A representative of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities;	97349 97350
(e) A representative of the Ohio Developmental Disabilities Council;	97351 97352
(f) A representative of the Autism Society of Ohio;	97353
(g) A developmental pediatrician who is a member of the Ohio Association of Pediatricians;	97354 97355
(h) Two representatives from private schools in Ohio that provide special education services to children diagnosed with autism;	97356 97357 97358
(i) Two representatives from Ohio hospitals that provide services to children diagnosed with autism.	97359 97360
(2) Two members of the House of Representatives, one from the majority party and one from the minority party, appointed by the Speaker of the House of Representatives;	97361 97362 97363
(3) Two members of the Senate, one from the majority party and one from the minority party, appointed by the President of the Senate;	97364 97365 97366
(4) The Director of Mental Retardation and Developmental Disabilities or the Director's designee;	97367 97368
(5) The Director of Job and Family Services or the Director's designee;	97369 97370
(6) The Superintendent of Public Instruction or the Superintendent's designee;	97371 97372
(7) The Director of Health or the Director's designee.	97373

(B) All appointments and designations to the Task Force shall 97374  
be made not later than thirty days after the effective date of 97375  
this section. Any vacancy that occurs on the Task Force shall be 97376  
filled in the same manner as the original appointment. The members 97377  
of the Task Force shall serve without compensation. 97378

(C) The initial meeting of the Task Force shall be held not 97379  
later than sixty days after the effective date of this section. At 97380  
its initial meeting, the Task Force shall elect from its 97381  
membership a chairperson and other officers it considers 97382  
necessary. Thereafter, the Task Force shall meet on the call of 97383  
the chairperson. 97384

(D) The Department of Mental Retardation and Developmental 97385  
Disabilities shall provide meeting facilities and other support as 97386  
necessary for the Task Force. 97387

(E) The Task Force shall study and make recommendations 97388  
regarding both of the following: 97389

(1)The growing incidence of autism in Ohio; 97390

(2)Ways to improve the delivery in this state of autism 97391  
services. 97392

(F) Not later than one year after the effective date of this 97393  
section, the Task Force shall submit a written report of its 97394  
recommendations to the Governor, the Speaker of the House of 97395  
Representatives, and the President of the Senate. 97396

(G) On submission of its report, the Task Force shall cease 97397  
to exist. 97398

**Section 153.** (A) There is hereby created the Task Force to 97399  
Eliminate Health Services Duplication. The Director of 97400  
Administrative Services shall serve as chairperson. The Directors 97401  
of Aging, Alcohol and Drug Addiction Services, Health, Mental 97402  
Health, Mental Retardation and Developmental Disabilities, and 97403

Budget and Management, and the Executive Director of the 97404  
Commission on Minority Health, or persons they designate, shall 97405  
serve on the Task Force. The Commission on Dispute Resolution and 97406  
Conflict Management shall provide technical and support services 97407  
for the Task Force. 97408

(B) Except to the extent that service on the Task Force is 97409  
part of their employment, Task Force members shall serve without 97410  
compensation and shall not be reimbursed by the state for expenses 97411  
incurred in carrying out their duties on the Task Force. 97412

(C) The Task Force shall do all of the following: 97413

(1) Evaluate the feasibility of combining all or parts of the 97414  
Department of Aging, the Department of Alcohol and Drug Addiction 97415  
Services, the Commission on Minority Health, the Department of 97416  
Health, the Department of Mental Health, and the Department of 97417  
Mental Retardation and Developmental Disabilities to eliminate 97418  
duplication of services; 97419

(2) Evaluate the feasibility of establishing a central 97420  
procurement point for basic operational services associated with 97421  
each department, including human resources, training, research, 97422  
legislative information, fiscal management, and public 97423  
information. 97424

(D) Not later than March 31, 2004, the Task Force shall 97425  
submit a report of its findings and recommendations to the Speaker 97426  
and Minority Leaders of the House of Representatives and to the 97427  
President and Minority Leader of the Senate. On submission of its 97428  
report, the Task Force shall cease to exist. 97429

**Section 154.** The Parole Board shall review the sentences of 97430  
prisoners who are confined in state correctional institutions and 97431  
who were sentenced under the Felony Sentencing Law that was in 97432  
effect prior to July 1, 1996, to determine the appropriateness of 97433

those sentences and to determine whether the length of any of 97434  
those sentences should be adjusted. The Parole Board shall conduct 97435  
this review in cooperation with the Department of Rehabilitation 97436  
and Correction. The Parole Board shall prepare a report that 97437  
contains its findings and makes recommendations regarding further 97438  
action. Not later than one year after the effective date of this 97439  
section, the Parole Board shall submit the report to the Speaker 97440  
and Minority Leader of the House of Representatives, the President 97441  
and Minority Leader of the Senate, the chair of the House Criminal 97442  
Justice Committee, and the chair of the Senate Judiciary Committee 97443  
on Criminal Justice. 97444

As used in this section, "state correctional institution" has 97445  
the same meaning as in section 2967.01 of the Revised Code. 97446

**Section 155.** As used in this section, "qualified property" 97447  
means real and tangible personal property that satisfies the 97448  
qualifications for tax exemption under the terms of section 97449  
3313.44, 5709.07, 5709.08, 5709.10, 5709.12, 5709.121, or 5709.14 97450  
of the Revised Code. 97451

Notwithstanding section 5713.081 of the Revised Code, when 97452  
qualified property has not received tax exemption due to a failure 97453  
to comply with Chapter 5713. or section 5715.27 of the Revised 97454  
Code, the owner of the property, at any time on or before twelve 97455  
months after the effective date of this section, may file with the 97456  
Tax Commissioner an application requesting that the property be 97457  
placed on the tax exempt list and that all unpaid taxes, 97458  
penalties, and interest on the property be abated. 97459

The application shall be made on the form prescribed by the 97460  
Tax Commissioner under section 5715.27 of the Revised Code and 97461  
shall list the name of the county in which the property is 97462  
located; the property's legal description; its taxable value; the 97463

amount in dollars of the unpaid taxes, penalties, and interest; 97464  
the date of acquisition of title to the property; the use of the 97465  
property during any time that the unpaid taxes accrued; and any 97466  
other information required by the Tax Commissioner. The county 97467  
auditor shall supply the required information upon request of the 97468  
applicant. 97469

Upon request of the applicant, the county treasurer shall 97470  
determine if all taxes, penalties, and interest that became a lien 97471  
on the qualified property before it first was used for an exempt 97472  
purpose and all special assessments charged against the property 97473  
have been paid in full. If so, the county treasurer shall issue a 97474  
certificate to the applicant stating that all such taxes, 97475  
penalties, interest, and assessments have been paid in full. Prior 97476  
to filing the application with the Tax Commissioner, the applicant 97477  
shall attach the county treasurer's certificate to it. The Tax 97478  
Commissioner shall not consider an application filed under this 97479  
section unless such a certificate is attached to it. 97480

Upon receipt of the application and after consideration of 97481  
it, the Tax Commissioner shall determine if the applicant meets 97482  
the qualifications set forth in this section, and if so shall 97483  
issue an order directing that the property be placed on the tax 97484  
exempt list of the county and that all unpaid taxes, penalties, 97485  
and interest for every year the property met the qualifications 97486  
for exemption described in section 3313.44, 5709.07, 5709.08, 97487  
5709.10, 5709.12, 5709.121, or 5709.14 of the Revised Code be 97488  
abated. If the Tax Commissioner finds that the property is not now 97489  
being so used or is being used for a purpose that would foreclose 97490  
its right to tax exemption, the Tax Commissioner shall issue an 97491  
order denying the application. 97492

If the Tax Commissioner finds that the property is not 97493  
entitled to tax exemption and to the abatement of unpaid taxes, 97494  
penalties, and interest for any of the years for which the owner 97495

claims an exemption or abatement, the Tax Commissioner shall order 97496  
the county treasurer of the county in which the property is 97497  
located to collect all taxes, penalties, and interest due on the 97498  
property for those years in accordance with law. 97499

The Tax Commissioner may apply this section to any qualified 97500  
property that is the subject of an application for exemption 97501  
pending before the Tax Commissioner on the effective date of this 97502  
section, without requiring the property owner to file an 97503  
additional application. The Tax Commissioner also may apply this 97504  
section to any qualified property that is the subject of an 97505  
application for exemption filed on or after the effective date of 97506  
this section and on or before twelve months after that effective 97507  
date, even though the application does not expressly request 97508  
abatement of unpaid taxes. 97509

**Section 156.** (A) The amendment, repeal and reenactment, or 97510  
enactment by this act of sections 718.01, 718.02, 718.03, 718.05, 97511  
718.051, and 718.121 of the Revised Code apply to taxable years 97512  
beginning on or after January 1, 2004. 97513

(B) The amendment by this act of sections 718.11, 5717.011, 97514  
and 5717.03 of the Revised Code apply to matters relating to 97515  
taxable years beginning on or after January 1, 2004. 97516

(C) The credit allowed by section 718.021 of the Revised Code 97517  
applies to qualifying losses sustained in taxable years beginning 97518  
on or after January 1, 2004. 97519

**Section 157.** Not later than thirty days after the effective 97520  
date of this section, the Governor, with the advice and consent of 97521  
the Senate, shall make initial appointments to the Ohio Business 97522  
Gateway Steering Committee created in section 5703.56 of the 97523  
Revised Code. Terms of office shall be as prescribed in section 97524  
5703.56 of the Revised Code. 97525

**Section 158.** (A) The amendment by this act of sections 165.09, 902.11, 4981.20, 5703.052, 5739.01, 5739.011, 5739.012, 5739.02, 5739.025, 5739.03, 5739.032, 5739.033 (in Section 1 of this act), 5739.12, 5739.121, 5739.122, 5739.17, 5739.21, 5741.01, 5741.02, and 5741.121 of the Revised Code apply on and after July 1, 2003.

(B) The amendment by this act of sections 5739.021, 5739.022, 5739.023, and 5739.026 of the Revised Code apply on and after January 1, 2004.

(C) The amendment by this act of sections 5741.021, 5741.022, and 5741.023 of the Revised Code apply on and after January 1, 2006.

(D) The amendment by this act of section 5739.10 of the Revised Code pertaining to the temporary 6% excise tax levied upon the privilege of engaging in the business of making retail sales applies on and after July 1, 2003. The amendment by this act of that section pertaining to the elimination of the exemption for retail sales under 16¢ applies on and after January 1, 2006.

(E) The repeal and re-enactment by this act of section 5739.034 of the Revised Code applies on and after July 1, 2003.

**Section 159.** Sections 107.32 and 107.33 of the Revised Code shall apply to all state institutional facilities, as defined in section 107.32 of the Revised Code, that were in operation on or after January 1, 2003.

**Section 160.** The Legislative Office of Education Oversight shall conduct a review of partnership agreements between a Head Start provider and a provider of child care or day care services. In conducting this review, the Office shall analyze the following:

(A) The impact on literacy-readiness for children receiving

services as a result of such agreements; 97555

(B) The costs and benefits of such agreements to both 97556  
participant children and the providers who are parties to the 97557  
agreements. In analyzing the costs and benefits of such 97558  
agreements, the Office shall examine the financial costs and 97559  
benefits to providers who are parties to the agreements and to 97560  
families of participant children. Additionally, the Office shall 97561  
examine intangible costs and benefits to participant children, 97562  
such as intellectual, emotional, and physical benefits or 97563  
detriments caused by service under such agreements. 97564

(C) The operation of the agreements. In analyzing the 97565  
operation of the agreements, the Office shall review how the 97566  
agreements work, how well the agreements work, what components are 97567  
included in the agreements, and whether the agreements are unique 97568  
to the providers who are parties to the agreements or standardized 97569  
across the state or within a local region. 97570

(D) Whether there is an administrative entity, such as a 97571  
county department of job and family services, that oversees the 97572  
implementation of a particular agreement. If there is such an 97573  
entity that oversees an agreement, the Office shall examine the 97574  
degree to which oversight is performed and what overhead costs the 97575  
administrative entity incurs in overseeing such agreements. 97576

The Office shall submit the final results of this study to 97577  
the General Assembly not later than December 31, 2004. 97578

**Section 161.** (A) Within one hundred twenty days after the 97579  
effective date of this section, the Director of Agriculture, the 97580  
Director of Rehabilitation and Correction, and the Director of 97581  
Youth Services shall develop a plan to optimize the quantity and 97582  
use of food grown and harvested in state correctional institutions 97583  
or secure facilities operated by the Department of Youth Services 97584  
in the most cost-effective manner. The plan shall include methods 97585

to increase production at farms operated by either department and 97586  
shall include methods to ensure that the highest possible 97587  
percentage of food consumed at state correctional institutions and 97588  
secure facilities operated by the Department of Youth Services is 97589  
food grown and harvested at a state correctional institution or 97590  
secure facility operated by the Department of Youth Services. 97591

(B) The plan shall consider possible amendments to the 97592  
Revised Code, amendments to the Administrative Code, 97593  
administrative changes, financial strategies, strategies to obtain 97594  
a reliable workforce, and any other means to optimize the quantity 97595  
and use of food of that nature in state correctional institutions 97596  
and secure facilities operated by the Department of Youth 97597  
Services. 97598

The plan and its findings, conclusions, and any 97599  
recommendations and proposed legislation shall be submitted to the 97600  
Speaker of the House of Representatives, the President of the 97601  
Senate, the Governor, the Director of Rehabilitation and 97602  
Correction, and the Director of Youth Services. 97603

(C) As used in this section, "state correctional institution" 97604  
has the same meaning as in section 2967.01 of the Revised Code. 97605

**Section 162.** The State Racing Commission shall conduct a 97606  
performance study of the Commission based upon its current level 97607  
of full-time employees. The Commission, not later than January 1, 97608  
2004, shall make recommendations to the Governor and the General 97609  
Assembly regarding possible staff reductions and ways to improve 97610  
the efficiency of the Commission's operations. 97611

**Section 163.** For any metropolitan housing authority that is 97612  
in existence when division (D) of section 3735.27 of the Revised 97613  
Code, as amended by this act, takes effect, and to which that 97614  
division applies, the board of county commissioners shall appoint 97615

a member to fill the next vacancy that occurs due to the 97616  
expiration of the term of a member appointed by the chief 97617  
executive officer of the most populous city in the metropolitan 97618  
housing authority district. Thereafter, any vacancy in that 97619  
position shall be filled by an appointee of the board of county 97620  
commissioners and all other vacancies shall be filled in the 97621  
manner provided for the original appointments. 97622

**Section 164.** The amendment by this act of section 5747.02 of 97623  
the Revised Code applies to taxable years ending on or after the 97624  
effective date of this section. 97625

**Section 165.** (A) If a court finds that any provisions within 97626  
sections 1346.04 to 1346.10 of the Revised Code conflict and 97627  
cannot be harmonized with those within sections 1346.01 to 1346.03 97628  
of the Revised Code, provisions of sections 1346.01 to 1346.03 of 97629  
the Revised Code shall control. 97630

(B) If any provision within sections 1346.04 to 1346.10 of 97631  
the Revised Code causes sections 1346.01 to 1346.03 of the Revised 97632  
Code to no longer constitute a qualifying or model statute, as 97633  
those terms are defined in the Master Settlement Agreement entered 97634  
into on November 23, 1998, by the state and leading United States 97635  
tobacco product manufacturers, the provision in question shall be 97636  
invalid. If any part of sections 1346.04 to 1346.10 of the Revised 97637  
Code is for any reason held to be invalid, unlawful, or 97638  
unconstitutional, the remaining portions of those sections shall 97639  
remain valid. 97640

**Section 166.** The first report of stamping agents required by 97641  
division (A) of section 1346.07 of the Revised Code shall be due 97642  
on the last day of the month following the month in which this act 97643  
becomes effective. The first certifications of a tobacco product 97644  
manufacturer under division (A) of section 1346.05 of the Revised 97645

Code shall be due forty-five days after the effective date of this 97646  
act. The directory established in division (B) of section 1346.05 97647  
of the Revised Code shall be published within ninety days after 97648  
the effective date of this act. 97649

**Section 167.** (A) For the purposes of section 321.24, as 97650  
amended by this act, and of section 5703.80 of the Revised Code, 97651  
as enacted by this act, the Tax Commissioner may determine the 97652  
property tax administrative fee for fiscal year 2004 at any time 97653  
after the day this act becomes law. One-half of the amount of the 97654  
fee for that year may be deducted from each of the payments made 97655  
in the fiscal year under division (F) of section 321.24 of the 97656  
Revised Code, or the full amount of the fee for the year may be 97657  
deducted from the second of those payments made in the fiscal 97658  
year. The Director of Budget and Management may transfer the fee 97659  
from the General Revenue Fund to the Property Tax Administration 97660  
Fund created under section 5703.80 of the Revised Code, as enacted 97661  
by this act, for fiscal year 2004 in three equal payments on 97662  
November 1, 2003, February 1, 2004, and May 1, 2004. 97663

(B) Within thirty days after the Tax Commissioner determines 97664  
the property tax administrative fee for fiscal year 2004 under 97665  
division (A) of this section, the Tax Commissioner shall notify 97666  
the Department of Education of the amount by which each school 97667  
district's reimbursement made under division (F) of section 321.24 97668  
of the Revised Code, as amended by this act, is to be reduced for 97669  
the Property Tax Administration Fund. 97670

**Section 168.** (A) As used in this section, "housing officer" 97671  
has the same meaning as in section 3735.65 of the Revised Code. 97672

(B) Any complaint filed with the tax commissioner on or after 97673  
the effective date of this section challenging the continued 97674  
exemption of property granted an exemption by a housing officer 97675

under section 3735.67 of the Revised Code shall be certified by 97676  
the tax commissioner to the housing officer. The housing officer 97677  
shall proceed to hear and determine such complaint in accordance 97678  
with division (E) of section 3735.67 of the Revised Code. The 97679  
commissioner may hear and determine any such complaint filed with 97680  
the commissioner before the effective date of this section or may 97681  
certify such complaint to the housing officer for hearing and 97682  
determination. 97683

(C) The filing date of any complaint certified to a housing 97684  
officer under this section shall be considered to be the date on 97685  
which the complaint was filed with the tax commissioner. 97686

**Section 169.** Notwithstanding the date by which determinations 97687  
must be made under divisions (D), (G), and (H) of section 5727.84 97688  
of the Revised Code, the Tax Commissioner, as soon as is 97689  
practicable after the effective date of that section as amended by 97690  
this act, shall redetermine electric company tax value loss, 97691  
fixed-rate levy loss, and fixed-sum levy loss for taxing districts 97692  
described in division (D)(3) of that section on the basis of such 97693  
amendments, and make the certification required by divisions (J) 97694  
and (K) of that section. On or before July 31, 2003, or as soon as 97695  
is practicable after the effective date of section 5727.84 of the 97696  
Revised Code as amended by this act, the Department of Education 97697  
shall make the computations required under section 5727.85 of the 97698  
Revised Code on the basis of such redeterminations. Such 97699  
redeterminations and computations apply for the purpose of 97700  
computing payments made to taxing districts under sections 5727.85 97701  
and 5727.86 of the Revised Code during state fiscal year 2004 and 97702  
subsequent fiscal years, as otherwise provided in those sections. 97703

**Section 170.** The amendment by this act of sections 5733.051, 97704  
5733.057, and 5733.06 of the Revised Code applies to tax year 2004 97705  
and to each tax year thereafter. 97706

**Section 171.** (A)(1) There is hereby created the Legislative 97707  
Audit Commission Study Committee, to be composed of four members. 97708  
The committee shall study how other states provide for a 97709  
legislative auditing function within their respective legislative 97710  
branches of government and shall make recommendations on how Ohio 97711  
should address the legislative auditing function and on the 97712  
funding levels necessary to accomplish the objectives recommended. 97713  
The President of the Senate shall appoint to the committee two 97714  
members of the Senate, each of whom shall be a member of a 97715  
different political party. The Speaker of the House of 97716  
Representatives shall appoint to the committee two members of the 97717  
House of Representatives, each of whom shall be a member of a 97718  
different political party. 97719

(2) All vacancies in the membership of the committee shall be 97720  
filled in the same manner prescribed for original appointments to 97721  
the committee. 97722

(3) The members of the committee shall serve without 97723  
compensation, but shall be reimbursed for their actual and 97724  
necessary expenses incurred in the performance of their official 97725  
duties. 97726

(B) The members of the Legislative Audit Commission Study 97727  
Committee shall select a chairperson from among the appointed 97728  
members. 97729

(C) The Legislative Service Commission shall provide 97730  
necessary support to the Legislative Audit Commission Study 97731  
Committee. 97732

(D) The Legislative Audit Commission Study Committee shall 97733  
publish its findings and recommendations in a report to the 97734  
Governor, the Speaker and the Minority Leader of the House of 97735  
Representatives, and the President and Minority Leader of the 97736  
Senate not later than December 31, 2003. Upon submission of the 97737

report, the committee shall cease to exist. 97738

**Section 172.** If the amendments made by this act to division 97739  
(B)(2)(b) of section 1346.02 of the Revised Code are found 97740  
unconstitutional or otherwise held invalid by a court of competent 97741  
jurisdiction, then to the extent that a tobacco product 97742  
manufacturer establishes that the amount it was required to place 97743  
into escrow in a particular year was greater than the state's 97744  
allocable share of the total payments that such manufacturer would 97745  
have been required to make in that year under the Master 97746  
Settlement Agreement (as determined pursuant to section IX(i)(2) 97747  
of the Master Settlement Agreement, and before any of the 97748  
adjustments or offsets described in section IX(i)(3) of that 97749  
Agreement other than the inflation adjustment) had it been a 97750  
participating manufacturer, the excess shall be released from 97751  
escrow and revert back to such tobacco product manufacturer. 97752

The consequent of the preceding paragraph effectively 97753  
reinstates division (B)(2)(b) of section 1346.02 of the Revised 97754  
Code as it existed prior to its amendment by this act. 97755

**Section 173.** The amendment by this act to division (H) of 97756  
section 718.01 and to section 718.14 of the Revised Code apply to 97757  
taxable years beginning on or after January 1, 2003. 97758

**Section 174.** (A) Any person required to make accelerated tax 97759  
payments under section 5739.032, 5739.122, or 5741.121 of the 97760  
Revised Code that makes full payment of the taxes for the April 97761  
2003 reporting period on or before May 23, 2003; makes full 97762  
payment of the taxes for the May 2003 reporting period on or 97763  
before June 23, 2003; and makes all three of the required 97764  
accelerated tax payments for the June 2003 reporting period on or 97765  
before June 25, 2003, shall not be subject to the additional 97766  
charge imposed under division (D)(1) of section 5739.032, division 97767

(D)(1) of section 5739.122, or division (D)(1) of section 5741.121 97768  
of the Revised Code for the reporting periods of April 2003 and 97769  
May 2003. 97770

(B) Notwithstanding division (A) of this section, a person 97771  
required to make accelerated tax payments under section 5739.032, 97772  
5739.122, or 5741.121 of the Revised Code that has not been 97773  
notified by the Department of Taxation of the requirement to make 97774  
accelerated payments under one of those sections shall not be 97775  
subject to the additional charge imposed under division (D)(1) of 97776  
section 5739.032, division (D)(1) of section 5739.122, or division 97777  
(D)(1) of section 5741.121 of the Revised Code for any reporting 97778  
period prior to the receipt of the notice, or until the reporting 97779  
period of September 2003, whichever is earlier. 97780

**Section 175.** The Director of Administrative Services shall 97781  
inquire into entering into multistate purchasing contracts in 97782  
carrying out the Department's duties under Chapter 125. of the 97783  
Revised Code. Not later than December 31, 2003, the Director shall 97784  
file a report with the General Assembly detailing the Director's 97785  
findings. The report shall include recommendations on any 97786  
legislation necessary to authorize multistate purchasing 97787  
contracts. 97788

**Section 176.** On July 1, 2003, the Ohio Coal Development 97789  
Office of the Department of Development is abolished and all of 97790  
its functions, and assets and liabilities, are transferred to the 97791  
Ohio Coal Development Office of the Ohio Air Quality Development 97792  
Authority. The Ohio Coal Development Office of the Ohio Air 97793  
Quality Development Authority is thereupon and thereafter 97794  
successor to, assumes the obligations of, and otherwise 97795  
constitutes the continuation of the Ohio Coal Development Office 97796  
of the Department of Development. 97797

Any business commenced but not completed by the Ohio Coal 97798  
Development Office of the Department of Development or the 97799  
Director of that office on the effective date of this section 97800  
shall be completed by the Ohio Coal Development Office of the Ohio 97801  
Air Quality Development Authority or the Director of that office 97802  
in the same manner, and with the same effect, as if completed by 97803  
the Ohio Coal Development Office of the Department of Development 97804  
or the Director of that office. Any validation, cure, right, 97805  
privilege, remedy, obligation, or liability is not lost or 97806  
impaired by reason of the transfer required by this section and 97807  
shall be administered by the Ohio Coal Development Office of the 97808  
Ohio Air Quality Development Authority. All of the rules, orders, 97809  
and determinations of the Ohio Coal Development Office of the 97810  
Department of Development or of the Director of Development in 97811  
relation to that office continue in effect as rules, orders, and 97812  
determinations of the Ohio Coal Development Office of the Ohio Air 97813  
Quality Development Authority, until modified or rescinded by that 97814  
office or by the Ohio Air Quality Development Authority in 97815  
relation to that office. If necessary to ensure the integrity of 97816  
the numbering of the Administrative Code, the Director of the 97817  
Legislative Service Commission shall renumber rules of the 97818  
Director of Development in relation to the Ohio Coal Development 97819  
Office of the Department of Development to reflect their transfer 97820  
to the Ohio Air Quality Development Authority. 97821

Subject to the lay-off provisions of sections 124.321 to 97822  
124.328 of the Revised Code, all of the employees of the Ohio Coal 97823  
Development Office of the Department of Development are 97824  
transferred to the Ohio Coal Development Office of the Ohio Air 97825  
Quality Development Authority and retain their positions and all 97826  
the benefits accruing thereto, except that they shall be in the 97827  
unclassified service and shall serve at the pleasure of the 97828  
Authority. 97829

Whenever the Ohio Coal Development Office in the Department 97830  
of Development or the Director of Development in relation to that 97831  
office is referred to in any law, contract, or other document, the 97832  
reference shall be deemed to refer to the Ohio Coal Development 97833  
Office of the Ohio Air Quality Development Authority or the 97834  
Authority in relation to that office, whichever is appropriate. 97835

Any action or proceeding pending on the effective date of 97836  
this section is not affected by the transfer and shall be 97837  
prosecuted or defended in the name of the Ohio Air Quality 97838  
Development Authority or its Ohio Coal Development Office. In all 97839  
such actions and proceedings, the Ohio Air Quality Development 97840  
Authority or its Ohio Coal Development Office upon application to 97841  
the court shall be substituted as a party. 97842

**Section 177.** Sections 2743.51, 2743.60, 2743.65, and 3701.741 97843  
of the Revised Code, as amended by Section 1 of this act, apply to 97844  
claims filed under section 2743.56 of the Revised Code that are 97845  
based on criminally injurious conduct occurring on and after July 97846  
1, 2003. 97847

**Section 178.** The amendment by this act of section 5747.01 of 97848  
the Revised Code, by the addition of divisions (A)(20)(d) and 97849  
(A)(21)(c) to that section, is intended as a clarification of the 97850  
law as it exists before the effective date of that amendment. 97851

**Section 179.** Except as otherwise specifically provided in 97852  
this act, the codified sections of law amended or enacted in this 97853  
act, and the items of law of which the codified sections of law 97854  
amended or enacted in this act are composed, are subject to the 97855  
referendum. Therefore, under Ohio Constitution, Article II, 97856  
Section 1c and section 1.471 of the Revised Code, the codified 97857  
sections of law amended or enacted by this act, and the items of 97858  
law of which the codified sections of law as amended or enacted by 97859

this act are composed, take effect on the ninety-first day after 97860  
this act is filed with the Secretary of State. If, however, a 97861  
referendum petition is filed against any such codified section of 97862  
law as amended or enacted by this act, or against any item of law 97863  
of which any such codified section of law as amended or enacted by 97864  
this act is composed, the codified section of law as amended or 97865  
enacted, or item of law, unless rejected at the referendum, takes 97866  
effect at the earliest time permitted by law. 97867

**Section 180.** Except as otherwise specifically provided in 97868  
this act, the repeal by this act of a codified section of law is 97869  
subject to the referendum. Therefore, under Ohio Constitution, 97870  
Article II, Section 1c and section 1.471 of the Revised Code, the 97871  
repeal by this act of a codified section of law takes effect on 97872  
the ninety-first day after this act is filed with the Secretary of 97873  
State. If, however, a referendum petition is filed against any 97874  
such repeal, the repeal, unless rejected at the referendum, takes 97875  
effect at the earliest time permitted by law. 97876

**Section 181.** The repeal by this act of sections 122.12, 97877  
173.45, 173.46, 173.47, 173.48, 173.49, 173.50, 173.51, 173.52, 97878  
173.53, 173.54, 173.55, 173.56, 173.57, 173.58, 173.59, 1553.01, 97879  
1553.02, 1553.03, 1553.04, 1553.05, 1553.06, 1553.07, 1553.08, 97880  
1553.09, 1553.10, 1553.99, 3318.35, 3701.142, 3701.144, 4141.044, 97881  
5115.011, 5115.012, 5115.06, and 5115.061 of the Revised Code is 97882  
not subject to the referendum. Therefore, under Ohio Constitution, 97883  
Article II, Section 1d and section 1.471 of the Revised Code, the 97884  
repeals go into immediate effect when this act becomes law. 97885

**Section 182.** (A) Sections 117.45, 121.04, 122.658, 124.03, 97886  
124.15, 124.152, 124.181, 124.183, 127.16, 131.23, 173.08, 323.01, 97887  
329.03, 329.04, 329.051, 340.021, 340.03, 901.21, 901.63, 901.85, 97888  
1501.04, 1548.06. 1551.11, 1551.12, 1551.15, 1551.311, 1551.32, 97889

1551.33, 1551.35, 1555.02, 1555.03, 1555.04, 1555.05, 1555.06, 97890  
1555.08, 1555.17, 2101.16, 2151.3529, 2151.3530, 2305.234 (in 97891  
Section 1), 2329.66, 2715.041, 2715.045, 2716.13, 2743.191, 97892  
2743.51, 2743.60, 2743.65, 2921.13, 3111.04, 3119.01, 3123.952, 97893  
3311.05, 3311.059, 3313.975, 3313.976, 3313.977, 3313.978, 97894  
3313.979, 3313.981, 3314.08, 3314.083, 3316.031, 3316.08, 97895  
3317.012, 3317.013, 3317.014, 3317.02, 3317.022, 3317.023, 97896  
3317.024, 3317.029, 3317.0217, 3317.03, 3317.032, 3317.05, 97897  
3317.064, 3317.07, 3317.10, 3317.16, 3318.37, 3323.16, 3332.04 (in 97898  
Section 1), 3333.121, 3517.092, 3701.021, 3701.022, 3701.029, 97899  
3701.141, 3701.145 (3701.0210), 3701.741, 3702.31, 3702.63, 97900  
3702.68, 3702.74, 3705.24, 3709.09, 3711.021, 3721.02, 3733.43, 97901  
3733.45, 3734.28, 3734.57, 3745.40, 3748.07, 3748.13, 3769.087, 97902  
3773.43, 3781.19, 4104.01, 4104.02, 4104.04, 4104.06, 4104.07, 97903  
4104.08, 4104.15, 4104.18, 4104.19, 4104.20, 4105.17, 4112.15, 97904  
4117.14, 4123.27, 4141.09, 4301.43, 4501.06, 4505.06, 4519.55, 97905  
4723.06, 4723.08, 4723.082, 4723.17, 4729.01, 4729.41, 4731.65, 97906  
4731.71, 4736.12, 4747.05, 4747.06, 4747.07, 4747.10, 4771.22, 97907  
4903.24, 4905.91, 4919.79, 5101.11, 5101.14, 5101.141, 5101.142, 97908  
5101.144, 5101.145, 5101.146, 5101.1410, 5101.16, 5101.18, 97909  
5101.181, 5101.20, 5101.21, 5101.211, 5101.212, 5101.23, 5101.36, 97910  
5101.58, 5101.59, 5101.75, 5101.80, 5103.155, 5104.04, 5104.30, 97911  
5107.02, 5107.30, 5107.40, 5107.60, 5111.0113, 5111.02, 5111.025, 97912  
5111.03, 5111.06, 5111.08 (5111.071), new 5111.16, 5111.16 97913  
(5111.08), 5111.161, 5111.17, 5111.171, 5111.172, 5111.174, 97914  
5111.175, 5111.20, 5111.21, 5111.211, 5111.22, 5111.251, 5111.252 97915  
(5123.199), 5111.85, 5111.87, 5111.871, 5111.872, 5111.873, 97916  
5111.88, 5111.911, 5111.912, 5111.913, 5112.03, 5112.08, 5112.17, 97917  
5115.01, 5115.02 (5115.04), 5115.03, 5115.04 (5115.02), 5115.05, 97918  
5115.07 (5115.06), 5115.10, 5115.11, 5115.12, new 5115.13, 5115.13 97919  
(5115.07), 5115.14, 5115.15 (5115.23), 5115.20, 5115.22, 5119.61, 97920  
5123.01, 5123.19, 5123.196, 5123.198, 5123.1910, 5123.38, 5126.01, 97921

5126.042, 5126.12, 5153.78, 5502.13, 5709.61, 5709.62, 5709.632, 97922  
5709.64, 5735.05, 5735.053, 5735.23, 5735.26, 5735.291, 5735.30, 97923  
and 6109.21 of the Revised Code as amended, enacted, or renumbered 97924  
by this act, and the items of law of which such sections as 97925  
amended or enacted by this act are composed, are not subject to 97926  
the referendum. Therefore, under Ohio Constitution, Article II, 97927  
Section 1d and section 1.471 of the Revised Code, such sections as 97928  
amended, enacted, or renumbered by this act, and the items of law 97929  
of which such sections as amended or enacted by this act are 97930  
composed, go into immediate effect when this act becomes law. 97931

(B) Sections 3317.11 and 5111.173 of the Revised Code as 97932  
repealed and reenacted by this act, and the items of law of which 97933  
it is composed, is not subject to the referendum. Therefore, under 97934  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 97935  
Revised Code, the section as repealed and reenacted by this act 97936  
goes into immediate effect when this act becomes law. 97937

(C) The amendment of sections 109.32, 2915.01, 2915.02, 97938  
2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 97939  
2915.093, 2915.095, 2915.10, 2915.101, and 2915.13 of the Revised 97940  
Code is not subject to the referendum under Ohio Constitution, 97941  
Article II, Section 1d and section 1.471 of the Revised Code and 97942  
goes into effect on July 1, 2003. 97943

(D) The amendments of sections 4503.101 and 4503.103 of the 97944  
Revised Code are not subject to the referendum under Ohio 97945  
Constitution, Article II, Section 1d and section 1.471 of the 97946  
Revised Code and go into effect on June 30, 2003. 97947

**Section 183.** (A) The amendment, enactment, or repeal and 97948  
reenactment by this act of sections 122.17, 122.171, 307.676, 97949  
321.24, 323.13, 715.013, 718.01, 718.02, 718.021, 718.03, 718.05, 97950  
718.051, 718.11, 718.121, 718.14, 718.15, 718.151, 2923.35, 97951

2925.44, 2933.43, 3735.66, 3735.67, 3735.671, 4503.06, 5703.56, 97952  
5703.57, 5703.80, 5709.20, 5709.201, 5709.21, 5709.211, 5709.212, 97953  
5709.22, 5709.23, 5709.24, 5709.25, 5709.26, 5709.27, 5711.02, 97954  
5711.13, 5711.22, 5711.27, 5711.33, 5713.07, 5713.08, 5713.081, 97955  
5713.082, 5715.27, 5715.39, 5717.011, 5717.03, 5725.19, 5727.111, 97956  
5727.30, 5727.84, 5727.85, 5727.86, 5728.04, 5728.06, 5728.99, 97957  
5729.08, 5733.04, 5733.05, 5733.051, 5733.056, 5733.057, 97958  
5733.0511, 5733.059, 5733.06, 5733.0611, 5733.09, 5733.45, 97959  
5733.49, 5733.55, 5733.56, 5733.57, 5733.98, 5735.14, 5735.15, 97960  
5735.19, 5735.99, 5739.09, 5743.45 (in Section 1 of this act), 97961  
5745.01, 5745.02, 5745.04, 5747.01, 5747.02, 5747.026, 5747.31, 97962  
5747.80, and 6111.06 of the Revised Code provides for or is 97963  
essential to implementation of a tax levy. Therefore, under Ohio 97964  
Constitution, Article II, Section 1d, the amendments, enactments, 97965  
or repeals and reenactments and the items of which they are 97966  
composed, are not subject to the referendum and go into immediate 97967  
effect when this act becomes law. 97968

(B) The amendment or enactment by this act of sections 97969  
165.09, 902.11, 4981.20, 5703.052, 5739.01, 5739.011, 5739.02, 97970  
5739.025, 5739.03, 5739.032, 5739.033 (in Section 1 of this act), 97971  
5739.09, 5739.12, 5739.121, 5739.122, 5739.17, 5739.21, 5739.33, 97972  
5741.01, 5741.02, 5741.121, and 5741.25 of the Revised Code 97973  
provides for or is essential to implementation of a tax levy. 97974  
Therefore, under Ohio Constitution, Article II, Section 1d, the 97975  
amendments, and the items of which they are composed, are not 97976  
subject to the referendum and go into immediate effect when this 97977  
act becomes law. 97978

(C) The amendment by this act of sections 5739.021, 5739.022, 97979  
5739.023, and 5739.026 of the Revised Code provides for or is 97980  
essential to implementation of a tax levy. Therefore, under Ohio 97981  
Constitution, Article II, Section 1d, the amendments, and the 97982  
items of which they are composed, are not subject to the 97983

referendum and go into effect January 1, 2004. 97984

(D) The amendment by this act of sections 5741.021, 5741.022, 97985  
and 5741.023 of the Revised Code provides for or is essential to 97986  
implementation of a tax levy. Therefore, under Ohio Constitution, 97987  
Article II, Section 1d, the amendments, and the items of which 97988  
they are composed, are not subject to the referendum and, except 97989  
as provided in this section, go into effect January 1, 2006. 97990

(E) The amendment by this act of section 5739.10 of the 97991  
Revised Code provides for or is essential to implementation of a 97992  
tax levy. Therefore, under Ohio Constitution, Article II, Section 97993  
1d, the amendment, and the items of which it is composed, are not 97994  
subject to the referendum and, as they pertain to the temporary 6% 97995  
excise tax levied upon the privilege of engaging in the business 97996  
of making retail sales, go into effect July 1, 2003, and, as they 97997  
pertain to the elimination of the exemption for retail sales under 97998  
16¢, go into effect January 1, 2006. 97999

(F) The repeal and re-enactment by this act of section 98000  
5739.034 of the Revised Code provides for or is essential to 98001  
implementation of a tax levy. Therefore, under Ohio Constitution, 98002  
Article II, Section 1d, the repeal and re-enactment, and the items 98003  
of which they are composed, are not subject to the referendum and 98004  
go into effect July 1, 2003. 98005

(G) The amendment by this act of section 5735.142 of the 98006  
Revised Code provides for or is essential to implementation of a 98007  
tax levy. Therefore, under Ohio Constitution, Article II, Section 98008  
1d the amendment is not subject to the referendum and goes into 98009  
effect on June 30, 2003. 98010

**Section 184.** The repeal by this act of sections 319.311, 98011  
5733.111, 5739.012, 5741.011, and 5747.131 of the Revised Code 98012  
provides for or is essential to implementation of a tax levy. 98013  
Therefore, under Ohio Constitution, Article II, Section 1d, the 98014

repeals, and the items of which they are composed, are not subject 98015  
to the referendum and go into immediate effect when this act 98016  
becomes law. 98017

**Section 185.** The repeal by this act of sections 5709.231, 98018  
5709.30, 5709.31, 5709.32, 5709.33, 5709.34, 5709.35, 5709.36, 98019  
5709.37, 5709.45, 5709.46, 5709.47, 5709.48, 5709.49, 5709.50, 98020  
5709.51, 5709.52, 6111.31, 6111.311, 6111.32, 6111.34, 6111.35, 98021  
6111.36, 6111.37, 6111.38, and 6111.39 of the Revised Code 98022  
provides for or is essential to implementation of a tax levy. 98023  
Therefore, under Ohio Constitution, Article II, Section 1d, the 98024  
repeals, and the items of which they are composed, are not subject 98025  
to the referendum and go into immediate effect when this act 98026  
becomes law. 98027

**Section 186.** (A) The amendment by this act of sections 98028  
4905.79, 4931.45, 4931.47, 4931.48, 5727.32, and 5727.33 of the 98029  
Revised Code provides for or is essential to implementation of a 98030  
tax levy. Therefore, under Ohio Constitution, Article II, Section 98031  
1d, the amendments, and the items of which they are composed, are 98032  
not subject to the referendum and go into effect December 31, 98033  
2004. 98034

(B) The repeal by this act of sections 5727.39 and 5727.44 of 98035  
the Revised Code provide for or is essential to implementation of 98036  
a tax levy. Therefore, under Ohio Constitution, Article II, 98037  
Section 1d, the repeals, and the items of which they are composed, 98038  
are not subject to the referendum and go into effect December 31, 98039  
2004. 98040

**Section 187.** Section 3301.31 of the Revised Code, as repealed 98041  
and reenacted by this act, and the items of law of which the 98042  
section as repealed and reenacted by this act is composed, is not 98043

subject to the referendum. Therefore, under Ohio Constitution, 98044  
Article II, Section 1d and section 1.471 of the Revised Code, the 98045  
section as repealed and reenacted is entitled to go into immediate 98046  
effect when this act becomes law. However, that section as 98047  
repealed and reenacted by this act, and the items of law of which 98048  
that section as repealed and reenacted by this act are composed, 98049  
takes effect July 1, 2004, or the day this act becomes law, 98050  
whichever is later. 98051

**Section 188.** New section 3301.33 and sections 3301.34, 98052  
3301.35, 3301.36, and 3301.38, as enacted by this act, and section 98053  
3301.33 (3301.40) of the Revised Code as renumbered by this act, 98054  
and the items of law of which those sections as enacted or 98055  
renumbered by this act are composed, are not subject to the 98056  
referendum. Therefore, under Ohio Constitution, Article II, 98057  
Section 1d and section 1.471 of the Revised Code, the sections as 98058  
enacted or renumbered are entitled to go into immediate effect 98059  
when this act becomes law. However, those sections as enacted or 98060  
renumbered by this act, and the items of law of which those 98061  
sections as enacted or renumbered by this act are composed, take 98062  
effect July 1, 2004, or the day this act becomes law, whichever is 98063  
later. 98064

**Section 189.** Sections 3301.37, 3301.52, 3301.53, 3301.54, 98065  
3301.55, 3301.57, and 3301.58 of the Revised Code, as amended or 98066  
enacted by this act, are not subject to the referendum. Therefore, 98067  
under Ohio Constitution, Article II, Section 1d and section 1.471 98068  
of the Revised Code the sections as amended or enacted by this 98069  
act, and the items of law of which the sections as amended or 98070  
enacted by this act are composed, are entitled to go into 98071  
immediate effect when this act becomes law. However, the sections 98072  
as amended or enacted by this act, and the items of law of which 98073  
the sections as amended or enacted by this act are composed, take 98074

effect September 1, 2003, or the day this act becomes law, 98075  
whichever is later. 98076

**Section 190.** The repeal by this act of section 3301.581 of 98077  
the Revised Code is not subject to the referendum under Ohio 98078  
Constitution, Article II, Section 1d and section 1.471 of the 98079  
Revised Code and goes into effect September 1, 2003, or the day 98080  
this act becomes law, whichever is later. 98081

**Section 191.** The version of section 3332.04 of the Revised 98082  
Code that is scheduled to take effect July 1, 2003, as amended by 98083  
this act, and the items of law of which that section as amended is 98084  
composed, are not subject to the referendum. Therefore, under Ohio 98085  
Constitution, Article II, Section 1d and section 1.471 of the 98086  
Revised Code, the section as amended by this act, and the items of 98087  
law of which that section as amended is composed, go into 98088  
immediate effect on July 1, 2003. 98089

**Section 192.** (A) Except as otherwise provided in division (B) 98090  
of this section, the amendments by this act to section 3745.11 of 98091  
the Revised Code are not subject to the referendum. Therefore, 98092  
under Ohio Constitution, Article II, Section 1d and section 1.471 98093  
of the Revised Code, the amendments, and the items of law they 98094  
contain, go into immediate effect when this act becomes law. 98095

(B)(1) The amendments by this act of division (P) of section 98096  
3745.11 of the Revised Code provides for or is essential to 98097  
implementation of a tax levy. Therefore, under Ohio Constitution, 98098  
Article II, Section 1d, the amendments, and the items of which 98099  
they are composed, are not subject to the referendum and go into 98100  
immediate effect when this act becomes law. 98101

(2) The seventh and last paragraph added to division (S)(1) 98102  
of section 3745.11 of the Revised Code by this act is subject to 98103

the referendum. Therefore, under Ohio Constitution, Article II, 98104  
Section 1c and section 1.471 of the Revised Code, the paragraph 98105  
takes effect on the ninety-first day after this act is filed with 98106  
the Secretary of State. If, however, a referendum petition is 98107  
filed against the paragraph, or against any item of law it 98108  
contains, the paragraph or item, unless rejected at the 98109  
referendum, takes effect at the earliest time permitted by law. 98110

**Section 193.** The amendment by this act of the version of 98111  
section 4511.75 of the Revised Code that is scheduled to take 98112  
effect January 1, 2004, and the items of law of which that 98113  
amendment is composed, are not subject to the referendum under 98114  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 98115  
Revised Code and go into effect on July 1, 2004. 98116

**Section 194.** (A) Except as otherwise provided in division (B) 98117  
of this section, the amendments by this act to section 4743.05 of 98118  
the Revised Code are subject to the referendum. Therefore, under 98119  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 98120  
Revised Code, the amendments take effect on the ninety-first day 98121  
after this act is filed with the Secretary of State. If, however, 98122  
a referendum petition is filed against the amendments, or against 98123  
any item of law they contain, the amendments or item, unless 98124  
rejected at the referendum, takes effect at the earliest time 98125  
permitted by law. 98126

(B) The amendment by this act adding a reference to "4771." 98127  
to section 4743.05 of the Revised Code is not subject to the 98128  
referendum. Therefore, under Ohio Constitution, Article II, 98129  
Section 1d and section 1.471 of the Revised Code, the amendment 98130  
goes into immediate effect when this act becomes law. 98131

**Section 195.** (A) The amendments by this act to section 98132  
5104.01 of the Revised Code are not subject to the referendum. 98133

Therefore, under Ohio Constitution, Article II, Section 1d and 98134  
section 1.471 of the Revised Code, the amendments, and the items 98135  
of law they contain, go into immediate effect when this act 98136  
becomes law, except as provided in division (B) of this section. 98137

(B) The amendments by this act to division (T) of section 98138  
5104.01 of the Revised Code shall take effect on July 1, 2004. 98139

**Section 196.** Section 5104.02 of the Revised Code, as amended 98140  
by this act, and the items of law of which the section as amended 98141  
by this act is composed, are not subject to the referendum. 98142  
Therefore, under Ohio Constitution, Article II, Section 1d and 98143  
section 1.471 of the Revised Code the section as amended by this 98144  
act, and the items of law of which the section as amended by this 98145  
act is composed, are entitled to go into immediate effect when 98146  
this act becomes law. However, the section as amended by this act, 98147  
and the items of law of which the section as amended by this act 98148  
are composed, take effect September 1, 2003, or the day this act 98149  
becomes law, whichever is later. 98150

**Section 197.** (A) The amendments by this act to section 98151  
5104.32 of the Revised Code are not subject to the referendum. 98152  
Therefore, under Ohio Constitution, Article II, Section 1d and 98153  
section 1.471 of the Revised Code, the amendments, and the items 98154  
of law they contain, go into immediate effect when this act 98155  
becomes law, except as provided in division (B) of this section. 98156

(B) The amendments by this act to division (B)(4) of section 98157  
5104.32 of the Revised Code shall take effect on September 1, 98158  
2003. 98159

**Section 198.** (A) Except as otherwise provided in division (B) 98160  
of this section, the amendments by this act to section 5111.022 of 98161  
the Revised Code are not subject to the referendum. Therefore, 98162

under Ohio Constitution, Article II, Section 1d and section 1.471 98163  
of the Revised Code, the amendments, and the items of law they 98164  
contain, go into immediate effect when this act becomes law. 98165

98166

(B) The amendments by this act adding divisions (B)(4), (E), 98167  
and (F) to section 5111.022 of the Revised Code are subject to the 98168  
referendum. Therefore, under Ohio Constitution, Article II, 98169  
Section 1c and section 1.471 of the Revised Code, the amendments 98170  
take effect on the ninety-first day after this act is filed with 98171  
the Secretary of State. If, however, a referendum petition is 98172  
filed against the amendments, or against any item of law they 98173  
contain, the amendments or item, unless rejected at the 98174  
referendum, takes effect at the earliest time permitted by law. 98175

**Section 199.** Section 5112.31 of the Revised Code, as amended 98176  
by this act, and the items of law of which that section as amended 98177  
is composed, are not subject to the referendum. Therefore, under 98178  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 98179  
Revised Code, that section as amended by this act, and the items 98180  
of law of which that section as amended is composed, are entitled 98181  
to go into immediate effect when this act becomes law. However, 98182  
that section as amended by this act, and the items of law which 98183  
that section as amended by this act are composed, take effect on 98184  
July 1, 2003, or the day this act becomes law, whichever is later. 98185

**Section 200.** Sections 175.21, 175.22, 317.32, 317.36, 319.63, 98186  
1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 5111.021, 5310.15, 98187  
5719.07, 5727.56, 5733.18, 5733.22, 6101.09, and 6115.09 of the 98188  
Revised Code, as amended and enacted by this act, and the items of 98189  
law which those sections as amended and enacted are composed, are 98190  
not subject to the referendum. Therefore, under Ohio Constitution, 98191  
Article II, section 1d and section 1.471 of the Revised Code, 98192

those sections as amended and enacted by this act, and the items 98193  
of law of which those sections as amended and enacted are 98194  
composed, are entitled to go into immediate effect when this act 98195  
becomes law. However, those sections as amended and enacted by 98196  
this act, and the items of law of which those sections as amended 98197  
and enacted by this act are composed, take effect on August 1, 98198  
2003, or the day this act becomes law, whichever is later. 98199

**Section 201.** \* Divisions (A) and (E) of section 9.24 of the 98200  
Revised Code, as enacted by this act, shall take effect January 1, 98201  
2004. 98202

**Section 202.** \* Section 102.02 of the Revised Code, as amended 98203  
by this act, shall take effect January 1, 2004. 98204

**Section 203.** \* Section 4759.08 of the Revised Code, as 98205  
amended by this act, shall take effect July 1, 2004. 98206

**Section 204.** \* Sections 5103.031, 5103.033, 5103.034, 98207  
5103.036, 5103.037, 5103.038, 5103.0312, 5103.0313, 5103.0314, 98208  
5103.0315, 5103.0316, 5153.60, 5153.69, and 5153.72 of the Revised 98209  
Code, as amended by this act, shall take effect on January 1, 98210  
2004. 98211

**Section 205.** \* Sections 5103.154 and 5153.163 of the Revised 98212  
Code as amended by this act take effect July 1, 2004. 98213

**Section 206.** Except as otherwise specifically provided in 98214  
this act, the uncodified sections of law amended or enacted in 98215  
this act, and the items of law of which the uncodified sections of 98216  
law amended or enacted in this act are composed, are not subject 98217  
to the referendum. Therefore, under Ohio Constitution, Article II, 98218  
Section 1d and section 1.471 of the Revised Code, the uncodified 98219

sections of law amended or enacted in this act, and the items of 98220  
law of which the uncodified sections of law amended or enacted in 98221  
this act are composed, go into immediate effect when this act 98222  
becomes law. 98223

**Section 207.** Uncodified sections of law amended or enacted in 98224  
this act, and items of law contained within the uncodified 98225  
sections of law amended or enacted in this act, that are marked 98226  
with an asterisk are subject to the referendum. Therefore, under 98227  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 98228  
Revised Code, the uncodified sections and items of law marked with 98229  
an asterisk take effect on the ninety-first day after this act is 98230  
filed with the Secretary of State. If, however, a referendum 98231  
petition is filed against an uncodified section or item of law 98232  
marked with an asterisk, the uncodified section or item of law 98233  
marked with an asterisk, unless rejected at the referendum, takes 98234  
effect at the earliest time permitted by law. 98235

If the amending and existing repeal clauses commanding the 98236  
amendment of an uncodified section of law are both marked with 98237  
asterisks, the uncodified section as amended is deemed also to 98238  
have been marked with an asterisk. 98239

An asterisk marking an uncodified section or item of law has 98240  
the form \*. 98241

This section defines the meaning and form of, but is not 98242  
itself to be considered marked with, an asterisk. 98243

**Section 208.** The repeal by this act of the following 98244  
uncodified sections of law is not subject to the referendum and 98245  
therefore, under Ohio Constitution, Article II, Section 1d and 98246  
section 1.471 of the Revised Code, goes into immediate effect when 98247  
this act becomes law: 98248

(A) Section 11 of Am. Sub. S.B. 50 of the 121st General Assembly;	98249 98250
(B) Section 72 of Am. Sub. H.B. 850 of the 122nd General Assembly;	98251 98252
(C) Section 129 of Am. Sub. H.B. 283 of the 123rd General Assembly;	98253 98254
(D) Section 3 of Am. Sub. S.B. 238 of the 123rd General Assembly;	98255 98256
(E) Section 63.37 of Am. Sub. H.B. 94 of the 124th General Assembly;	98257 98258
(F) Section 16 of Am. Sub. H.B. 87 of the 125th General Assembly.	98259 98260
<b>Section 209.</b> If the amendment or enactment in this act of a codified or uncodified section of law is subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are subject to the referendum, along with the amendment or enactment. If the amendment or enactment by this act of a codified or uncodified section of law is not subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are not subject to the referendum, the same as the amendment or enactment.	98261 98262 98263 98264 98265 98266 98267 98268 98269 98270 98271
<b>Section 210.</b> * The amendment of section 122.25 of the Revised Code by this act is not intended to supersede the earlier repeal, with delayed effective date, of that section.	98272 98273 98274
<b>Section 211.</b> * Section 921.151 was amended and renumbered as section 921.22 of the Revised Code by Am. Sub. S.B. 217 of the 124th General Assembly, passed November 21, 2002, and effective	98275 98276 98277

July 1, 2004. The amendment of section 921.151 of the Revised Code 98278  
in Section 1 of this act does not supersede that earlier amendment 98279  
and renumbering. This act therefore amends both sections to ensure 98280  
that its amendments continue on and after July 1, 2004. 98281

**Section 212.** The amendment by this act of sections 5112.03 98282  
and 5112.08 of the Revised Code is not intended to supersede the 98283  
earlier repeal, with delayed effective date, of those sections. 98284

**Section 213.** The amendment by this act of section 5112.99 of 98285  
the Revised Code is not intended to supersede the earlier repeal, 98286  
with delayed effective date, of that section. 98287

**Section 214.** \* Section 109.572 of the Revised Code is 98288  
presented in this act as a composite of the section as amended by 98289  
both Sub. H.B. 448 and Sub. H.B. 538 of the 123rd General 98290  
Assembly. The General Assembly, applying the principle stated in 98291  
division (B) of section 1.52 of the Revised Code that amendments 98292  
are to be harmonized if reasonably capable of simultaneous 98293  
operation, finds that the composite is the resulting version of 98294  
the section in effect prior to the effective date of the section 98295  
as presented in this act. 98296

**Section 215.** Section 121.04 of the Revised Code is presented 98297  
in this act as a composite of the section as amended by both Sub. 98298  
H.B. 601 and Am. Sub. H.B. 640 of the 123rd General Assembly. The 98299  
General Assembly, applying the principle stated in division (B) of 98300  
section 1.52 of the Revised Code that amendments are to be 98301  
harmonized if reasonably capable of simultaneous operation, finds 98302  
that the composite is the resulting version of the section in 98303  
effect prior to the effective date of the section as presented in 98304  
this act. 98305

**Section 216.** Section 122.171 of the Revised Code is presented 98306  
in this act as a composite of the section as amended by both H.B. 98307  
675 and Am. Sub. S.B. 180 of the 124th General Assembly. The 98308  
General Assembly, applying the principle stated in division (B) of 98309  
section 1.52 of the Revised Code that amendments are to be 98310  
harmonized if reasonably capable of simultaneous operation, finds 98311  
that the composite is the resulting version of the section in 98312  
effect prior to the effective date of the section as presented in 98313  
this act. 98314

**Section 217.** Section 124.15 of the Revised Code is presented 98315  
in this act as a composite of the section as amended by both Am. 98316  
Sub. H.B. 640 and Sub. S.B. 245 of the 123rd General Assembly. The 98317  
General Assembly, applying the principle stated in division (B) of 98318  
section 1.52 of the Revised Code that amendments are to be 98319  
harmonized if reasonably capable of simultaneous operation, finds 98320  
that the composite is the resulting version of the section in 98321  
effect prior to the effective date of the section as presented in 98322  
this act. 98323

**Section 218.** The version of section 2152.19 of the Revised 98324  
Code that is scheduled to take effect January 1, 2004, is 98325  
presented in this act as a composite of the section as amended by 98326  
both Am. Sub. H.B. 400 and Am. Sub. H.B. 490 of the 124th General 98327  
Assembly. The General Assembly, applying the principle stated in 98328  
division (B) of section 1.52 of the Revised Code that amendments 98329  
are to be harmonized if reasonably capable of simultaneous 98330  
operation, finds that the composite is the resulting version of 98331  
the section in effect prior to the effective date of the section 98332  
as presented in this act. 98333

**Section 219.** The version of section 2301.03 of the Revised 98334  
Code that is scheduled to take effect January 1, 2004, is 98335

presented in this act as a composite of the section as amended by 98336  
both Am. Sub. H.B. 490 and Am. Sub. H.B. 530 of the 124th General 98337  
Assembly. The General Assembly, applying the principle stated in 98338  
division (B) of section 1.52 of the Revised Code that amendments 98339  
are to be harmonized if reasonably capable of simultaneous 98340  
operation, finds that the composite is the resulting version of 98341  
the section in effect prior to the effective date of the section 98342  
as presented in this act. 98343

**Section 220.** \* The version of section 2305.234 of the Revised 98344  
Code that is scheduled to take effect January 1, 2004, is 98345  
presented in this act as a composite of the section as amended by 98346  
both Am. Sub. H.B. 490 and Am. Sub. S.B. 281 of the 124th General 98347  
Assembly. The General Assembly, applying the principle stated in 98348  
division (B) of section 1.52 of the Revised Code that amendments 98349  
are to be harmonized if reasonably capable of simultaneous 98350  
operation, finds that the composite is the resulting version of 98351  
the section in effect prior to the effective date of the section 98352  
as presented in this act. 98353

**Section 221.** Section 2743.02 of the Revised Code is presented 98354  
in this act as a composite of the section as amended by both Am. 98355  
Sub. S.B. 115 and Am. Sub. S.B. 281 of the 124th General Assembly. 98356  
The General Assembly, applying the principle stated in division 98357  
(B) of section 1.52 of the Revised Code that amendments are to be 98358  
harmonized if reasonably capable of simultaneous operation, finds 98359  
that the composite is the resulting version of the section in 98360  
effect prior to the effective date of the section as presented in 98361  
this act. 98362

**Section 222.** The version of section 2743.191 of the Revised 98363  
Code that is scheduled to take effect January 1, 2004, is 98364  
presented in this act as a composite of the section as amended by 98365

both Sub. H.B. 427 and Am. Sub. S.B. 123 of the 124th General 98366  
Assembly. The General Assembly, applying the principle stated in 98367  
division (B) of section 1.52 of the Revised Code that amendments 98368  
are to be harmonized if reasonably capable of simultaneous 98369  
operation, finds that the composite is the resulting version of 98370  
the section in effect prior to the effective date of the section 98371  
as presented in this act. 98372

**Section 223.** Section 2917.41 of the Revised Code is presented 98373  
in this act as a composite of the section as amended by both Am. 98374  
H.B. 61 and Am. Sub. S.B. 2 of the 121st General Assembly. The 98375  
General Assembly, applying the principle stated in division (B) of 98376  
section 1.52 of the Revised Code that amendments are to be 98377  
harmonized if reasonably capable of simultaneous operation, finds 98378  
that the composite is the resulting version of the section in 98379  
effect prior to the effective date of the section as presented in 98380  
this act. 98381

**Section 224.** Section 3309.341 of the Revised Code is 98382  
presented in this act as a composite of the section as amended by 98383  
both Sub. H.B. 535 and Sub. S.B. 270 of the 123rd General 98384  
Assembly. The General Assembly, applying the principle stated in 98385  
division (B) of section 1.52 of the Revised Code that amendments 98386  
are to be harmonized if reasonably capable of simultaneous 98387  
operation, finds that the composite is the resulting version of 98388  
the section in effect prior to the effective date of the section 98389  
as presented in this act. 98390

**Section 225.** Section 3314.03 of the Revised Code is presented 98391  
in this act as a composite of the section as amended by both Sub. 98392  
H.B. 248 and Sub. H.B. 364 of the 124th General Assembly. The 98393  
General Assembly, applying the principle stated in division (B) of 98394  
section 1.52 of the Revised Code that amendments are to be 98395

harmonized if reasonably capable of simultaneous operation, finds 98396  
that the composite is the resulting version of the section in 98397  
effect prior to the effective date of the section as presented in 98398  
this act. 98399

**Section 226.** Section 3317.012 of the Revised Code is 98400  
presented in this act as a composite of the section as amended by 98401  
both Am. Sub. H.B. 94 and Am. Sub. S.B. 1 of the 124th General 98402  
Assembly. The General Assembly, applying the principle stated in 98403  
division (B) of section 1.52 of the Revised Code that amendments 98404  
are to be harmonized if reasonably capable of simultaneous 98405  
operation, finds that the composite is the resulting version of 98406  
the section in effect prior to the effective date of the section 98407  
as presented in this act. 98408

**Section 227.** Section 3319.07 of the Revised Code is presented 98409  
in this act as a composite of the section as amended by both Am. 98410  
Sub. H.B. 117 and Am. Sub. H.B. 223 of the 121st General Assembly. 98411  
The General Assembly, applying the principle stated in division 98412  
(B) of section 1.52 of the Revised Code that amendments are to be 98413  
harmonized if reasonably capable of simultaneous operation, finds 98414  
that the composite is the resulting version of the section in 98415  
effect prior to the effective date of the section as presented in 98416  
this act. 98417

**Section 228.** Section 3319.36 of the Revised Code is presented 98418  
in this act as a composite of the section as amended by both Sub. 98419  
H.B. 81 and Am. Sub. S.B. 230 of the 121st General Assembly. The 98420  
General Assembly, applying the principle stated in division (B) of 98421  
section 1.52 of the Revised Code that amendments are to be 98422  
harmonized if reasonably capable of simultaneous operation, finds 98423  
that the composite is the resulting version of the section in 98424  
effect prior to the effective date of the section as presented in 98425

this act. 98426

**Section 229.** Section 4303.181 of the Revised Code is 98427  
presented in this act as a composite of the section as amended by 98428  
both Sub. H.B. 330 and Sub. H.B. 371 of the 124th General 98429  
Assembly. The General Assembly, applying the principle stated in 98430  
division (B) of section 1.52 of the Revised Code that amendments 98431  
are to be harmonized if reasonably capable of simultaneous 98432  
operation, finds that the composite is the resulting version of 98433  
the section in effect prior to the effective date of the section 98434  
as presented in this act. 98435

**Section 230.** Section 4723.07 of the Revised Code is presented 98436  
in this act as a composite of the section as amended by both Sub. 98437  
H.B. 511 and Am. Sub. S.B. 180 of the 123rd General Assembly. The 98438  
General Assembly, applying the principle stated in division (B) of 98439  
section 1.52 of the Revised Code that amendments are to be 98440  
harmonized if reasonably capable of simultaneous operation, finds 98441  
that the composite is the resulting version of the section in 98442  
effect prior to the effective date of the section as presented in 98443  
this act. 98444

**Section 231.** \* Section 4973.17 of the Revised Code is 98445  
presented in this act as a composite of the section as amended by 98446  
both Am. Sub. H.B. 566 and Sub. H.B. 670 of the 121st General 98447  
Assembly. The General Assembly, applying the principle stated in 98448  
division (B) of section 1.52 of the Revised Code that amendments 98449  
are to be harmonized if reasonably capable of simultaneous 98450  
operation, finds that the composite is the resulting version of 98451  
the section in effect prior to the effective date of the section 98452  
as presented in this act. 98453

**Section 232.** Section 5111.20 of the Revised Code is presented 98454

in this act as a composite of the section as amended by both Sub. 98455  
H.B. 403 and Sub. H.B. 448 of the 123rd General Assembly. The 98456  
General Assembly, applying the principle stated in division (B) of 98457  
section 1.52 of the Revised Code that amendments are to be 98458  
harmonized if reasonably capable of simultaneous operation, finds 98459  
that the composite is the resulting version of the section in 98460  
effect prior to the effective date of the section as presented in 98461  
this act. 98462

**Section 233.** Section 5115.01 of the Revised Code is presented 98463  
in this act as a composite of the section as amended by both Am. 98464  
Sub. H.B. 283 and H.B. 471 of the 123rd General Assembly. The 98465  
General Assembly, applying the principle stated in division (B) of 98466  
section 1.52 of the Revised Code that amendments are to be 98467  
harmonized if reasonably capable of simultaneous operation, finds 98468  
that the composite is the resulting version of the section in 98469  
effect prior to the effective date of the section as presented in 98470  
this act. 98471

**Section 234.** \* Section 5709.62 of the Revised Code is 98472  
presented in this act as a composite of the section as amended by 98473  
both Am. Sub. H.B. 283 and Sub. H.B. 27 of the 123rd General 98474  
Assembly. The General Assembly, applying the principle stated in 98475  
division (B) of section 1.52 of the Revised Code that amendments 98476  
are to be harmonized if reasonably capable of simultaneous 98477  
operation, finds that the composite is the resulting version of 98478  
the section in effect prior to the effective date of the section 98479  
as presented in this act. 98480

**Section 235.** \* Section 5709.63 of the Revised Code is 98481  
presented in this act as a composite of the section as amended by 98482  
both Am. Sub. H.B. 283 and Sub. H.B. 27 of the 123rd General 98483  
Assembly. The General Assembly, applying the principle stated in 98484

division (B) of section 1.52 of the Revised Code that amendments 98485  
are to be harmonized if reasonably capable of simultaneous 98486  
operation, finds that the composite is the resulting version of 98487  
the section in effect prior to the effective date of the section 98488  
as presented in this act. 98489

**Section 236.** Section 5733.04 of the Revised Code is presented 98490  
in this act as a composite of the section as amended by both Sub. 98491  
S.B. 200 and Am. Sub. S.B. 261 of the 124th General Assembly. The 98492  
General Assembly, applying the principle stated in division (B) of 98493  
section 1.52 of the Revised Code that amendments are to be 98494  
harmonized if reasonably capable of simultaneous operation, finds 98495  
that the composite is the resulting version of the section in 98496  
effect prior to the effective date of the section as presented in 98497  
this act. 98498

**Section 237.** Section 5735.05 of the Revised Code is presented 98499  
in this act as a composite of the section as amended by both H.B. 98500  
612 and Am. Sub. H.B. 640 of the 123rd General Assembly. The 98501  
General Assembly, applying the principle stated in division (B) of 98502  
section 1.52 of the Revised Code that amendments are to be 98503  
harmonized if reasonably capable of simultaneous operation, finds 98504  
that the composite is the resulting version of the section in 98505  
effect prior to the effective date of the section as presented in 98506  
this act. 98507

**Section 238.** Section 5739.01 of the Revised Code was amended 98508  
by Am. Sub. H.B. 524, Am. Sub. S.B. 143, and Sub. S.B. 200, all of 98509  
the 124th General Assembly. Comparison of these amendments in 98510  
pursuance of section 1.52 of the Revised Code discloses that while 98511  
certain of the amendments of these acts are reconcilable, certain 98512  
other of the amendments are substantively irreconcilable. Am. Sub. 98513  
H.B. 524 was passed on March 21, 2002; Am. Sub. S.B. 143 was 98514

passed on January 30, 2002; Sub. S.B. 200 was passed on March 13, 98515  
2002. Section 5739.01 of the Revised Code is therefore presented 98516  
in this act as it results from Am. Sub. H.B. 524 and Sub. S.B. 200 98517  
and such of the amendments of Am. Sub. S.B. 143 as are not in 98518  
conflict with the amendments of Sub. S.B. 200. The General 98519  
Assembly, applying the principle stated in division (B) of section 98520  
1.52 of the Revised Code that amendments are to be harmonized if 98521  
reasonably capable of simultaneous operation, finds that the 98522  
composite is the resulting version of the section in effect prior 98523  
to the effective date of the section as presented in this act. 98524

**Section 239.** Section 5741.01 of the Revised Code is presented 98525  
in this act as a composite of the section as amended by Am. Sub. 98526  
H.B. 524, Am. Sub. S.B. 143, and Sub. S.B. 200, all of the 124th 98527  
General Assembly. The General Assembly, applying the principle 98528  
stated in division (B) of section 1.52 of the Revised Code that 98529  
amendments are to be harmonized if reasonably capable of 98530  
simultaneous operation, finds that the composite is the resulting 98531  
version of the section in effect prior to the effective date of 98532  
the section as presented in this act. 98533

**Section 240.** Section 5743.45 of the Revised Code is presented 98534  
Section 1 of in this act as a composite of the section as amended 98535  
by both Am. Sub. H.B. 566 and Sub. H.B. 670 of the 121st General 98536  
Assembly. The General Assembly, applying the principle stated in 98537  
division (B) of section 1.52 of the Revised Code that amendments 98538  
are to be harmonized if reasonably capable of simultaneous 98539  
operation, finds that the composite is the resulting version of 98540  
the section in effect prior to the effective date of the section 98541  
as presented in this act. 98542

**Section 241.** Section 5747.01 of the Revised Code is presented 98543  
in this act as a composite of the section as amended by both H.B. 98544

675 and Am. Sub. S.B. 266 of the 124th General Assembly. The 98545  
General Assembly, applying the principle stated in division (B) of 98546  
section 1.52 of the Revised Code that amendments are to be 98547  
harmonized if reasonably capable of simultaneous operation, finds 98548  
that the composite is the resulting version of the section in 98549  
effect prior to the effective date of the section as presented in 98550  
this act. 98551

**Section 242.** If any item of law that constitutes the whole or 98552  
part of a codified or uncodified section of law contained in this 98553  
act, or if any application of any item of law that constitutes the 98554  
whole or part of a codified or uncodified section of law contained 98555  
in this act, is held invalid, the invalidity does not affect other 98556  
items of law or applications of items of law that can be given 98557  
effect without the invalid item of law or application. To this 98558  
end, the items of law of which the codified and uncodified 98559  
sections contained in this act are composed, and their 98560  
applications, are independent and severable. 98561